



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH 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
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND COMMISSIONER PCT. 2 JEFFERSON W. BARTON WAS ABSENT.
THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Lanny Tanton, Sr. Pastor of the First Baptist Church in Dripping Springs, gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24363 PRESENTATION FROM THE LANCE ARMSTRONG FOUNDATION'S LIVESTRONG TEAM WITH REGARD TO THE TENTH ANNIVERSARY RIDE FOR THE ROSES TO BE HELD IN HAYS COUNTY ON OCTOBER 14, 2007 AND ACTION TO WELCOME THE RIDE TO HAYS COUNTY

Mandy Patterson and Gary Metcalf appeared before the court and spoke of the mission of the Lance Armstrong Foundation Livestrong Team. Ms. Patterson spoke of the new challenging course in Hays County and of the people from all over the United States and different countries that have participated. The court was presented with an autographed poster from the foundation. The Hays County exploratory team: Karen Ford, Jerry Pinnix, Jerry Borcharding, Steve Floyd, HCSO Mark Graves & Mike Davenport. Local support from Joe Felkel – ESD#5, Ginger Faught – City of Dripping Springs, Mard Herrick – DSISD Superintendent, and Greg Jung – Dripping Springs High School Principal. **A motion was made by Commissioner Ford, seconded by Judge Sumter to welcome, with open arms, the Livestrong Challenge to Hays County on October 14th, and everything leading up to that, and we will be a very happy and welcoming host for the ride. All present voting "Aye". MOTION PASSED.**

PUBLIC COMMENTS

[T1- 115] Marilyn Trent made public comment regarding Woodcreek North and Eagle Rock. [T1-152] San Marcos Mayor Susan Narvaiz made public comment regarding FM110 (submitted in writing).

24364 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$932,824.38 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

24365 APPROVE BUDGET AMENDMENT 07-24

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-24 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED

24366 APPROVE MINUTES OF MAY 31ST & JUNE 5TH , 2007

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Minutes of May 31st and June 5th 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

24367 APPROVE \$30,000 CONTRACT WITH SUNDAY AND ASSOCIATES, INC. FOR CONSULTING SERVICES RELATED TO COUNTY HEALTH INSURANCE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve \$30,000 contract with Sunday and Associates Inc. for consulting services related to county health insurance. All present voting "Aye". MOTION PASSED



24368 AUTHORIZE AMENDMENT TO ASSESSMENT AND COLLECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE AND AUTHORIZE COUNTY JUDGE TO EXECUTE THE SAME

This amendment allows the County to select legal counsel for collection of delinquent taxes and reimbursement by the City of Kyle. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Amendment to Assessment and Collection Agreement between Hays County and the City of Kyle and authorize the County Judge to execute same. All present voting "Aye". MOTION PASSED

24369 APPROVE COMMERCIAL OSSF PERMIT FOR 8700 SQ. FT. WAREHOUSE AT 23705 IH 35 NORTH OF YARRINGTON ROAD IN PRECINCT 1

Eckols Properties is proposing an 8700 sf warehouse on Yarrington Road on a 5.01 acre tract of land. The OSSF is a standard system utilizing leaching chambers in a Class III soil. The design has been signed off by an engineer. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve commercial OSSF Permit for 8700 square foot warehouse at 23705 IH35 North of Yarrington Road in Precinct 1. All present voting "Aye". MOTION PASSED

24370 APPROVE AWARD OF BID #2007-B04 ROAD IMPROVEMENTS/HOT-MIX OVERLAY TO LONE STAR PAVING COMPANY

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve award of bid #2007-B04 Road Improvements/Hot-mix overlay to Lone Star Paving Company. All present voting "Aye". MOTION PASSED

24371 APPROVE TRANSFER OF OLD NORTEL PHONE SYSTEM FROM PERSONAL HEALTH DEPARTMENT TO ADULT PROBATION OFFICES IN HAYS AND CALDWELL COUNTIES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve transfer of old Nortel Phone System from the Personal Health Department to Adult Probation offices in Hays and Caldwell counties. All present voting "Aye". MOTION PASSED

24372 CALL FOR A PUBLIC HEARING ON JUNE 26,2007 TO ESTABLISH TRAFFIC REGULATIONS ON HOLDER LANE, CR 189 [T1-234]

The proposed traffic regulation is: 40 MPH speed limit and a STOP sign on Holder Lane. A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on June 26, 2007 to establish traffic regulations on Holder Lane (CR189). Commissioner Conley was not present to vote. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

24373 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BELINDA LANE [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 a STOP sign on Belinda Lane at Windy Hills Drive. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to establish traffic regulation of a STOP sign on Belinda Lane at its intersection with Windy Hills Drive. Commissioner Coley was not present for vote. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

24374 [PCT. 4 #07-4-020, 93 LOTS] GARNETT RANCH SUBDIVISION – APPROVE PRELIMINARY PLAN [T1- 255]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. Water service is being provided by LCRA through the city of Dripping Springs – groundwater cannot be used in this subdivision [Plat Note#20 prohibits private wells]. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan for "Garnett Ranch Subdivision". All present voting "Aye". MOTION PASSED

24375 [PCT. 4 #07-4-028] SAWYER RANCH SECTION 5 REPLAT OF LOTS 55 & 56, BLOCK F - WAIVE PRELIMINARY PLAN AND ACCEPT FINAL PLAT [T1-302]

Interim Environmental Health Director Tom Forrest gave staff recommendation to waive preliminary plan and approve final plat. There is a minor change in the configuration of the common lot line. A motion was made by Commissioner Ford, seconded by Judge Sumter to waive preliminary plan and approve final plat of "Sawyer Ranch Section 5 Replat of Lots 55 & 56 Block F". All present voting "Aye". MOTION PASSED



24376 APPOINT ANDREW CABLE TO THE EMERGENCY SERVICES DISTRICT # 7 [T1-316]

A motion was made by Commissioner Conley, seconded by Judge Sumter to appoint Andrew Cable to the Hays County Emergency Services District #7 replacing Mike Cox. All present voting "Aye". MOTION PASSED

24377 CONFIRM MEMBERS OF THE CITIZEN ADVISORY COMMITTEE FOR THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T1-328]

Commissioner Ford spoke of a 17 member committee being considered with four groups. Ann Ashmun (landowner group) has declined leaving two spots to fill under landowner group. Commissioner Conley recommended Kelly Kilber and Chris Carson. It was determined that Kelly Kilber is not eligible to be a part of the landowner group because he is an elected official. Kelly Kilber was withdrawn from the list and Commissioner Ford and Commissioner Conley will determine who will fill that position. Commissioner Conley spoke of website: www.hayscountyhpc.com Discussion was had regarding meetings to be held. Committee members are: Landowners – Chris Carson, Catherine Livingston, Henry Brooks, Eddie Gumbert, and Colleen Reeves; Real Estate/Development/Business Interests – Chuck Lemmond, Jeff Wilkinson, and David Goodrum; Government/Utilities – Melanie Pavalas Snyder, Dr. Todd Voetler, and Dr. Glen Longley; Conservation/Environmental Groups & Individuals – Melinda Mallia, Melani Howard, Dianne Wassenich, and David Baker. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to confirm members of the Citizens Advisory Committee for the Hays County Regional Habitat Conservation Plan as recommended with one additional landowner to be determined by Commissioner Ford and Commissioner Conley. All present voting "Aye". MOTION PASSED

24378 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGENCY ELECTRONIC PAYMENT AGREEMENT BETWEEN HAYS COUNTY AND FROST NATIONAL BANK FOR LEGLEASE SERVICE TO BE USED BY THE DISTRICT CLERK AND COUNTY CLERK [T1-540]

County Clerk Linda Fritsche advised that LegalEase would allow customers to make payment for services electronically. Special Counsel Mark Kennedy suggested a change on page 6 Section 10.1 regarding Notice: change from Mark Kennedy to Lamarr Peterson. A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute agency electronic payment agreements between Hays County and Frost National Bank for LegalEase services to be used by the District Clerk and County Clerk. All voting "Aye". MOTION PASSED

24379 APPOINT MEMBERS TO THE CITIZENS PARKS ADVISORY TEAM [T1-572]

Commissioner Ford gave her recommendations for the team: Donna Brasher, Charles Bergh, June Bivins Baumuel, and Martha Brown. Commissioner Conley gave his recommendations for the team: Thad Nance, Vaughn Thayer, Rodney Cobb, and Gary Amaon. Commissioner Ingalsbe recommends: Todd Derkacz, Amy Kirwin, Lee Perry, and Saul Gonzales. Judge Sumter gave her recommendations: Dr. Curt Busk, Macel Sullivan, and Chris North. Grants Administrator Richard Salmon and Resource Management Director Jerry Pinnix recommended: Sterling Harris, Stephen Sundquist, and Ruben Lopez. Commissioner Barton needs to submit his recommendations plus one more appointment from Judge Sumter. A motion was made by Commissioner Ford, seconded by Commissioner Conley to appoint members as recommended to the Citizens Parks Advisory Team. All voting "Aye". MOTION PASSED

24380 SET PARAMETERS AND DEVELOP A COMMITTEE CHARGE FOR THE PARKS ADVISORY COMMITTEE [T1-687]

Grants Administrator Richard Salmon and Resource Management Director Jerry Pinnix submitted ten recommendations for the new park board:

1. Committee name should include the term "advisory" because the court has the final decision on use of county funds.
2. Committee "charge" should be:
 - A. To review potential projects for conformity to the county's Parks & Open Space Master Plan, which is approved by TPWD and good until 2012.
 - B. To make recommendations to the court concerning these projects.
 - C. To assist staff in outreach efforts throughout the county.
3. Committee should "sunset" when all bond funds are committed.
4. County should continue to use the grant program set up under the first bond, as per recommendations of the Master Plan.
5. County should continue to require grant recipients to provide matching funds, within one-year of award and from any source.
6. County should continue to use "Letters of Commitment". These letters can be used as seed money for other grants and the county can accumulate interest income for more projects.
7. County should continue to work with state, federal and local entities to leverage funds
8. County should require all property purchased by county bonds be maintained as parkland or open space in perpetuity.
9. County should continue to provide the use of the Hays County Parks Foundation to entities that want the county to hold property in trust until they are ready to use it.
10. County staff assigned to this committee should be Richard Salmon, Jerry Pinnix and Steve Floyd.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



VOLUME T PAGE 596

JUNE 12, 2007

Richard Salmon spoke of TAG group that will be notified by email of what is going on with the committee. The existing Parks Board By-Laws will be updated and brought back to the court for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt memorandum setting out recommendations for the new parks advisory board as presented and move forward with this being the charge for the committee to advise the commissioners court on recent 2007 Parks Bond. All voting "Aye". MOTION PASSED**

24381 AUTHORIZE THE PURCHASING DEPT. TO ISSUE AN RFQ FOR AN ECONOMIST OR FINANCIAL ANALYST TO DEVELOP AND EVALUATE ALTERNATIVE FINANCING MECHANISMS FOR THE HAYS REGIONAL HABITAT CONSERVATION PLAN [T1-827]

The scope of work would be to analyze the proposed funding plan for RHCP, estimate costs, identify and analyze alternative anticipated funding sources, analyze the impact of the RHCP, including the various alternatives, on the Hays County area economy, and assist in preparing and analyzing NEPA and RHCP application package documentation as requested, including reviewing and responding to agency comments to NEPA documentation and RHCP application package. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the Purchasing Department to issue an RFQ (request for proposals) for an economist or financial analyst to develop and evaluate alternative financing mechanisms for the Hays Regional Habitat Conservation Plan and authorize Commissioner Ford and Commissioner Conley to review the RFQ's. All voting "Aye". MOTION PASSED**

24382 AUTHORIZE THE COUNTY JUDGE TO RESPOND TO TXDOT'S LETTER DATED MAY 23,2007 [T1-869]

Dan Ekakiadis made public comment in support of the letter. Judge Sumter read proposed letter advising TxDot that the court does not wish to terminate the pass through toll agreement. Commissioner Ford and Commissioner Ingalsbe spoke in support of the letter. Commissioner Conley recommended adding projects to the letter. Commissioner Ingalsbe spoke of her conversation with Bob Daigh (TxDot). Commissioner Conley stated that he feels like RR12 is dangerous and needs improvements immediately. Judge Sumter spoke of compromise to take advantage of pass through tolling be it through public private partnership or agreements with other public entities and with the transportation advisory committee helping the court with forming a direction. Court went through the letter paragraph by paragraph and recommended various changes. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to craft a letter, as discussed today, to send to TxDOT in response to letter dated May 23, 2007. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

DISCUSSION REGARDING AN INTERLOCAL AGREEMENT WITH DRIPPING SPRINGS ISD TO PAVE THE PARKING LOT AT PCT. 4 OFFICES IN DRIPPING SPRINGS

[T1-1575] Commissioner Ford spoke of condition of parking lot at the Precinct 4 offices. The Dripping Springs ISD board has agreed to pay for the materials if the county would provide the labor. Court requested that Mark Kennedy review the lease agreement to determine the county's responsibility. Commissioner Ford spoke of there being a history of the county making repairs to the parking lot. [T1-3124] It was determined that the county does not have a current lease agreement and are currently paying rent on a month to month basis. Special Counsel Mark Kennedy spoke of problems with the expired lease.

24383 EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS IN THE PERSONAL HEALTH DEPARTMENT. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-1711]

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 11:25 a.m. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to pay above minimum for the temporary nurse practitioner position in the Personal Health Department, not to exceed past September 30, 2007, with no benefits, and with pay up to \$35 per hour. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JUNE 12, 2007

VOLUME T PAGE 597

WORKSHOP RE: ANIMAL TREATMENT, CHIPPING IDENTIFICATION, BREEDING, SPAYING AND NEUTERING [T1-1734]

Donna Bellion (Animal Shelter Advisory Board & Director of Mutt Strutt) spoke of Austin's no tethering law and how Hays County should consider the same regulations. She suggested posting signs throughout the county that advises pet owners of fine imposed for dogs running loose. Ms. Bellion spoke of micro-chipping identification and requirements for animal breeders. [T1-1940] Bert Stratemann, San Marcos Animal Services Director, spoke of draft ordinance for the City of San Marcos [T1-2030] Mark Brinkley, San Marcos Environmental Health Director, spoke of ordinances and enforcement and he spoke of all animals adopted out of the San Marcos Animal Shelter are micro-chipped, spayed/neutered, and seen by a Vet. Bert Stratemann spoke of ordinances that the city and county have. Some city ordinances are stricter than the county ordinances and some county ordinances are stricter than in the city. Discussion was had on becoming pro-active vs. re-active and having laws and enforcing them. Discussion was had regarding problems with micro-chipping. The City of San Marcos submits the applications for the chips but other places rely on the applicants to submit the application themselves and this is not always getting done and we don't know where the animal belongs. The main goal is getting animal owners to become responsible for their pets. Discussion was had about revisions needed regarding licensing, chipping, unleashed dogs and other important issues, and the verbiage needed for the ordinances. Mr. Brinkley spoke of animal control officers having scanners to check animals for micro-chips.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHER, 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 12, 2007.



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

