



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 26<sup>th</sup> 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. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Dr. Terry Collie, Baptist Church of Driftwood gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

#### PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Judge Sumter presented a 15 year service pin to Commissioner Precinct 1 Debbie Gonzales Ingalsbe. District Clerk Cecelia Adair presented a 15 year service pin to Beverly Crumley (Chief Deputy District Clerk). Tax Assessor-Collector Luanne Caraway presented a 30 years plaque to Nelda Mendoza. Luanne Caraway also announced that District Clerk Cecelia Adair was chosen as "District Clerk of the Year" by the Texas County & District Clerk's Association.

#### 24384 PRESENTATION OF BALANCE OF \$637,500 IN 2001 PARK BOND FUNDS TO THE CITY OF SAN MARCOS AS PER COURT ACTION ON SEPT. 27, 2005 FOR THE ACQUISITION OF THE 251 ACRE SINK CREEK PROPERTY

Grants Administrator Richard Salmon advised that on Sept. 27, 2005 the Commissioners' Court allocated \$700,000 in Parks Bond funds to the City of San Marcos for the 251 acre San Marcos Springs Recharge Area Project. 73% of the property is in Pct. 4 and the remaining 27% is in Pct. 3. Through a collaborative effort, Hays County, Texas State University, and the City of San Marcos raised a total of \$5,085,000 in a one year period. The Nature Conservancy assisted by agreeing to purchase the property and holding it for a maximum of 2 years to allow the group to raise the funds to purchase. \$62,500 has already been paid by the county and the remaining \$637,500 is being presented today. Commissioner Conley spoke of the project and gave his thanks to various individuals and groups. Commissioner Ford spoke of the project. [T1-146] **A motion was made by Commissioner Ford, seconded by Commissioner Conley to present the balance of \$637,500.00 from the 2001 Parks Bond Fund to the City of San Marcos per court action on September 27, 2005 for the acquisition of the 251 acre Sink Creek property. All voting "Aye". MOTION PASSED**

#### 24385 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$1,259,108.71 as presented by the County Auditor. All voting "Aye". **MOTION PASSED**

#### 24386 APPROVE BUDGET AMENDMENT 07-25

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Budget Amendment #07-25 as proposed by the County Auditor. All voting "Aye". **MOTION PASSED**

#### 24387 AUTHORIZE COUNTY JUDGE TO APPROVE REQUEST TO EXTEND THE EXPIRATION PERIOD OF THE FEDERAL GRANT AND INTERLOCAL AGREEMENT RELATING TO THE COUNTY'S HABITAT CONSERVATION PLAN FROM JULY 31, 2007 TO JULY 30, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to approve request to extend the expiration period of the Federal Grant and Interlocal Agreement relating to the County's Habitat Conservation Plan from July 31, 2007 to July 30, 2009. All voting "Aye". **MOTION PASSED**



**24388      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH OFFICE OF GOVERNOR – DIVISION OF EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)**

This is a grant that Hays County qualifies for each year and funds are used to pay a portion of the salary and benefits of the county's emergency management coordinator. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute a contract with Office of Governor – Division of Emergency Management Performance Grant (EMPG) to be used to pay a portion of the salary and benefits of the Emergency Management Coordinator. All voting "Aye". MOTION PASSED**

**24389      AUTHORIZE THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT AND MAINTENANCE CONTRACT WITH THE TEXAS ATTORNEY GENERAL RELATING TO THE COUNTY VINE (VICTIM INFORMATION & NOTIFICATION PROGRAM)**

The VINE program is a statewide automated system to provide crime victims with accurate and up-to-date information and timely notification of county jail inmate status and court events. Grant funds from the Texas Attorney General's Office provide 100% funding for our program. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute Reimbursement and Maintenance Contract with the Texas Attorney General relating to the County Vine (Victim Information & Notification Program). All voting "Aye". MOTION PASSED**

**24390      APPROVE ADDITIONAL REPAIR EXPENSES FOR THE HAYS COUNTY VETERAN SERVICES VAN**

**A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve additional repair expenses for the Hays County Veteran Services van. All voting "Aye". MOTION PASSED**

**24391      AUTHORIZE COUNTY JUDGE TO ACCEPT FROM THE DEPARTMENT OF STATE SERVICES TRIPLE O GRANT \$63,535.00 FOR FISCAL YEAR 2007-2008**

By accepting these funds, the Health Dept. will be able to continue funding the TB/Communicable disease Registered Nurse position. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to accept from the Department of State Services Triple O Grant \$63,535.00 for fiscal year 2007-2008. All voting "Aye". MOTION PASSED**

**24392      AUTHORIZE THE COUNTY JUDGE TO ACCEPT THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FAMILY PLANNING ADJUSTMENT TO \$28,978.00 FROM THE INITIAL \$12,978.00**

By accepting these funds, the Health Dept. will be able to augment the original grant monies and continue to provide family planning services through the end of August 2007. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to accept the Texas Department of State Health Services Family Planning adjustment to \$28,978.00 from the initial \$12,978.00. All voting "Aye". MOTION PASSED**

**24393      AUTHORIZE COMMERCIAL OSSF PERMIT FOR 5,000 SQUARE FOOT OFFICE WAREHOUSE AT 13377 FITZHUGH ROAD IN PRECINCT 4**

Mr. James Bailey is proposing a 5,000 sq. ft. office warehouse with four employees at 1337 Fitzhugh Road in Precinct 4 (Lot 3 Fitzhugh Trails = 0.995 ac). The OSSF will utilize an aerobic treatment unit. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize Commercial OSSF Permit for 5,000 square foot office warehouse at 13377 Fitzhugh Road in Precinct 4. All voting "Aye". MOTION PASSED**

**24394      CALL FOR A PUBLIC HEARING ON JULY 10, 2007 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING SIGN) AT AND NEAR THE INTERSECTION OF OLD STAGECOACH RD. AND POST RD. [T1-263]**

**A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on July 10, 2007 to establish traffic regulations (No Parking Sign) at and near the intersection of Old Stagecoach Road and Post Road. All voting "Aye". MOTION PASSED**



**24395 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON HOLDER LANE, CR 189 [T1-299]**

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 speed limit of 40 MPH and a STOP sign on Holder Lane at Creek Road. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish traffic regulations of 40 MPH speed limit on Holder Lane and a STOP sign on Holder Lane (CR189) at its intersection with Creek Road. All voting "Aye". MOTION PASSED**

**24396 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE OF ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR HOWARD RANCH SUBDIVISION, SECTION 1 [T1-318]**

Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept construction of roads and drainage improvements within the county ROW. **A motion was made by Commissioner Ford, seconded by Judge Sumter to release maintenance bond and accept for maintenance of all road and drainage improvements within county right-of-way for Howard Ranch Subdivision Section 1. All voting "Aye". MOTION PASSED**

**24397 [#06-4-002, 57 LOTS] RUTHERFORD WEST SECTION 2 - APPROVE FINAL PLAT, ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND AND ACCEPT MAINTENANCE BOND FOR TWO YEARS [T1-340]**

**A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat, accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two years for the "Rutherford West Section 2" (AKA Estates of Rutherford West Section 2). All voting "Aye". MOTION PASSED**

**24398 [#07-3-033, 2 LOTS] SUNSET CANYON, SECTION III REPLAT OF LOTS 517 & 518 - WAIVE PRELIMINARY HEARING AND CONSIDER APPROVAL OF FINAL PLAT [T1-394]**

Commissioner Ford advised that the common lot line was realigned. **A motion was made by Commissioner Ford, seconded by Judge Sumter to waive preliminary hearing and approve final plat of "Sunset Canyon Section III Replat of Lots 517 & 518". All voting "Aye". MOTION PASSED**

**24399 [#06-4-06, 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 PUBLIC HEARING ON JULY 10<sup>TH</sup>, 2007 [T1-412]**

**A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on July 10, 2007 regarding "Valley View West Resubdivision of Lots 4-B, 4-F, 5-D, 5-E and 5-F (creating Lots 4D, 4F, 5D, 5E and 5F)". All voting "Aye". MOTION PASSED**

**24400 [#07-2-010, 1 LOT] BILGER TRACT - APPROVE PRELIMINARY PLAN [T1-422]**

**A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for "Bilger Tract". All voting "Aye". MOTION PASSED**

**24401 APPROVE COMMISSIONERS AND JUDGE NOMINATIONS TO THE TRANSPORTATION ADVISORY COMMITTEE [T1-435]**

Judge Sumter nominated Stephen Klepfer (Wimberley), Ray Kotowski (San Marcos), Michael Marcin (Huntington Estates), and Kristen Carlton (Dripping Springs). Commissioner Ingalsbe nominated Constable Pct. 1 Lupe Cruz (San Marcos), Ruben Garza (San Marcos), Robert Gutierrez (San Marcos) and James Neuhaus (San Marcos). Commissioner Barton nominated Carter Scherff, Roman Grijalva (Kyle), and Diana Taylor Woods (Uhland). Commissioner Ford nominated Gary Knight (Driftwood), Brian Dudley (Goldenwood), Scott Roberts (Driftwood), and Susan Pantell (Austin/Hays Co). Commissioner Conley advised that he is not ready to appoint his members at this time. Mary Gonzales gave public comment. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve nominations made today by the County Judge and Commissioners to the Transportation Advisory Committee. All voting "Aye". MOTION PASSED [T2-260]** **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to appoint Jim Neuhaus to the Transportation Advisory Board. All voting "Aye".**

**24402 APPROVE BY-LAWS AND DEVELOP A COMMITTEE CHARGE FOR THE TRANSPORTATION ADVISORY BOARD [T1-625]**

Discussion was had regarding the proposed by-laws and the committee charge. Judge Sumter advised that the proposed by-laws were drawn up using the existing by-laws for the parks committee. [T1-1520] Changes were discussed and made to the proposed by-laws. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve By-Laws for the Transportation Advisory Board with revisions made this date. All voting "Aye". MOTION PASSED** The Transportation Advisory Committee Charge is twofold: Immediate Needs: Identify and review potential funding mechanisms and projects for state roads including, but not limited to: FM1626, RR12, FM110 and SH21 and make recommendations to Commissioners Court. Future Needs: Develop a strategic plan for all modes of transportation within the county to include but not limited to: state and county roads, light rail, bus systems, hike and bike trails and air transportation. The strategic plan should review and incorporate regional road systems developed and adopted by other entities, including the county and city transportation plans. The strategic plan should include an implementation plan. The strategic plan should review and recommend possible policy and procedure changes for acceptance of public/private roads into the county system and review and recommend on a County Unit Road System. Commissioner Conley stated that he would like the charge to be more comprehensive and specific with time lines and issues to be addressed. [T1-2197] **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve the Transportation Advisory Committee Charge as a good starting point and the committee may want to make recommendations to its own charge. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

**24403 ADOPT A RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT ADOPTING A CIVIL FEE DEDICATED TO IMPROVING CIVIL COURT FACILITIES [T1-2231]**

District Clerk Cecelia Adair spoke of legislation that was passed allowing an additional fee to be collected in civil cases (NTE \$15.00) to be dedicated to the construction, renovation, or improvement of facilities that house the civil courts. This fee will continue until it expires on July 1, 2022 or by order of the Commissioners' Court prior to that date. The County must match dollar for dollar any money that is used. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a resolution of the Hays County Commissioners Court adopting a \$15.00 civil fee dedicated to improving Civil Court facilities. All voting "Aye". MOTION PASSED**

**24404 APPROVE WAIVING OR REDUCING THE FEES FOR THE USE OF THE CIVIC CENTER FOR LULAC COUNCIL #4876 [T1-2372]**

Charles O'Dell, Hays CAN, made public comment. Gilbert Gonzales spoke of wanting to establish the "Hays County Fair" to be held annually. There would be booths for various non-profit organizations. They hope to have funds that they can put back into the civic center and this would be a countywide event. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve a one time 50% reduction in fee for LULAC to use the Civic Center in October with an agreement regarding damages to the parking lot, and to have Road Supt/Engineer Jerry Borcharding coordinate with carnival owner on placement of equipment . All voting "Aye". MOTION PASSED**

**24405 APPROVE FUNDING A CUSTODIAN POSITION, GRADE 911, FROM A 30-HOURS/WEEK (¾ TIME) POSITION TO A 40-HOUR/WEEK (FULL TIME) POSITION EFFECTIVE JULY 1, 2007 [T1-2837]**

Maintenance Supervisor Ron Knott appeared before the court requesting increase for an employee from a 30 hour work week to a 40 hour work week. Funding is available in the budget (\$1600). **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve funding a custodian position, grade 911, from a 30 hours/week (3/4 time) position to a 40-hour/week (full time) position effective July 1, 2007. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

**24406 ACTION TO MOVE \$12,000 FROM COUNTYWIDE CONTINGENCY TO THE BUILDING MAINTENANCE DEPARTMENT [T1-2988]**

Maintenance Supervisor Ron Knott spoke of need for \$7,000 for compressor replacement and \$5,000 for pest control for the remainder of the year at the Justice Center. **A motion was made by Commissioner Ford, seconded by Judge Sumter to move \$12,000 from countywide contingency to the Building Maintenance Department. All voting "Aye". MOTION PASSED**



**24407 APPROVE A PARKING CONTRACT WITH FARMERS MARKET [T1-3143]**

Maintenance Supervisor Ron Knott spoke of additional parking spaces that would be available for the Justice Center. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve a parking contract with Farmers Market. All voting "Aye". MOTION PASSED**

**24408 ADOPT NEW OPERATING HOURS AT THE HAYS COUNTY TRANSFER STATION IN WIMBERLEY AND THE CITIZENS COLLECTION STATION IN DRIFTWOOD [T1-3197]**

Director of Recycling & Solid Waste Jerry Pinnix requested a change in the hours of operation from 8am–5pm, closing for lunch from 12:30pm-1:30pm to 8:00 a.m. – 4:00 p.m. on Mondays, Tuesdays, Thursdays, Fridays, and Saturdays. **A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt new operating hours at the Hays County Transfer Station in Wimberley and the Citizens Collection Station in Driftwood from 8:00 a.m. – 4:00 p.m. on Monday, Tuesday, Thursday, Friday, and Saturday to be effective July 16, 2007. All voting "Aye". MOTION PASSED**

**24409 APPROVE LIMITED – PURPOSE SUBSTATION CONTRACTS FOR THE ISSUANCE OF MOTOR VEHICLE LICENSE VALIDATION STICKERS [T1-3293]**

Approval by the Court would allow HEB Grocery Company, LP to act as an agent of the Hays County Tax Assessor-Collector in the issuance of motor vehicle license validation stickers. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve Limited-Purpose Substation contracts for the issuance of Motor Vehicle License Validation Stickers at the three H.E.B. stores in Hays County. All voting "Aye". MOTION PASSED**

**24410 APPROVE CONTRACT WITH THE CITY OF UHLAND FOR COLLECTION OF TAXES**

[T1-3333] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve contract with the City of Uhlend for collection of taxes. All voting "Aye". MOTION PASSED**

**24411 APPROVE A TEMPORARY REVOCABLE LICENSE AGREEMENT TO ALLOW THE INSTALLATION AND MAINTENANCE OF A LOW-POWER LIMITED RANGE FM RADIO ANTENNA ON TOP OF THE HAYS COUNTY ANNEX BUILDING [T1-3402]**

Ray Kotowski (representing Nosotros La Gente – a nonprofit organization) requested approval to install and maintain, at their expense, a low-power limited range FM radio antenna used to broadcast radio transmissions and not to exceed 25 feet in height from the top of the Annex building. Commissioner Barton voiced his concerns. Mary Gonzales gave public comment in spanish. Commissioner Barton spoke of additional reasons for termination under public interest clause. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve a temporary, revocable license agreement to allow the installation and maintenance of a low-power, limited range FM radio antenna on top of the Hays County Annex Building. All voting "Aye". Commissioner Ingalsbe abstained (her father is President of Nosotros La Gente). MOTION PASSED**

**EXECUTIVE SESSION: DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS IN EXECUTIVE SESSION PURSUANT TO SECTIONS 551.074 OF THE TEXAS GOVERNMENT CODE**

Court convened into closed executive session at 1:00 p.m. and reconvened into open meeting at 3:15 p.m. No action was taken.

**24412 APPOINT LANDOWNERS WILLIAM E. AVERA AND T. J. HIGGINBOTHAM TO THE HAYS COUNTY RHCP CITIZEN ADVISORY COMMITTEE [T2-277]**

Commissioner Ford advised that landowner Colleen Reeves had to decline her appointment to this committee due to personal reasons. A resume for William E. Avera was submitted. Also submitted was a resume for T. J. Higginbotham to fill a landowner vacancy slot. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to appoint landowner William E. Avera and T. J. Higginbotham to the Hays County RHCP Citizens Advisory Committee. All voting "Aye". MOTION PASSED**

**24413 ALLOW COUNTY JUDGE TO ENTER INTO A NEW ONE- YEAR LEASE AGREEMENT WITH DRIPPING SPRINGS ISD FOR PROPERTY HOUSING PCT. 4 OFFICES [T2-367]**

Commissioner Ford spoke of increase in rate of lease. **A motion was made by Commissioner Ford, seconded by Judge Sumter, to allow the County Judge to enter into a new one-year lease agreement with Dripping Springs ISD for property housing Precinct 4 offices. All voting "Aye". MOTION PASSED**

**24414 APPOINT MEMBERS TO THE CITIZENS PARKS ADVISORY BOARD [T2-438]**

The Court voted on the initial Parks Advisory Board on June 12, 2007, however, Commissioner Barton was not present and did not submit his nominees and Judge Sumter had one additional slot to fill. Judge Sumter nominated Marilee Wood (Wimberley) and Commissioner Barton nominated Jorge Anchondo (Buda), Kate Johnson (Kyle), & Jim Camp (Manchaca). **A motion was made by Judge Sumter, seconded by Commissioner Ford to appoint Marilee Wood, Jorge Anchondo, Kate Johnson, and Jim Camp to the Citizens Parks Advisory Board. All voting "Aye". MOTION PASSED**

**24415 AUTHORIZE THE PURCHASING DEPARTMENT TO SPEND UP TO FIVE THOUSAND DOLLARS (\$5,000.00 USD) FOR A PHASE 1 AND POSSIBLE LIMITED PHASE 2 ENVIRONMENTAL STUDY ON PROPERTY OWNED BY HAYS COUNTY, LOCATED ON THORPE LANE IN SAN MARCOS, TEXAS [T2-486]**

Commissioner Ingalsbe spoke of not being able to find documentation for an environmental study of this site previously done. Work will be done by Entex of San Antonio LP. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the Purchasing Department to spend up to five thousand dollars (\$5,000.00 USD) for a Phase I and possible Limited Phase 2 Environmental Study on property owned by Hays County, located on Thorpe Lane in San Marcos, Texas. All voting "Aye". MOTION PASSED**

**DISCUSSION REGARDING POSSIBLE INCREASE IN THE HAYS COUNTY PROPERTY TAX HOMESTEAD EXEMPTION FROM \$5,000. TO \$15,000 [T2-530]**

Commissioner Conley spoke of exemptions already offered by the County and spoke in support of offering additional exemption for homeowners. He spoke of homeowners seeing an increase in appraisal values for several years in a row.

**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 26, 2007.**



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

