



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24th DAY OF JULY 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 James Jacob, Word of Life Church, gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24462 ADOPT A PROCLAMATION RECOGNIZING 2007 NATIONAL NIGHT OUT

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation recognizing 2007 National Night Out. All voting "Aye". MOTION PASSED

24463 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices in the amount of \$ 712,876.79 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24464 APPROVE BUDGET AMENDMENT 07-29

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Budget Amendment #07-29 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24465 APPROVE MINUTES OF JULY 17, 2007

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Commissioners' Court Minutes of July 17, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24466 HOLD A PUBLIC HEARING TO ESTABLISH APPROPRIATE SIGNAGE IN BELTERRA SUBDIVISION RELATED TO SAFETY ANTICIPATION OF THE OPENING OF ROOSTER SPRINGS ELEMENTARY SCHOOL [T1-108]

Judge Sumter declared the public hearing open. Roger Durden made public comment. Judge Sumter closed the public hearing. Commissioner Ford spoke of safety concerns in the area. Road Supt/Engineer Jerry Borcharding gave staff recommendation based on input from citizens. The school district will maintain the crosswalk, flashing signs, and other school signage after county installation. Discussion was had regarding the schools responsibility to install and maintain crosswalks and signage. Jerry Borcharding gave changes to the proposed regulations: (1) add a crosswalk on Harris Drive at Belterra Drive, (2) add a school zone light on Abbott at Belterra Drive, (3) remove crosswalks on Maintenance Drive and on Belterra Drive at Maintenance Drive, (4) clarify that no parking will be allowed on either side of Belterra Drive in front of the school and no parking will be allowed on Abbott Drive within 100 feet of its intersection with Belterra Drive, and (5) the crosswalk on Trinity Drive at Lexington Drive will be placed on the west side of the intersection. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of: Pedestrian crossing with signs on Kensington Lane at Lexington Drive, on Lexington Drive at Trinity Hills, on Trinity Hills at Lexington (west side), on Trinity Hills at Belterra (both sides), on Belterra Drive at Trinity Hills, on Canterbury at Trinity Hills, on Aspen Drive at Palisade Drive, on Belterra Drive at Abbott (both sides), on Harris Drive at Belterra Drive, and on Rec. Center at Belterra Drive; School Zone flashing lights on Belterra Drive and on Abbott Drive; and No Parking will be allowed on either side of Belterra Drive in front of the school and no parking on Abbott Drive within 100 feet of its intersection with Belterra Drive in Belterra Subdivision. All voting "Aye". MOTION PASSED

24467 CALL FOR A PUBLIC HEARING ON AUGUST 7, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON MCCARTY LANE CR 233 (West of Hunter Road) [T1-308]

Proposed speed limit: 50MPH between Hunter Road and Siesta Verde Subdivision entrance. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on August 7, 2007 to establish traffic regulations on McCarty Lane/CR233 west of Hunter Road. All voting "Aye". MOTION PASSED



24468 [#07-4-038, 1 LOTS] **RESUBDIVISION OF SL 967 – APPROVE PRELIMINARY PLAN**
[T1-340]

This is a one lot subdivision (5 acres) owned by Driftwood 97 Ltd., located at the intersection of FM1826 and FM967, being divided into two lots. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for “SL 967 Resubdivision”. All voting “Aye”. MOTION PASSED**

24469 [#07-4-029, 4 LOTS] **JESUS GONZALES ADDITION – APPROVE SHARED ACCESS DRIVEWAY VARIANCE AND APPROVE FINAL PLAT** [T1-353]

Variance request is to allow four lots to share a 30’ shared access driveway. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve shared access driveway variance and approve final plat of “Jesus Gonzales Addition”. All voting “Aye”. MOTION PASSED

Clerk’s Note: Agenda Item #9 RE: 06-4-026 HIGHPOINTE PHASE III SECTION 1 (86 LOTS) – CONSIDER APPROVAL OF FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY was PULLED. No discussion and no action taken.

24470 **APPROVE BUDGETING OF MATCHING FUNDS FOR A SECOND GRANT APPLICATION TO THE FEMA HAZARD MITIGATION GRANT PROGRAM TO EXPAND THE COUNTY’S EARLY-WARNING SYSTEM FOR LOW-WATER CROSSING AND CONSIDER A GRANT APPLICATION TO START A VOLUNTARY BUYOUT PROGRAM FOR PROPERTY THAT REPEATEDLY FLOODS IN HAYS COUNTY** [T1-386]

Grants Administrator Richard Salmon spoke of grant application for \$600,000 that was submitted to the Texas Dept. of Emergency Management – Hazard Mitigation Grant Program on Jan. 27, 2006 and was approved and received on Nov. 2, 2006. That grant and matching funds are currently being used to install an interactive early warning system on 15-16 low-water crossing throughout the county. If the court wants to make a 2nd application in 2007-08, matching funds of \$200,000 will need to be budgeted. We have 182 low water crossings and approximately 100 are dangerous by FEMA standards. Sheriff Allen Bridges spoke of importance of the early warning system for low-water crossings. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve budgeting \$200,000 in matching funds for a second grant application to the FEMA Hazard Mitigation Grant Program to expand the county’s early-warning system for low-water crossing. All voting “Aye”. MOTION PASSED.** Richard Salmon spoke of previous buy out program in Woodcreek – property has to be open space in perpetuity. He spoke of countywide mitigation plan. Discussed budgeting \$100,000 for matching funds (to possibly come from interest on parks bond funds). **A motion was made by Commissioner Conley, seconded by Judge Sumter to budget \$100,000 for county match and to approve a grant application to start a voluntary buyout program for property that repeatedly floods in Hays County. All voting “Aye”. MOTION PASSED**

24471 **EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT OF A COLLECTIONS/COMPLIANCE ADMINISTRATOR** [T1-705]

Court convened into closed executive session at 10:00 a.m. and reconvened into open meeting at 10:35 a.m. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Human Resources Director Dee Dee Baen to make an offer for the position of Collections/Compliance Administrator to Judy Seim contingent on successful results of a background check to include credit. All voting “Aye”. MOTION PASSED**

24472 **AUTHORIZE A COMMERCIAL OSSF PERMIT FOR 4980 SQ. FT. RESTAURANT AND TASTING ROOM AT 13304 FM 150 WEST IN THE COMMUNITY OF DRIFTWOOD IN PRECINCT 4** [T1-725]

Hays County Sanitarian Tom Pope spoke of this being a nonstandard package treatment plant (an activated sludge package treatment plant followed by spray irrigation) and was reviewed and approved by James McCaine, P.E. at TCEQ. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize a Commercial OSSF Permit for 4980 sq. ft. restaurant and tasting room located at 13304 FM150 west in the community of Driftwood in Precinct 4. All voting “Aye”. MOTION PASSED**

24473 **APPROVE THE HIRING OF A TEMPORARY PROCESSING CLERK AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT** [T1-858]

The current processing clerk is out on Workman's Comp . **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the hiring of a temporary Processing Clerk at the Hays County Personal Health Department. All voting "Aye". MOTION PASSED**

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DISCUSSION REGARDING CHANGING AN LVN POSITION TO AN RN POSITION AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Health Department Director Nick Icossipentarhos spoke of previous changes in the position and new requirements regarding assessments which requires an RN instead of an LVN.

24474 CALL FOR LOCAL OPTION ELECTION TO BE HELD ON NOVEMBER 6, 2007, IN THE VILLAGE OF WIMBERLEY [T1-1037]

Elections Administrator Joyce Cowan verified that the petition for Local Option Election to Legalize "The legal sale of beer and wine for off-premise consumption only" in the Village of Wimberley contains more than 351 signatures of people eligible to vote in the district. **A motion was made by Commissioner Conley, seconded by Judge Sumter to call for Local Option Election to be held on November 6, 2007 in the Village of Wimberley for the purpose of submitting to the legally qualified voters of said area, the proposition: for or against the legal sale of beer and wine for off-premise consumption only. All voting "Aye". MOTION PASSED**

REQUEST FOR INCREASED FUNDING ON THE COUNTY'S 5-MILE DAM PARK PROJECT BY \$600,000 FROM NEW PARK BOND FUNDS TO COMPLETE PHASE I

[T1-1066] Grants Administrator Richard Salmon spoke of confirmed sources of funds and unconfirmed sources. Project Manager Judy Langford spoke of timeline of project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to increase funding on the County's 5-Mile Dam Park Project by \$600,000 from new Park Bond funds to complete Phase 1. MOTIONS WERE WITHDRAWN BEFORE VOTES WERE CAST. More information is needed for consideration.

24475 ACTION TO UTILIZE \$4,930 OF THE \$12,000 IN GRANT ADMINISTRATION FUNDS THE COUNTY WILL RECEIVE FOR THE EARLY-WARNING PROJECT TO CONTRACT WITH KIRK SCHOPPE FOR RAINFALL-STREAM FLOW MODELING ON THE MOST DANGEROUS SITES [T1-1452]

Texas State University Professor Richard Earl and graduate student Kirk Schoppe contacted the Grants Dept. concerning a proposal for rainfall and stream flow modeling on low-water crossing sites in the county. Grants Administrator Richard Salmon requested the use of \$4,930 of the \$12,000 the county will receive in administrative funds to contract with Kirk Schoppe for modeling on the most dangerous low water sites. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve utilizing \$4,930 of the \$12,000 in grant administration funds the county will receive for the early-warning project to contract with Kirk Schoppe for rainfall all-stream flow modeling on the most dangerous sites. All voting "Aye". MOTION PASSED**

24476 CALL FOR A PUBLIC HEARING ON AUGUST 21, 2007, REGARDING A PETITION FOR THE CREATION OF CALDWELL-HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 1, AN EMERGENCY SERVICE DISTRICT PROPOSED TO BE CREATED UNDER CHAPTER 775 OF THE TEXAS HEALTH AND SAFETY CODE [T1-1519]

Special Counsel Mark Kennedy spoke of petition that was presented and he spoke of expense involved in publishing notice. The district would comprise the service areas of Chisholm Trail Fire Rescue and the Umland Volunteer Fire Department in both Caldwell and Hays County. **A motion was made by Judge Sumter, seconded by Commissioner Barton to call for a public hearing on August 21, 2007, regarding a petition for the creation of Caldwell-Hays County Emergency Services District No. 1 an emergency service district proposed to be created under Chapter 775 of the Texas Health and Safety Code. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #17 Re: ACTION CONCERNING MATCHING FUNDS FOR A 2ND GRANT APPLICATION TO THE TXDEM/FEMA HAZARD MITIGATION GRANT PROGRAM TO EXPAND THE COUNTY'S EARLY-WARNING SYSTEM ON DANGEROUS LOW-WATER CROSSINGS was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #18 Re: ACTION CONCERNING THE ESTABLISHMENT OF A VOLUNTARY BUYOUT PROGRAM FOR HOMES THAT HAS BEEN REPEATEDLY FLOODED AND THE NECESSARY MATCHING FUNDS was PULLED. No discussion and no action taken.

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24477 ACTION TO NOTIFY AND PARTICIPATE WITH TXDOT IN THE FUNDING AND CONSTRUCTION OF A LEFT-TURN LANE ON SH 21 AT THE INTERSECTION OF FM 150 AND SUBMIT A LETTER TO TXDOT OF OUR INTEREST AND HOPE TO PARTNER WITH THEM ON ADDITIONAL SAFETY IMPROVEMENTS ON HWY 21

[T1-1753] Commissioner Ingalsbe spoke of letter from TxDot regarding reallocation of \$2 million from SH21 safety improvements to the resurfacing of FM1826. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to notify and participate with TxDot in the funding and construction of a left-turn lane on SH21 at the intersection of FM150 and to submit a letter to TxDot of our interest and hope to partner with them on additional safety improvements on State Highway 21. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING SALARY AND BENEFITS LINE ITEMS [T1-2014]

Human Resources Director DeeDee Baen gave a powerpoint presentation regarding population growth in the county and number of county employees. She also spoke of salaries and benefits. Discussion was had regarding merit and cost-of-living increases and benchmarks being used.

DISCUSSION REGARDING THE COUNTY'S CITIZEN TRANSPORTATION COMMITTEE, INCLUDING BUT NOT LIMITED TO: ACCEPTING THE COMMITTEE'S APPOINTMENT OF A CHAIRMAN, CONSIDERATION OF ANY COMMITTEE REQUESTS ARISING OUT OF ITS FIRST MEETING, AND POSSIBLE ACTION TO PROVIDE STAFF OR CONSULTING SUPPORT FOR THE COMMITTEE

[T2-780] Judge Sumter spoke of meeting held by the transportation committee. The appointed Chair was Stephen Klepfer and Vice-Chair Sam Cooper. A presentation will be given to the committee regarding the previously adopted 2025 transportation plan, toll roads, etc. Special Counsel Mark Kennedy spoke of open meetings and open records. The next meeting is set for August 2nd at 5:00 pm in the commissioners' courtroom. Discussion was had regarding members of court attending the meeting.

24478 APPROVE RESOLUTION BY THE CENTRAL TEXAS CLEAN AIR COALITION IN SUPPORT OF THE TEXAS CLEAN AIR CITIES COALITION [T1-1547]

Commissioner Ford spoke of action taken by the CAC on July 13, 2007 adopting a resolution in support of legal actions preparatory to an appeal of the TCEQ's issuance of air quality and prevention of significant deterioration permits to Oak Grove Management Company LLC. **A motion was made by Commissioner Ford, seconded by Judge Sumter to support the resolution put forth by the Central Texas Clean Air Coalition in support of the Texas Clean Air Cities Coalition. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED.**

ADJOURNMENT

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 JULY 24, 2007.



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

