



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 16<sup>th</sup> DAY OF OCTOBER 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. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Brother Wayne Thompson, Juvenile Detention Center, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**24659 ADOPT A PROCLAMATION DECLARING OCTOBER 2007 AS "CHANGE A LIGHT, CHANGE THE WORLD" MONTH**

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring October 2007 as "Change a Light, Change the World" month. All voting "Aye". MOTION PASSED.

**24660 ADOPT A PROCLAMATION DECLARING RED RIBBON WEEK IN HAYS COUNTY**

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation declaring "Red Ribbon" week in Hays County. All voting "Aye". MOTION PASSED.

**24661 ADOPT A PROCLAMATION IN RECOGNITION OF SCHOOL BUS SAFETY WEEK**

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation in recognition of "School Bus Safety Week". All voting "Aye". MOTION PASSED.

**24662 ADOPT A PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER AS "DOWN SYNDROME AWARENESS MONTH"**

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a Proclamation recognizing the month of October as "Down Syndrome Awareness" month. All voting "Aye". MOTION PASSED.

**24663 ADOPT A PROCLAMATION RECOGNIZING THE 150<sup>TH</sup> ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF SAN MARCOS**

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing the 150<sup>th</sup> anniversary of the First Baptist Church of San Marcos. All voting "Aye". MOTION PASSED.

**24664 ADOPT A PROCLAMATION IN SUPPORT OF "TACKLE HUNGER WEEK" SPONSORED BY THE HAYS COUNTY AREA FOOD BANK**

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation in support of "Tackle Hunger Week" sponsored by the Hays County Area Food Bank. All voting "Aye". MOTION PASSED.

**PUBLIC COMMENTS**

[T1-444] Andrew Backus thanked the court for support of the LiveStrong Ride.

**24665 APPROVE PAYMENT OF COUNTY INVOICES**

County Auditor Bill Herzog advised that an unbudgeted \$750 invoice for air quality testing at the Justice Center is being paid from contingencies. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$ 828,691.54 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

**24666 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 9, 2007**

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Commissioners Court Minutes of October 9, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

**24667 AUTHORIZE COMMERCIAL OSSF PERMIT FOR A 2,400 SQ. FT. RETAIL STORE AND OFFICE BUILDING IN PRECINCT #2 AT 2101 BEBEE RD. IN KYLE**

RE: Permit #2007-409 issued to Elgin Grocery Inc. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Commercial OSSF Permit for a 2,400 sq. ft. retail store and office building in Precinct #2 at 2101 Bebee Road in Kyle, Texas. All voting "Aye". MOTION PASSED.

**24668 APPROVE BUDGET AMENDMENT TO BIOTERRORISM GRANT FROM A 6-MONTH CONTRACT WITH A BUDGET OF \$106,956 TO AN 11-MONTH CONTRACT WITH A BUDGET OF \$165,630**

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Budget Amendment to Bioterrorism Grant from a 6-month contract with a budget of \$106,956 to an 11-month contract with a budget of \$165,630. All voting "Aye". MOTION PASSED.

**24669 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR THE HAYS COUNTY CITIZENS COLLECTION STATION AT 20290 FM 150 WEST IN PRECINCT 4**

RE: Permit #2007-721 issued to Hays County Citizens Collection Station. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize institutional OSSF Permit for the Hays County Citizens Collection Station at 20290 FM150 West in Precinct 4. All voting "Aye". MOTION PASSED.

**24670 APPROVE SPECIFICATIONS FOR RFP #2008-P01 ENGINEERING FIRM FOR DRAINAGE STUDIES OF SELECTED HAYS COUNTY DRAINAGE BASINS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE [T1-523]**

Commissioner Barton requested taking points away from the two categories under evaluation criteria and add a category for knowledge or experience with Hays County watersheds in modeling or working with municipal jurisdictions. Commissioner Ford spoke of this eliminating some firms from submitting a proposal. Discussion was had regarding number of points for each category. [T1-694] A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve specifications for RFP #2008-P01 Engineering Firm for drainage studies of selected Hays County Drainage Basins with the following amendment to RFP under Evaluation Criteria: References = 40 points, Performance and Qualifications = 40 points, and Knowledge and/or experience with modeling watersheds within Hays County and/or surrounding counties = 20 points; and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED.

**24671 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SHADOW CREEK SUBDIVISION PHASE 1 [T1-870]**

Jerry Borcharding gave staff recommendation for approval. Roads being accepted: Shadow Creek Blvd., Dark Horse Lane, Coach Drive, Black Cap Run, Sloan Road, Spanish Trails Blvd., Jackrabbit Lane, Brandons Way, Desert Eagle, and Quarter Avenue. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to release the maintenance bond and accept for maintenance all road and drainage improvements within county right-of-way for "Shadow Creek Subdivision Phase 1". All voting "Aye". MOTION PASSED.

**24672 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN WILLOW CREEK SUBDIVISION [T1-885]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borcharding gave staff recommendation for traffic regulations. Commissioner Conley spoke of vote by property owners regarding traffic issues. A motion was made by Commissioner Conley, seconded by Commissioner Barton to establish traffic regulations of 30 MPH speed limit throughout the county maintained sections of the Willow Creek Subdivision and remove the STOP sign on Reimer Avenue at the intersection of Philo Street and remove both STOP signs on Mountain Drive at the intersection of Oak Haven. All voting "Aye". MOTION PASSED.



**24673 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR THE VINEYARD SUBDIVISION PHASE 1 [T1-906]**

Jerry Borcharding gave staff recommendation for release of construction bond and accept maintenance bond. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release the construction bond, and accept maintenance bond for two years for the Vineyard Subdivision Phase 1. All voting "Aye". MOTION PASSED.

**Clerk's Note: Agenda Item #16 RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR THE NORTHRIDGE SUBDIVISION PHASE II was PULLED. [T1-944]**

**24674 [#07-4-04, 91 LOTS] DRIFTWOOD SUBDIVISION – APPROVE PRELIMINARY PLAN AND VARIANCES TO RIGHT OF WAY WIDTH, MINIMUM CENTERLINE RADIUS, MINIMUM TANGENT LENGTH, AND MINIMUM PAVEMENT WIDTH [T1-993]**

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval of preliminary plan. There are 85 residential lots and 6 open space lots. Discussion was had regarding variances requested and Jerry Borcharding voiced his concerns. Andrew Backus (President of Hays Trinity Groundwater Conservation District) spoke of water availability. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and variances to right of way width, minimum centerline radius, minimum tangent length, and minimum pavement width for "Driftwood Subdivision". All voting "Aye". MOTION PASSED.

**24675 [#07-3-52, 25 LOTS] BIG SKY RANCH – APPROVE PRELIMINARY PLAN [T1-1192]**

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve preliminary plan for "Big Sky Ranch". All voting "Aye". MOTION PASSED.

**24676 [#07-4-23, 86 LOTS] BELLA VISTA SUBDIVISION – APPROVE PRELIMINARY PLAN AND VARIANCES TO TYPICAL PAVEMENT SECTION, RIGHT OF WAY, AND ROADWAY GEOMETRIC [T1-1291]**

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. Jerry Borcharding spoke of variances being requested and gave his recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and variances to typical pavement section, right of way, and roadway geometric for the "Bella Vista Subdivision". All voting "Aye". MOTION PASSED.

**DISCUSSION REGARDING CREATION OF A WATER AND WASTEWATER ADVISORY BOARD [T1-1398]**

Andrew Backus (Hays Trinity Groundwater Conservation District) made public comment – they would like to be involved in water and wastewater issues. Discussion was had regarding funding and staff time spent meeting with committees. No action taken at this time.

**DISCUSSION REGARDING EXPENDITURES OUTSIDE THE 10 PURPOSE AREAS IN THE LINKED DEPOSIT PROGRAM FOR APPLICANT WITH FRANKLIN BANK [T1-2024]**

Grants Administrator Richard Salmon spoke of application for a total of \$15,000 which includes the clearing of cedar and the repair of a dam used by livestock and wildlife on an 18 acre tract in the Dripping Springs area. The repairs to the dam (\$5,000) is outside the 10 purpose areas of the Linked Deposit program, however, the court is allowed to approve the expenditure. Discussion was had by the court and no action was taken.

**24677 APPOINT BRANDON NEAL TO CITIZEN TRANSPORTATION ADVISORY BOARD TO REPLACE SUSAN PANTELL, WHO HAS RESIGNED [T1-2207]**

A motion was made by Commissioner Ford, seconded by Judge Sumter to appoint Brandon Neal to the Citizens Transportation Advisory Board to replace Susan Pantell, who has resigned. All voting "Aye". MOTION PASSED.



**24678 AUTHORIZE THE COUNTY JUDGE TO, FROM TIME TO TIME, EXECUTE LICENSE AGREEMENTS FOR THE USE OF HAYS COUNTY PROPERTIES; AND TO RATIFY ANY SUCH ACTION PREVIOUSLY MADE BY THE COUNTY JUDGE** [T1-2255]

Special Counsel Mark Kennedy spoke of agreements to use courthouse grounds, parklands, etc. (excluding county right-of-way). A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to, from time to time, execute routine License Agreements for the use of Hays County properties, with exception of roads in individual precincts; and to ratify any such action previously made by the County Judge, and furthermore if a request is denied by the County Judge, the applicant can appeal to Commissioners Court. All voting "Aye". MOTION PASSED.

**24679 APPROVE COUNTY HOLIDAYS FOR CALENDAR YEAR 2008** [T1-2505]

Discussion was had regarding eliminating Texas Independence Day, Good Friday, and Columbus Day and making Nov. 26<sup>th</sup> and Dec. 24<sup>th</sup> a full day off versus one-half days. Court considered giving employees one personal day off. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve County Holidays for Calendar Year 2008 with change of removing Texas Independence Day and make November 26<sup>th</sup> and December 24<sup>th</sup> full days off. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Ford, seconded by Judge Sumter to eliminate Columbus day as a holiday an give all employees one personal day per calendar year to be monitored and accounted for by the Department Head (personal day does not accrue). All voting "Aye". MOTION PASSED.

JAN	1	NEW YEARS DAY
JAN	21	MARTIN LUTHER KING'S BIRTHDAY
FEB	18	PRESIDENT'S DAY
MAR	21	GOOD FRIDAY
MAY	26	MEMORIAL DAY
JUL	4	INDEPENDENCE DAY
SEP	1	LABOR DAY
NOV	11	VETERAN'S DAY
NOV	27-28	THANKSGIVING
DEC	24-26	CHRISTMAS
1	PERSONAL DAY PER CALENDAR (cannot be accrued)	

**24680 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR COMMERCIAL OFFICE LEASE WITH THE CITY OF KYLE** [T1-3133]

Special Counsel Mark Kennedy spoke of minor changes were made to the agreement. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge and Special Counsel Mark Kennedy to execute an interlocal agreement for commercial office lease with the City of Kyle. All voting "Aye". MOTION PASSED.

**JAIL WORKSHOP** [T1-3268]

Sheriff Allen Bridges spoke of housing prisoners in Guadalupe County and cost associated with this situation. The existing location needs to be analyzed to see if it can be used for expansion. He spoke of also being out of office space for his department. Chief Deputy Sherman Brodbeck spoke of limited space on the site for construction. Judge Sumter spoke of possibility of building a facility to house all offices associated with the justice system along with the jail and with rental spaces for attorneys, etc. District Attorney Sherri Tibbe spoke of crisis at the Justice Center at this time for space. Terry Julian spoke of assessing the current facility – at no charge. Discussion was had regarding concept of a Regional Jail Facility and current costs for constructing jails. Commissioner Barton spoke of reducing number of inmates with creative solutions. [T2-630] Special Counsel Mark Kennedy spoke of land under contract at this time for the new office complex. Judge Sumter spoke of placing an item on the agenda to go out for RFP/RFQ for current site analysis.

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 OCTOBER 16, 2007.



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

