



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 4th DAY OF DECEMBER 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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mike Schlimgen, Solid Rock Church, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**PUBLIC COMMENT**

Carole Belver , Executive Director of Community Action, made public comment regarding their organization and appointment to their board.

**24786 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 \$352,666.44 for 11/27/07 distribution and \$574,167.04 for 12/4/07 distribution as presented by the County Auditor. All voting "Aye". MOTION PASSED.**

**24787 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 14 & 20, 2007**

**A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of November 14 & 20, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.**

**24788 APPROVE PHOTO ID CARD SYSTEM FOR HAYS COUNTY JUVENILE PROBATION AND DETENTION CENTER**

Chief Juvenile Probation Officer Ed Cooper spoke of difference in quotes – to be funded by grant. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Photo ID card system for Hays County Juvenile Probation and Detention Center. All voting "Aye". MOTION PASSED.**

**24789 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN EMPG GRANT APPLICATION TO THE OFFICE OF GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR UP TO \$32,701**

**A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit an EMPG (Emergency Management Performance Grant) Grant Application to the Office of Governor, Division of Emergency Management for up to \$32,701. All voting "Aye". MOTION PASSED.**

**24790 APPROVE SERVICE AGREEMENT BETWEEN HAYS COUNTY AND GOVERNMENT RECORDS SERVICES INC. (ACS) FOR COUNTY CLERK RECORDS MANAGEMENT**

**A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve service agreement between Hays County and Government Records Services Inc. (ACS) for County Clerk Records Management. All voting "Aye". MOTION PASSED.**

**24791 ACKNOWLEDGE RECEIPT OF RESOLUTION ON THE CONVERSION OF THE SOUTH HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 3 INTO "HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 3**

**A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to acknowledge receipt of resolution on the conversion of the South Hays County Emergency Service District No. 3 into "Hays County Emergency Service District No. 3". All voting "Aye". MOTION PASSED.**



24792 APPROVE SPECIFICATIONS FOR BID #2008-B05 FOR "TRACTOR AND SIDE MOUNT MOWER FOR ROAD DEPARTMENT 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 #2008-B05 for "Tractor and Side Mount Mower for Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.**

24793 APPROVE RENEWAL OF ANNUAL BID FOR A/C AND HEATING SERVICES COUNTYWIDE WITH AVATT SERVICES INC. FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

**A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of annual bid for A/C and Heating Services Countywide with Avatt Services Inc. for one additional year as provided for in original bid. All voting "Aye". MOTION PASSED.**

24794 APPROVE AUGUST 2007 AND SEPTEMBER 2007 TREASURER'S REPORT AND INVESTMENT REPORTS

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

Clerk's Note: Agenda Item # 4 RE: APPROVE SPECIFICATIONS FOR RFQ #2008-P05 "PLANNING SERVICES FOR HAYS COUNTY PLAN FOR GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITY PRESERVATION" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE was PULLED. Need to change submission date to January 11, 2007 and need to add public outreach to scope of work.

24795 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR REGIONAL WATER SUPPLY AND WASTEWATER FACILITIES PLANNING GRANT [T1-444]

Grants Administrator Richard Salmon spoke of funding options. Discussion was had regarding funding \$75,000 from contingencies or LCRA Service Fee Fund and pursue commitments from other entities (partnerships). **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to submit a grant application to the Texas Water Development Board for Regional Water Supply and Wastewater Facilities Planning Grant with a \$75,000 commitment from LCRA Service Fee Fund. All voting "Aye". MOTION PASSED.**

24796 APPROVE SPECIFICATIONS FOR RFQ #2008-P03 FOR "THE DEVELOPMENT OF CONTEXT SENSITIVE DESIGN/CONTEXT SENSITIVE SOLUTIONS (CSD/CSS) GUIDELINES" FOR HAYS COUNTY AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE [T1-618]

Discussed deadline for submittal of December 19, 2007. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve specifications for RFQ #2008-P03 for "The Development of Context Sensitive Design/Context Sensitive Solutions (CSD/CSS) Guidelines" for Hays County and authorize Purchasing to solicit for Proposals and advertise with deadline for submission being December 21, 2007 at 2:00 pm. All voting "Aye". MOTION PASSED.**

24797 CALL FOR A PUBLIC HEARING ON DECEMBER 18, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON MT. OLIVE SCHOOL ROAD/CR 245 [T1-898]

The recommended speed limit is 25 MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on December 18, 2007 to establish traffic regulations on Mt. Olive School Road (CR245). All voting "Aye". MOTION PASSED.**

24798 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT OF 25 MPH) ON BREED ROAD [T1-911]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish traffic regulation of 25MPH speed limit on Breed Road. All voting "Aye". MOTION PASSED.**



24799 CALL FOR A PUBLIC HEARING ON DECEMBER 18, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON PORTER CREEK COURT [T1-922]

Recommendation is to establish a STOP sign on Porter Creek Court at its intersection with Cotton Gin Road (CR129). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to call for a public hearing on December 18, 2007 to establish traffic regulations on Porter Creek Court. All voting "Aye". MOTION PASSED.**

24800 [#05-4-87 (PCT 4), 74 LOTS] BELTERRA PHASE 4 SECTION 18 - APPROVE FINAL PLAT & ACCEPT CONSTRUCTION FISCAL SURETY [T1-938]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat and accept construction fiscal surety for "Belterra Phase 4 Section 18". All voting "Aye". MOTION PASSED.**

24801 [#07-4-55 (PCT 4) 2 LOTS] BERDOLL SUBDIVISION - APPROVE FINAL PLAT [T1-977]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Berdoll Subdivision" with addition of plat note for DS signatures. All voting "Aye". MOTION PASSED.**

24802 [#07-4-49 (PCT 4) 2 LOTS] WILDWOOD REPLAT LOTS 10 & 12 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-989]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. The common lot line is being adjusted. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to waive preliminary plan approval and approve final plat of "Wildwood Replat of Lots 10 & 12". All voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #19 RE: [#07-4-56 (PCT 4) 2 LOTS] RIM ROCK PHASE 1 REPLAT LOTS 3 & 4 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT was PULLED.

24803 [#07-3-58 (PCT 3) 2 LOTS] EVERGREEN ACRES REPLAT LOT 8 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-1000]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Evergreen Acres Replat of Lot 8". All voting "Aye". MOTION PASSED.**

24804 [#07-4-51 (PCT 4) 2 LOTS] HIDDEN CREEK PHASE 1 REPLAT LOTS 13, 15 & 16 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-1015]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat of "Hidden Creek Phase 1 Replat of Lots 13, 15 & 16". All voting "Aye". MOTION PASSED.**

24805 [#07-4-61 (PCT 4) 5 LOTS] TEJAS RETREAT - APPROVE FINAL PLAT [T1-1034]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat of "Tejas Retreat". All voting "Aye". MOTION PASSED.**

24806 [#07-4-042 (PCT 4) 96 LOTS] BELTERRA PHASE 5 SECTION 10 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-1053]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat and accept construction fiscal surety for "Belterra Phase 5 Section 10". All voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #24 RE: [#07-4-57 (PCT 4) 1 LOT] BELTERRA PHASE 2 SECTION 9A - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT was PULLED



24807 AUTHORIZE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENT WITH SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 4 FOR COLLECTION OF PROPERTY TAXES [T1-1254]

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to sign an interlocal agreement with Sunfield Municipal Utility District No. 4 for collection of property taxes. All voting "Aye". MOTION PASSED.**

24808 AUTHORIZE THE NAME CHANGE OF THE "SLAVE CEMETERY" TO THE "KYLE FAMILY PIONEER CEMETERY" [T1-1287]

Ollie Giles requested that the court authorize the name change of the slave cemetery to the Kyle Family Pioneer Cemetery. Winton Porterfield spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the name change of the "Slave Cemetery" to the "Kyle Family Pioneer Cemetery". All voting "Aye". MOTION PASSED.**

24809 AUTHORIZE THE COUNTY JUDGE TO TRANSFER OWNERSHIP OF A DECOMMISSIONED VEHICLE TO THE CHISHOLM TRAIL FIRE DEPARTMENT

[T1-1645] Special Counsel Mark Kennedy spoke of disposition of surplus property [LGC 263.152(4)]. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to transfer ownership of a decommissioned vehicle to the Chisholm Trail Fire Department pursuant to Local Government Code 263.152(4). All voting "Aye". MOTION PASSED.** It was later noted that Abel Velasquez (Human Resources Dept.) will be the person signing over the title to the vehicle.

24810 APPROVE TEMPORARY INCREASE IN STAFF SIZE OF THE BUILDING MAINTENANCE DEPARTMENT WITH A 4 TO 5 MONTH TEMPORARY HIRE [T1-1782]

Maintenance Supervisor Ron Knott explained his request for temporary staff and increase time for custodial position. Court postponed action on converting a 40% custodial position to a full time position. More research is needed. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve a temporary increase in staff size of the Building Maintenance Department with a 4-5 month temporary hire. All voting "Aye". MOTION PASSED.**

24811 WAIVE DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY [T1-2249]

Habitat for Humanity is building its eleventh home in the Wimberley area and have requested waiver of septic fees. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive development fees for the Wimberley Valley Habitat for Humanity house being built in Woodcreek at the corner of Lone Star Trail and Presidio in Eagle Rock Ranchitos. All voting "Aye". MOTION PASSED.**

24812 APPOINT A GROUP TO DEVELOP A POLICY FOR RETURNING SUBDIVISION FEES AND ACTION TO REFUND FEES TO LONE STAR VALLEY [T1-2275]

Discussion was had regarding refund request by Lone Star Valley. The fee that was paid is over \$44,000 on submission of the plans and review, but a preliminary plan has not been put forth for consideration by the court. Some review was performed by county staff and that expense would not exceed \$1,000. **A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint a small group to develop a policy for returning subdivision fees, consisting of Subdivision Coordinator Sandy Irvin, Special Counsel Mark Kennedy, County Auditor Bill Herzog and County Judge Liz Sumter; and to refund to Lone Star Valley the subdivision fees paid less an amount not to exceed \$1,000 for county expenses. All voting "Aye". MOTION PASSED.**

24813 NOMINATE COMMISSIONER DEBBIE GONZALES INGALSBE TO THE POLICY COMMITTEE OF THE TEXAS CONFERENCE OF URBAN COUNTIES [T1-2639]

**A motion was made by Commissioner Conley, seconded by Commissioner Ford to nominate Commissioner Debbie Gonzalez Ingalsbe to the policy committee of the Texas Conference of Urban Counties. All voting "Aye". MOTION PASSED.**

DISCUSSION REGARDING ACCEPTANCE OF SETTLEMENT, COVENANT TO REMEDIATE, AND RELEASE OF ALL SETTLED CLAIMS, AS IT RELATES TO THE DAMAGE TO THE ROOFTOP OF THE HAYS COUNTY SHERIFF'S OFFICE [T1-2667]

Special Counsel Mark Kennedy spoke of terms and amount of settlement under a class action claim. **To be placed back on the agenda Dec. 18<sup>th</sup>.**



24814 APPROVE BUDGET AMENDMENT 08-03 [T1-3158]

**A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Budget Amendment #08-03. All voting "Aye". MOTION PASSED.**

24815 ADOPT A POLICY REGARDING COUNTY PARK PROJECTS [T1-3278]

Discussion was had regarding setting a limit on dollar amount for each project and county owning park property. [T2-273] **A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a policy which states Hays County Commissioners Court interest and intention to expand our parks program to include ownership as the court believes is in the interest of the citizens of Hays County and is deemed feasible by the court. All voting "Aye". MOTION PASSED.**

LCRA WATER QUALITY ORDINANCE PRESENTED BY TOM HEGEMEIER [T2-337]

LCRA Water Management Manager Tom Hegemeier provided copies of the Highland Lakes Watershed Ordinance Regulations Handbook. He explained the process and spoke of the county adopting the LCRA ordinance.

24816 AUTHORIZE STAFF TO DEVELOP TERMS AND CONDITIONS OF A PROSPECTIVE AGREEMENT WITH THE OWNERS OF DAHLSTROM RANCH FOR A PARKS BOND PROJECT, THE CONSIDERATION OF WHICH SHALL BE CONTINGENT UPON A RECOMMENDATION FROM CPAT THAT COMMISSIONERS COURT GO FORWARD WITH USE OF PARKS BOND FUNDS FOR THE DAHLSTROM RANCH PROPOSAL [T2-1035]

Commissioner Barton provided a summary for this item and he spoke of offer being made, deadline for decision by the court, and features on the property. Note: A presentation was given to the court on November 13, 2007 and an executive session was held. [T2-1762] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Commissioner Barton, Special Counsel Mark Kennedy, Grants Director Richard Salmon, Parks Director Jerry Pinnix, and designee from the Resource Protection and Transportation Planning Dept. to develop terms and conditions of a prospective agreement (letter of interest) with the owners of Dahlstrom Ranch for a Parks Bond Project; the consideration of which shall be contingent upon a recommendation from CPAT that Commissioners Court go forward with use of Parks Bond Funds for the Dahlstrom Ranch Proposal. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No" MOTION PASSED.**

Commissioner Barton left the meeting at this time.

24817 ADOPT A RESOLUTION CASTING VOTES FOR THE HAYS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS [T1-1072] [T2-1847]

**A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a resolution casting votes for the Hays County Appraisal District Board of Directors as follows: Luanne Caraway = 850 votes Dave Williams = 282 votes Daniel Guerrero = 314 votes. All present voting "Aye". MOTION PASSED.**

GOAL SETTING TRAINING AND DEPARTMENT HEAD MEETING

Dr. James Bell, Professor of Management and Entrepreneurship at the McCoy College of Business, Texas State University, presented a developmental workshop to Hays County Department Heads. Maintenance Supervisor Ron Knott spoke of proposal for new water vendor (refreshH2O). Judge Sumter spoke of process to be followed to get an item on the Commissioners' Court agenda and need for volunteers to help in an event to be held March 2008 for the county's 160<sup>th</sup> anniversary.

24818 EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO WITH ACTION IN OPEN COURT [T3-1129]

The court convened into closed executive session at 5:30 p.m. and reconvened into open meeting at 5:35 p.m. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Special Counsel and/or outside counsel to sign the defense agreement and any other administrative or procedural agreement or necessary filing. All present voting "Aye". MOTION PASSED.**



Clerk's Note: Agenda Item # 40 RE: EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING ADVERSARY NO. 07-1061 FM, CURRENTLY PENDING IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF TEXAS AND STYLED JOHN MINING VS. THE STATE OF TEXAS was PULLED.

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 DECEMBER 4, 2007.



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

