



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 18<sup>th</sup> DAY OF MARCH A.D., 2008, 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 INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

**PRESENTATION BY JIM WALKER, DIRECTOR OF THE CENTRAL SUSTAINABLE INDICATORS PROJECT**

Jim Walker, Director of Central Sustainable Indicators Project, gave a powerpoint presentation. The CTSIIP promotes sustainability by providing data and analysis on the interdependent nature of social, environmental, and economic health in our region. Focus areas: Indicators – integration of data and values: public safety, education and children, social equity, engagement, economy, health, environment, and land use/mobility. Evolution of the CTSIP focus areas – public awareness, collaborations, data management, and organization. Discussion was had regarding survey. [www.centex-indicators.org](http://www.centex-indicators.org)

**25053 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$885,192.49 as presented by the County Auditor. All voting "Aye". MOTION PASSED

**25054 APPROVE COMMISSIONER COURT MINUTES OF MARCH 11, 2008**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the Commissioners Court Minutes of March 11, 2008 as submitted by the County Clerk. All voting "Aye". MOTION PASSED

**25055 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$64,700 GRANT FROM CAPITAL AREA COUNCIL OF GOVERNMENTS, (CAPCOG) SOLID WASTE & RECYCLING**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to accept \$64,700 Grant from Capital Area Council of Governments (CAPCOG) Solid Waste & Recycling. All voting "Aye". MOTION PASSED

**25056 ACCEPT THE 2007-2008 FINANCIAL REVIEW OF THE HAYS COUNTY EMERGENCY SERVICE DISTRICT #5**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the 2007-2008 Financial Review of the Hays County Emergency Service District #5. All voting "Aye". MOTION PASSED

**25057 RE-APPOINT COMMISSIONER CONLEY TO THE AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT BOARD**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to reappoint Commissioner Conley to the Austin-San Antonio Commuter Rail District Board. All voting "Aye". MOTION PASSED

**25058 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR DENNIS GREEN FOR A GOLF DRIVING RANGE LOCATED AT 3000 US HWY 290 WEST, DRIPPING SPRINGS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize Institutional OSSF Permit for Dennis Green for a golf driving range located at 3000 U.S. Hwy. 290 West in Dripping Springs. All voting "Aye". MOTION PASSED

**25059 APPROVE AWARD OF BID #2008-B09 ROAD IMPROVEMENTS/HOT-MIX OVERLAY TO RAMMING PAVING**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve award of Bid #2008-B09 Road Improvements/Hot-Mix Overlay to Ramming Paving. All voting "Aye". MOTION PASSED

**25060 APPROVE UTILITY PERMIT**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve utility permit #01941 on CR 205 issued to PEC, and #01937 on CR 266 issued to Crystal Clear. All voting "Aye". MOTION PASSED

**25061 FLYING C RANCH SUBDIVISION [#08-3-11, 1 LOT] – APPROVE PRELIMINARY PLAN**

[T1-510] Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan for "Flying C Ranch" subdivision. All voting "Aye". MOTION PASSED

**25062 STARR SUBDIVISION RESUB OF LOT 1 [#07-3-67, 2 LOTS] – CALL FOR A PUBLIC HEARING ON APRIL 1, 2008 AND APPROVE PRELIMINARY PLAN [T1-518]**

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on April 1, 2008 and approve preliminary plan for "Star Subdivision Resub of Lot 1". All voting "Aye". MOTION PASSED

**DISCUSSION REGARDING THE BURN BAN AND LOCAL DISASTER DECLARATION [T1-528]**

Commissioner Conley spoke of his concern regarding discharge of fireworks being allowed during a burn ban. He feels like this issue needs to be addressed. Special Counsel Mark Kennedy spoke of possibly amending the burn ordinance/burn ban. No action was taken.

**25063 ACCEPT DONATION OF A STEEL GATE AND \$2,300 FROM CHARLES NAGEL TO BE UTILIZED AT THE HAYS COUNTY CIVIC CENTER [T1-587]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept donation of a steel gate and \$2,300 from Charles Nagel to be utilized at the Hays County Civic Center. All voting "Aye". MOTION PASSED

**25064 AUTHORIZE THE COUNTY JUDGE TO SIGN A RENEWAL IMMUNIZATION GRANT AGREEMENT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$201,600 [T1-657]**

Health Department Director Nick Icossipentarhos explained the immunization program. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a renewal immunization grant agreement for the Hays County Personal Health Department with the Texas Department of State Health Services for \$201,600. All voting "Aye". MOTION PASSED

**25065 ACTION TO LEASE OR BUILD OFFICE AND STORAGE SPACE FOR THE BUILDING MAINTENANCE DEPARTMENT [T1-736]**

Discussion was had regarding options presented. [T1-853] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to request legal counsel to draw up a lease agreement with SM Leasing Inc. for office/warehouse space for the Building Maintenance Department to be brought back to the court for approval. All voting "Aye". MOTION PASSED



**25066 ACCEPT RESULTS OF BALLOTS RECEIVED FROM RECORD OWNERS OF PROPERTY ON OAK BRANCH DRIVE IN THE OAK RUN WEST SUBDIVISION REGARDING IMPROVEMENTS AND ASSESSMENT OF THE COST PURSUANT TO TEXAS TRANSPORTATION CODE CHAPTER 253 WITH ACTION ORDERING THE IMPROVEMENTS AND ASSESSING THE COST OF THE IMPROVEMENTS [T1-922]**

Donna Rice (resident on Oak Branch Drive) made public comment and asked questions regarding improvements to be made to the road. RTP Director Jerry Borcharding responded to questions raised. Special Counsel Mark Kennedy spoke of ballots that were sent out, lots that were not in Hays County or in the subdivision and agreement with Travis County. Commissioner Conley voiced his opposition to this action. County Clerk Linda Fritsche provided the court with results of ballots received: 26 in favor of improvements, 3 not in favor of improvements, and 1 undecided. 52 ballots were mailed out. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept results of ballots received from record owners of property on Oak Branch Drive in the Oak Run West Subdivision regarding improvements and assessment of the cost pursuant to Texas Transportation Code Chapter 253 and action to order the improvements and assess the cost of the improvements. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

**DISCUSSION REGARDING A CITIZEN BOND COMMITTEE FOR TRANSPORTATION, ITS CHARGE, GOVERNING CHARTER, BUDGET, AND A RELATED CALL FOR PROJECTS BY THE COMMISSIONERS COURT [T1-1418]**

Commissioner Barton spoke of establishing a nine-member citizen's bond committee to be called the Mobility and Safety Bond Committee (MAS for short). He spoke of using money from the 2001 bond issue for this effort. He went through a list of six possible charges to the committee. He submitted a proposed letter that would be sent out to invite cities and school districts to submit projects for the bond package – private citizens may also make submissions. The deadline for project submission would be the end of business day May 2, 2008 in the County Judge's office. Discussion was had regarding limiting number of projects submitted per entity. No action taken this date.

**25067 APPOINT FRANK CHEATHAM TO REPLACE RICHARD SALMON ON THE SAN MARCOS ANIMAL SHELTER ADVISORY COMMITTEE [T1-2001]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to appoint Frank Cheatham to replace Richard Salmon on the San Marcos Animal Shelter Advisory Committee. All voting "Aye". MOTION PASSED

**25068 APPROVE TIMELINE FOR TRUST FOR PUBLIC LAND (TPL) WORK AND CONTINUE THE MORATORIUM ON ACCEPTANCE OF PARK/OPEN SPACE PROJECTS UNTIL COURT FINALIZES THE WORK WITH TPL [T1-2009]**

Discussion was had regarding proposed timeline and continuation of moratorium on acceptance of new projects. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve timeline for Trust for Public Land (TPL) work and continue the moratorium on acceptance of park/open space projects until the Court finalizes the work with TPL. All voting "Aye". MOTION PASSED**

**DISCUSSION REGARDING FINAL APPROPRIATIONS FOR ROADWAY PROJECTS UTILIZING AN AMOUNT NOT TO EXCEED \$19.5 MILLION AS AGREED UPON AT THE FEBRUARY 12, 2008 COURT MEETING**

[T1-2293] Commissioner Ford spoke of SH290 (\$8 million), FM1626 (\$2 million), IH35 @ CR210 (\$8 million), IH35 @ FM150 (\$1 million), and \$500,000 for program management. She suggested transferring the \$1 million for IH35 @ FM150 and the \$500,000 for program management to State Highway 21. Discussion was had regarding administrative costs. Commissioner Conley voiced his concern about including SH21 in the revenue bond funds being discussed. Discussion was had regarding revenue bonds and projects being considered. Commissioner Barton suggested no action at this time until a discussion can be had with Mike Weaver.

Court convened into closed executive session regarding three pending/contemplated litigations at 12:15 p.m. and reconvened into open meeting at 1:55 p.m. [T1-3417] Those items are listed as follows:

**EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO – NO ACTION TAKEN.**



**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 - NO ACTION TAKEN.**

**EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CONTEMPLATED LITIGATION ASSOCIATED WITH ALLEGED POLLUTION OF LONGBRANCH CREEK, IN HAYS COUNTY, TEXAS - NO ACTION TAKEN**

**25069 APPROVE \$581,000 OF THE PARK BOND FUNDS TO THE NORTH HAYS OPTIMIST CLUB FOUNDATION FOR THEIR SPORTSPLEX FACILITY EAST OF I-35 ON GOFORTH ROAD**

[T1-3468] Representative from the North Hays Optimist Club Foundation gave a powerpoint presentation. Discussion was had as to what the funds would be spent on. Discussion was had regarding a Memorandum of Understanding. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve \$581,000 of the Park Bond funds to the North Hays Optimist Club Foundation for their Sportsplex Facility east of I-35 on Goforth Road and to ask Special Counsel to draft an Interlocal Agreement that will clarify the issues that were discussed today in court. All voting "Aye". MOTION PASSED

**WORKSHOP FOR HAYS COUNTY STAFF AND MEMBERS OF COURT TO PROVIDE INPUT AND ASK QUESTIONS ON NAISMITH ENGINEERING ON THE CURRENT DRAFT OF SUBDIVISION RULES**

[T2-466] Grant Jackson of Naismith Engineering spoke of proposed changes. A lengthy discussion was had regarding Chapter 721 – Roadway Standards and Chapter 725 – Storm water Management Standards. Another workshop will be needed to continue with remaining chapters.

**Clerk's Note: Agenda Item #22 RE: AUTHORIZE PURCHASING TO PREPARE AN RFP FOR THE PURCHASE OF NEW FINANCIAL ACCOUNTING SOFTWARE was PULLED. No action taken.**

**Court was adjourned this the 18<sup>th</sup> day of MARCH, 2008.**

---

**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 MARCH 18, 2008.**



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

