



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 14<sup>TH</sup> DAY OF OCTOBER 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 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:

Commissioner Barton asked for a moment of silence and led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**25636 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 18 – 24, 2008 AS "RED RIBBON WEEK" IN HAYS COUNTY [T1-44]**

Sue Cohen and student representatives from Hernandez Intermediate School appeared before the court and spoke of events to be held during the Red Ribbon Week. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation declaring the week of October 18 – 24, 2008 as "Red Ribbon Week" in Hays County. All voting "Aye". MOTION PASSED**

**VETERAN SERVICES DEPARTMENTAL PRESENTATION [T1-125]**

Veterans Service Officer Tom Tvrdik spoke of duties of Veterans Services Officer and of the office. He spoke of services available to veterans of the Iraq War.

**25637 ACCEPT LETTER OF RESIGNATION FROM PRECINCT 5 JUSTICE OF THE PEACE, LAMONT RAMAGE, EFFECTIVE MIDNIGHT DEC 31, 2008 AND APPOINT TOMMY RATLIFF AS HIS REPLACEMENT, EFFECTIVE JAN 1, 2009, AS PROVIDED FOR UNDER SECTION 87.041, TEXAS LOCAL GOVERNMENT CODE [T1-257]**

Commissioner Barton spoke of resignation of JP5 Lamont Ramage and he spoke of Judge Ramage's involvement in his community. He recommended appointment of Tommy Ratliff, former Texas Ranger. JP2 Beth Smith and Sheriff Allen Bridges spoke in support of this appointment. Judge Ramage spoke in support of this appointment and thanked the court for their support over the years. Tommy Ratliff thanked the court for their support. Members of the court thanked Judge Ramage and welcomed Tommy Ratliff. **A motion was made by Commissioner Barton, seconded by Judge Sumter to accept a letter of resignation from Precinct 5 Justice of the Peace Lamont Ramage, effective midnight December 31<sup>st</sup>, 2008, and to appoint Tommy Ratliff effective January 1, 2009, as provided for under Section 87.041, Texas Local Government Code. All voting "Aye". MOTION PASSED**

**PUBLIC COMMENT**

[T1-502] Charlie Johnson made public comment regarding job surveys. Bob Kidnew invited the court to a 30<sup>th</sup> birthday party for Texas Lehigh Cement on October 25th from 10:00 a.m. until 2:00 p.m.

**25638 APPROVE PAYMENT OF COUNTY INVOICES**

**A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$ 705,950.95 as presented by the County Auditor. All voting "Aye". MOTION PASSED**

**25639 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 7, 2008**

Commissioner Ford requested amendment to Resolution #25623 regarding variance to road standards: Variance was to allow 18 feet of paved surface on a 60 foot dedicated right-of-way. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners Court Minutes of October 7, 2008 as amended. All voting "Aye". MOTION PASSED**



**25640 APPROVE SPECIFICATIONS FOR BID #2009-B02 "POLICE MOTORCYCLES FOR HAYS COUNTY SHERIFF'S DEPARTMENT" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for Bid #2009-B02 "Police Motorcycles for Hays County Sheriff's Department" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

**25641 APPROVE SPECIFICATIONS FOR BID #2009-B03 "TRACTOR & SIDE MOUNT MOWER FOR HAYS COUNTY ROAD DEPARTMENT" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for Bid #2009-B03 "Tractor & Side Mount Mower for Hays County Road Department" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

**25642 APPROVE RENEWAL OF FIRE ALARM AGREEMENT WITH METROPLEX CONTROL SYSTEMS, INC. FOR THE HAYS COUNTY JUVENILE DETENTION CENTER IN THE AMOUNT OF \$2,240.00 FOR ONE YEAR AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of fire alarm agreement with Metroplex Control Systems, Inc. for the Hays County Juvenile Detention Center in the amount of \$2,240.00 for one year and authorized County Judge to execute same. All voting "Aye". MOTION PASSED

**25643 APPROVE SPECIFICATIONS FOR BID #2009-B01 "ROAD BUILDING MATERIALS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for Bid #2009-B01 "Road Building Materials" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

**25644 APPROVAL TO HOLD ON-LINE AUCTION WITH RENE BATES AUCTIONEERS FOR AUCTION OF THREE (3) MOSQUITO FOGGING MACHINES**

Amended to read "three" fogging machines instead of "two" as show on the agenda. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve holding an on-line auction with Rene Bates Auctioneers for auction of three (3) Mosquito Fogging Machines. All voting "Aye". MOTION PASSED

**25645 AUTHORIZE COUNTY JUDGE TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH GOMILLION KESTER ZIMMERMAN, INC. FOR ARCHITECTURAL SERVICES FOR THE PROPOSED CLASSROOM BUILDING AT 2250 CLOVIS BARKER, WHERE THE JUVENILE DETENTION CENTER IS LOCATED**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize County Judge to execute professional services agreement with Gomillion Kester Zimmerman Inc. for architectural services for the proposed classroom building at 2250 Clovis Barker, where the Juvenile Detention Center is located. All voting "Aye". MOTION PASSED

**25646 APPROVE UTILITY PERMITS #01984 & #01985**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Utility Permit #01985 on CR205/Dacy Lane issued to Goforth Water Supply and #01984 on Darden Hill Road issued to Time Warner Cable as submitted by the Road Department. All voting "Aye". MOTION PASSED



**25647 APPROVE RECOMMENDATION FROM THE BUILDING COMMITTEE TO SELECT PSI TO PERFORM GEOTECHNICAL SERVICES FOR THE HAYS COUNTY GOVERNMENT OFFICE COMPLEX**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve recommendation from the Building Committee to select PSI to perform geotechnical services for the Hays County Government Office Complex. All voting "Aye". MOTION PASSED

**25648 AUTHORIZE A COMMERCIAL ON SITE SEWAGE FACILITY PERMIT FOR JAMES BAILEY TO SERVE TWO OFFICE/WAREHOUSE BUILDINGS LOCATED AT 13477 FITZHUGH RD., AUSTIN, TX IN PRECINCT 4**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize a commercial on-site sewage facility permit for James Bailey to serve two office/warehouse buildings located at 13477 Fitzhugh Road, Austin, Texas in Precinct 4. All voting "Aye". MOTION PASSED

**25649 APPROVE CANCELLATION OF COMMISSIONERS' COURT ON NOVEMBER 4, 2008**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve cancellation of Commissioners Court on November 4, 2008. All voting "Aye". MOTION PASSED

**25650 CALL FOR A PUBLIC HEARING ON OCTOBER 28, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION, PH 3 SEC 3 [T1-650]**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on October 28, 2008 to establish traffic regulations in Rim Rock Subdivision Ph 3 Sec 3. All voting "Aye". MOTION PASSED

**25651 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON CR 158 FOR OCTOBER 28, 2008 [T1-660]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to call for a public hearing to establish traffic regulations (speed limit) on CR 158 for October 28, 2008. All voting "Aye". MOTION PASSED

**25652 MODIFY THE HAYS COUNTY FLOOD DAMAGE PREVENTION ORDER, LAST MODIFIED ON OR ABOUT JULY 19, 2005 [T1-675]**

Special Counsel Mark Kennedy spoke of error found in the current order. He recommended the following: Delete Article III, Section A entirely and replace it with "This Hays County Flood Damage Prevention Order shall apply to all unincorporated areas of Hays County, Texas, including but not limited to areas of special flood hazard." Steven Kuhns and Gernot Burmetster spoke in opposition to a proposed Verizon tower location. Discussion was had regarding possible process for appeal from area property owners – this would require an additional modification to the Order. Camilla Hughes, Melody Kuhns, and Don Rogers spoke in opposition to the Verizon tower location. Brock Bailey, Attorney for Verizon Wireless, spoke of process and rules that have been followed. **A motion was made by Commissioner Ford, seconded by Judge Sumter to modify the Hays County Flood Damage Prevention Order, as recommended by Special Counsel, last modified on or about July 19, 2005. All voting "Aye". MOTION PASSED**

**25653 [#08-3-34, 2 LOTS] RESUBDIVISION OF LOT 48 BRIDLE WOOD RANCHES SECTION 3 – PUBLIC HEARING AND APPROVE FINAL PLAT AND GRANT VARIANCE FROM COUNTY FLOOD DAMAGE PREVENTION ORDER [T1-1648]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation for approval. Variances are: (1) To eliminate the need for a benchmark on this replat limiting the owner to no development in the flood plain ;(2) To eliminate need to establish base flood elevation due to floodplain being contained within an easement. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat and variances from County Flood Damage Prevention Order for Resubdivision of Lot 48 Bridle Wood Ranches Section 3. All voting "Aye". MOTION PASSED**

**Clerk's Note: Agenda Item #18 RE: 00-4-071 RIM ROCK PHASE 1 SECTION 4 (123 LOTS) – APPROVE FINAL PLAT & ACCEPT FISCAL SURETY IN THE AMOUNT OF \$16,782.70 FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS was PULLED.**



**25654** [#08-3-46, 2 LOTS] **RESUBDIVISION OF LOT 2 HYDE SUBDIVISION – PUBLIC HEARING AND APPROVAL OF FINAL PLAT** [T1-1717]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Resubdivision of Lot 2 Hyde Subdivision. All voting "Aye". MOTION PASSED**

**25655** **AUTHORIZE THE COUNTY JUDGE TO SIGN SUPPLEMENTAL WORK AUTHORIZATION NO. 1 WITH REGARD TO WORK ORDER #1 FOR HNTB IN REGARDS TO RE-ALIGNMENT OF OAK BRANCH DRIVE AND NUTTY BROWN ROAD** [T1-1739]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to sign supplemental Work Authorization No. 1 with regard to WO #1 for HNTB in regards to re-alignment of Oak Branch Drive and Nutty Brown Road. All voting "Aye". **MOTION PASSED**

**25656** **WAIVE DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY** [T1-1775]

Janelle Delany, Office Manager for Woodcreek Property Owners Association, spoke of work done by the Wimberley Valley Habitat for Humanity organization. **A motion was made by Commissioner Conley, seconded by Judge Sumter to waive development fees for the Wimberley Valley Habitat for Humanity. All voting "Aye". MOTION PASSED**

**25657** **APPROVE THE COUNTY HOLIDAYS FOR CALENDAR YEAR 2009** [T1-1854]

Commissioner Ingalsbe spoke of recommended change being to replace the personal day with a holiday on January 2, 2009. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the County Holidays for Calendar Year 2009. All voting "Aye". MOTION PASSED**

**25658** **TOUR AND UPDATE OF CONSTRUCTION ACTIVITIES AT FIVE-MILE DAM PARK WITH ACTION** [T1-1930]

Court took a bus tour out to the Five-Mile Dam Park. Grants Administrator Jeff Hauff spoke of Phase I that is currently in progress. Parks Director Jerry Pinnix spoke of possible amendment to the park ordinance to allow motors (NTE 2.5 hp/5 hp). Discussion was had regarding a boat ramp and park hours. Jerry Pinnix spoke of full-time county employee at the park and possibility of an interlocal agreement with the City of San Marcos for park ordinance enforcement. RPTP Director Jerry Borcharding spoke of building a wall and steps at the existing boat ramp area. Discussion was had regarding requirement of motorized boat motors in accepting grant funding. [T1-2442] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to turn down boat ramp grant funds from Texas Parks & Wildlife. All voting "Aye". MOTION PASSED**

**DEVELOPMENT REGULATIONS WORKSHOP AND DISCUSSION** [T1-2660]

Grant Jackson (Naismith Engineering) spoke of OSSF setbacks. Chief Sanitarian Tom Pope spoke of problem with smaller lots – could create a lot which is not buildable. Discussion was had regarding State setbacks and proposed setbacks and problems with existing lots. Discussed health and safety issues. Grant Jackson went through the "Takings Impact Assessment" [Tab 1], various scenarios considered at the charrette, hydrology summary, etc. Primary issue was water availability. Commissioner Barton left the meeting at this time. Grant Jackson spoke of recommended changes: require building 1 foot above floodplain, registering driveways at Commissioners offices, and enforcement. Court agreed to requiring buildings to be 1 foot above floodplain. RPTP Director Jerry Borcharding spoke of enforcement – he will need at least four additional people. Discussion was had regarding publication of required notices.

**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 14, 2008.**



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