



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 7<sup>TH</sup> DAY OF JULY A.D., 2009, 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 Conley gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**26258 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices in the amount of \$ 1,238,497.48 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**26259 APPROVE COMMISSIONER COURT MINUTES OF JUNE 16<sup>TH</sup> 23<sup>RD</sup> AND 30<sup>TH</sup> 2009**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of June 16, 23, & 30, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**26260 APPROVE THE APRIL 2009 TREASURER'S REPORT AND INVESTMENT REPORT**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the April 2009 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

**26261 APPROVE INSTITUTIONAL OSSF PERMIT FOR THREE BEDROOM HOUSE AND BASEBALL BATTING CAGES LOCATED AT 31330 RANCH ROAD 12, DRIPPING SPRINGS IN PRECINCT 4**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Institutional OSSF Permit for Three Bedroom House and Baseball Batting Cages located at 31330 Ranch Road 12, Dripping Springs in Precinct 4. All voting "Aye". MOTION PASSED

**26262 APPROVE INSTITUTIONAL OSSF PERMIT FOR HELDENFELS ENTERPRISES LOCATED AT 5700 S. I-35, SAN MARCOS IN PRECINCT 1**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Institutional OSSF Permit for Heldenfels Enterprises located at 5700 S. I-35, San Marcos in Precinct 1. All voting "Aye". MOTION PASSED

**25263 TRANSFER TRUCK VIN#1FTEF15NOSLB92679 FROM CONSTABLE PRECINCT 3 TO BUILDING MAINTENANCE DEPARTMENT**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to transfer truck VIN #1FTEF15NOSLB92679 from Constable Precinct 3 to Building Maintenance Department. All voting "Aye". MOTION PASSED

**26264 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve utility permit #02024 on Peaceful Valley issued to Goforth Venture; permit #02025 on Goforth Road issued to Goforth Venture; permit #02026 on Opal Lane issued to City of Kyle; permit #02027 on Opal Lane issued to City of Kyle as submitted by the Hays County Road Department. All voting "Aye". MOTION PASSED



JULY 7, 2009

\*\*\*\*\*

\*\*\*\*\*

VOLUME U PAGE 139

**26265 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS ON CRYSTAL HILL DRIVE IN GOLDENWOOD SUBDIVISION [T1-50]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RTP Director Jerry Borcharding gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of 30 MPH speed limit on Crystal Hill Drive in Goldenwood Subdivision. All voting "Aye". MOTION PASSED**

**26266 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION, PHASE 4, SECTION 18 [T1-65]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RTP Director Jerry Borcharding gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of a stop sign on Bradshaw Drive at Belterra Drive; stop sign on Bradshaw Drive at Naples Lane; stop sign on Naples Lane at Bradshaw Drive; stop sign on Kinloch Court at Naples Lane; stop sign on Bitterfoot Lane at Naples Lane; and set speed limit of 25 MPH in Belterra Subdivision Phase 4 Section 18. All voting "Aye". MOTION PASSED**

**26267 [08-04-70 – 1 LOT] LONESOME SAGE SUBDIVISION – APPROVE FINAL PLAT [T1-77]**

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 Lonesome Sage Subdivision. All voting "Aye". MOTION PASSED**

**26268 [08-4-68 – 2 LOTS] RANCHO BELLA SUBDIVISION – APPROVE FINAL PLAT [T1-98]**

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of Rancho Bella Subdivision. All voting "Aye". MOTION PASSED**

**26269 [08-4-67 – 7 LOTS] REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH, PHASE 2 - CALL FOR PUBLIC HEARING ON AUGUST 4, 2009 [T1-125]**

Subdivision Coordinator Clint Garza gave staff recommendation to call for a public hearing. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on August 4, 2009 for a replat of Tract 4 Dripping Springs Ranch Phase 2. All voting "Aye". MOTION PASSED**

**26270 [09-4-19 – 25 LOTS] HIGHPOINTE PHASE 5, SECTION 1 SUBDIVISION – APPROVE FINAL PLAT [T1-140]**

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 Highpointe Phase 5 Section 1 Subdivision. All voting "Aye". MOTION PASSED**

**26271 APPROVE THE RELEASE OF THE 7.5 FT. SIDE PUE'S AND REPLACE WITH 5 FT. PUE'S ON LOT 8 CREEK OF DRIFTWOOD AMENDED [T1-184]**

Subdivision Coordinator Clint Garza spoke of reducing the size of a PUE because of building encroachment. He gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve the Release of the 7.5 ft. side PUE's and replace with 5 ft. PUE's on Lot 8 Creek of Driftwood Amended. All voting "Aye". MOTION PASSED**

**26272 [09-2-18 – 11 LOTS] STUDIO ESTATES SUBDIVISION, SECTION 1 – APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF \$141,902.25 [T1-209]**

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval and acceptance of a cash bond as fiscal surety. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat and accept fiscal surety in the amount of \$141,902.25 for Studio Estates Subdivision Section 1. All voting "Aye". MOTION PASSED**



**26273 RELEASE THE LETTER OF CREDIT NO. 376, IN EXCHANGE FOR A CASH BOND IN THE AMOUNT OF \$9,689.50, FOR THE MAINTENANCE OF STREET AND DRAINAGE IMPROVEMENTS IN THE NORTHRIDGE SUBDIVISION, PHASE 2 [T1-237]**

Subdivision Coordinator Clint Garza gave staff recommendation for accepting a cash bond in exchange for a letter of credit. A motion was made by Commissioner Ford, seconded by Commissioner Conley to release the Letter of Credit No. 376 in exchange for a Cash Bond in the amount of \$9,689.50 for the Maintenance of Street and Drainage improvements in the Northridge Subdivision Phase 2. All voting "Aye". MOTION PASSED

**26274 APPROVE THE PURCHASE OF EQUIPMENT FOR TWO PATROL VEHICLES [T1-266]**

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the purchase of equipment for two patrol vehicles and amend the budget accordingly. All voting "Aye". MOTION PASSED

**REQUEST TO CONVERT AN ADMINISTRATIVE ASSISTANT III POSITION IN THE CONSTABLE PCT. 1 OFFICE TO A DEPUTY CONSTABLE [T1-281]**

Constable Pct. 1 David Peterson requested conversion of an Administrative Assistant III position with a Deputy Constable position. Judge Sumter, Commissioner Conley, and Commissioner Ford requested postponement at this time. Constable Pct. 3 Darrel Ayres spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to convert the Administrative Assistant III position, in the Constable Pct. 1 Office to a Deputy Constable. Motions were withdrawn.

**26275 APPROVE THE RESALE OF PROPERTY HELD IN TRUST [T1-628]**

Tax Assessor-Collector Luanne Caraway gave recommendation to approve resale as presented. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the resale of property held in trust. All voting "Aye". MOTION PASSED

**DISCUSSION REGARDING NEED FOR NEW REGULATIONS IN CONCERT WITH APPLICABLE STATE LAW TO CLARIFY THE DISTINCTION BETWEEN RV PARK AND MANUFACTURED HOME RENTAL COMMUNITY AS IT RELATES TO THE COUNTY'S OSSF REGULATIONS [T1-707]**

Commissioner Ford spoke of need for policy decisions regarding RV Park and Manufactured Home Rental Community as it relates to the OSSF regulations. Special Counsel Mark Kennedy spoke of rules drafted in 1999 which need to be more defined. Discussion was had regarding length of lease, number of units, etc. and accessibility of emergency vehicles. Commissioner Ford spoke of need for notification to adjoining landowners. RTP Director Jerry Borcharding spoke of need to have Environmental Health staff input based on research.

**26276 AUTHORIZE COMMERCIAL OSSF PERMIT TO JANET AND FRANK ZERAVICA FOR A 5-SPACE RV PARK LOCATED AT 312 HARMON HILLS COVE (HARMON HILLS LOT H-30) DRIPPING SPRINGS IN PRECINCT 4 [T1-1544]**

Chief Sanitarian Tom Pope spoke of RV use of an OSSF system. If problems appear in the future, the property owner would have to upgrade the system. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Commercial OSSF Permit to Janet and Frank Zeravica for a 5-space RV Park located at 312 Harmon Hills Cove (Harmon Hills lot H-30) Dripping Springs, in Precinct 4 with addition of a water flow meter on their wastewater system. All voting "Aye". MOTION PASSED

**26277 AUTHORIZE THE EXTENSION OF THE CIGNA HEALTH AND DENTAL CONTRACT FOR AN ADDITIONAL THREE (3) MONTHS, THROUGH DECEMBER 31, 2009 [T1-1711]**

County Treasurer Michele Tuttle spoke of need to change contract period to be on a calendar year basis. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the extension of the Cigna Health and Dental Contract for an additional three (3) months, through December 31, 2009 and to change the new contract to be a calendar year plan. All voting "Aye". MOTION PASSED



**26278 APPROVE THE RELOCATION OF A DOOR IN A PROSECUTOR'S OFFICE LOCATED WITHIN THE CRIMINAL DISTRICT ATTORNEY'S OFFICE AT THE HAYS COUNTY JUSTICE CENTER, 110 EAST MARTIN LUTHER KING DRIVE, SAN MARCOS** [T1-1781]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the relocation of a door in a Prosecutor's Office located within the Criminal District Attorney's Office at the Hays County Justice Center, 110 East Martin Luther King Drive, San Marcos. All voting "Aye". MOTION PASSED

**26279 PROVIDE A PHONE ALLOWANCE FOR JERRY BORCHERDING, RTPD DIRECTOR**

[T1-1788] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to provide a phone allowance for Jerry Borcharding, RTPD Director, and amend the budget accordingly. All voting "Aye". MOTION PASSED

**PRESENTATION AND DISCUSSION REGARDING THE PROPOSED LOCATION OF U.S. FOODS IN BUDA WITHIN THE SUNFIELD MUNICIPAL UTILITY DISTRICT, THE POSSIBLE CREATION OF A TAX INCREMENT REINVESTMENT ZONE (TIRZ), AND RELATED COUNTY ROAD IMPROVEMENTS THAT MIGHT BE FINANCED BY THE TIRZ** [T1-1852]

*Summary:* U. S. Foodservice is a national food service distributor that distributes food and related products to 250,000 customers such as restaurants, hotels, healthcare facilities, cafeterias and schools. It employs nearly 30,000 people company-wide. U. S. Foodservice is interested in building a regional headquarters and distribution center in Hays County which would be an approximately 265,000 square feet of building in the initial phase, 400,000-500,000 square feet at final build out; located on 40-50 acres; with a least 250 employees at opening and 405 employees by 2017; and with an initial investment of \$47-56 million, and build-out investment of \$69-85 million. U.S. Foods and the Sunfield MUD are asking the county to improve parts of two county roads: CR118 & Turnersville Road. Projected cost of these road improvements is \$2.5 million. Buda has committed the proceeds from a Texas Capital Fund grant in the amount of \$750,000 toward construction costs, leaving \$1,750,000.00. U.S. Foods is now proposing to finance the \$1,750,000 with a TIRZ backstopped by U.S. Foods. The Buda City Council voted 5-2 to clear zoning hurdles for the project and the City is requesting the county's support. The project is also supported by the Buda Economic Development Corporation. [T1-2152] John Fowler (U. S. Foodservice) gave a powerpoint presentation regarding the size of the facility, community service provided, employment/salaries, Sunfield MUD land plan, truck traffic, current traffic counts & projected traffic counts, stringent design patterns, roadway improvements, real & personal property and sales tax generated from facility and land, and risk/benefit of Capital Fund Projects for the County. [T1-3335] Richard Schneider (President Of Buda Area Chamber of Commerce), Warren Kettelman (Executive Director of the Buda Economic Development Council), and Antonio Sosa (Buda EDC board member) made public comment in support of this project. David Patterson (Buda resident) read from a list of questions he has for the county and U.S. Foods. Stahl Urban (Buda resident) spoke in opposition to the location and he would like to see a vote from the citizens of Buda. Susan Harris spoke of emerging market in this area (from South Park Meadows @Slaughter Lane to the San Marcos Outlet Mall). Emails of support were submitted from Don Graham/Graham & Associates, Ray Mason-Business Advisor/Texas State SBDC, Richard Harlow, George Harper- President & CEO/Harper's Fine Jewelry Inc., Harry Patel/Americas Best Value Inn, Rob Borrel/Dizzy Tee Designs, Chef Reno Lanzillotti/Nonna Gina's Italian Restaurant, Lawrence Radinsky/Pizza Hut, Don Goodson/Gen Mng of Camper Clinic II, Rev. Roy A. Erdahl/Good Shepherd Ministries, Bob Elder/Friends of the Buda Public Library, Carla Gasparini/Hill Country Eye Care, Shirley Malone/Edwards Jones Financial Advisor, John Sanford/Pct. 2 resident, James Bratton, Danny Webber/MBA Broker-Owner, Claude Green/Computer Werks Inc., Terry Capps, and William McAnelly/Buda EDC Director.

**DISCUSSION OF BUDGET GOALS FOR THE FY2010 BUDGET** [T2-900]

Judge Sumter requested input from members of the court regarding goals for the FY2010 budget. Discussed previous goals. Each member of the court spoke of items they would like to support and each stated that they want to maintain the current tax rate. County Auditor Bill Herzog spoke of decrease in revenues and in appraisal which will greatly affect the budget.

**Clerk's Note: Agenda Item #17 RE: AUTHORIZE THE PURCHASE OF A NEW JURY SOFTWARE PACKAGE AND CONTRACT WITH TYLER TECHNOLOGIES was PULLED.**



**Clerk's Note: Agenda Item #26 RE:** DISCUSSION AND POSSIBLE ACTION REGARDING ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER: PRECINCT OFFICES; RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT OFFICES; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS **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 JULY 7, 2009.



---

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

