



AUGUST 14, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 14th DAY OF AUGUST 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 David Slyter, Wimberley Presbyterian Church gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

County Court at Law Judge Warner presented a 20 year pin to Judge Linda Rodriguez and Judge Rodriguez presented Judge Warner with a 25 year service recognition plaque. Chief Juvenile Probation Officer Ed Cooper presented a 5 year service pin to Abel Castillo.

PRESENTATION BY EXTENSION OFFICE ON 4-H IN HAYS COUNTY

Extension Agent Richard Parrish (4H & Youth Development) spoke of 4-H program. He spoke of scholarships received and awards that were earned by local youths. He gave his appreciation to the court for their support of these programs.

PUBLIC COMMENT

Attorney Mark Cusak made public comment regarding funding for family law court.

24511 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$996,637.31 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24512 APPROVE BUDGET AMENDMENT 07-32

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-32 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24513 APPROVE COMMISSIONERS' COURT MINUTES OF AUGUST 7, 2007

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioners' Court Minutes of August 7, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24514 APPROVE RENEWAL OF THE CONTRACT REAPPOINTING DR. CHARLES P. ANDERSON, MD AS THE LOCAL HEALTH AUTHORITY OF HAYS COUNTY PURSUANT TO CHAPTER 121, SUBCHAPTER B OF THE TEXAS HEALTH CODE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of the contract reappointing Dr. Charles P. Anderson, MD as the Local Health Authority of Hays County Pursuant to Chapter 121, Subchapter B of the Texas Health Code. All voting "Aye". MOTION PASSED

24515 APPROVE RENEWAL OF CONTRACT FOR DR. ALAN PARKS, MD FOR SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Alan Parks, MD for services to the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED



24516 APPROVE RENEWAL OF CONTRACT FOR DR. CHARLES P. ANDERSON, MD AND DR. ALBERTO SANTOS, DO TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Charles P. Anderson, M.D. and Dr. Alberto Santos, D.O. to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED

24517 APPROVE RENEWAL OF THE DOCTORS ANNUAL CONTRACTS FOR MATERNITY AND FAMILY CLINICS, DR. A. RAY JACOBSON, DR. BETH REID, DR. TERESA IRWIN, MD, AND DR. ALAN PARKS, MD.

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of the Doctors annual contracts for Maternity and Family Clinic, Dr. A. Ray Jacobson, Dr. Beth Reid, Dr. Teresa Irwin M.D. and Dr. Alan Parks M.D. All voting "Aye". MOTION PASSED

24518 ACCEPT DONATION OF PROPERTY AT THE END OF SHELTON RANCH ROAD FOR THE PURPOSE OF CONSTRUCTING A CUL-DE-SAC [T1-220]

Road Supt/Engineer Jerry Borcharding spoke of donation of property by Daniel & Melanie Haberman and Joe & Karen Thompson for construction of a cul-de-sac at the end of Shelton Ranch Road. Hays County will be responsible for construction and for replacement of fences. He gave staff recommendation for acceptance of donation. The cul-de-sac would allow the school bus to pick children up on this roadway. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept donation of property at the end of Shelton Ranch Road for the purpose of constructing a cul-de-sac. All voting "Aye". MOTION PASSED**

24519 PUBLIC HEARING AND ACTION TO ESTABLISH NO PARKING SIGNS ALONG THE COUNTY ROW ON TRAUTWEIN ROAD [T1-262]

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 Conley to establish "No Parking" signs along the county right-of-way on Trautwein Road. All voting "Aye". MOTION PASSED**

24520 ACCEPT DONATION OF PROPERTY ON NORTHWEST HILLS ROAD OFF HILLIARD ROAD [T1-275]

Road Supt/Engineer Jerry Borcharding spoke of encroachment on property in the process of maintaining the roadway. Property owners Stanley & Victoria Durham would like to donate the property (0.02 ac). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept donation of property by Stanley and Victoria Durham (0.02 acre) on Northwest Hills Road off Hilliard Road. All voting "Aye". MOTION PASSED**

24521 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN WILLOW CREEK SUBDIVISION [T1-305]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 20MPH speed limit. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish traffic regulations of 20 MPH speed limit in Willow Creek Subdivision. All voting "Aye". MOTION PASSED**

24522 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR CIELO RANCH SUBDIVISION [T1-317]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance bond and acceptance of road and drainage improvements for Cielo Ranch Subdivision (Cielo Ranch Drive). **A motion was made by Commissioner Conley, seconded by Commissioner Ford to release the maintenance bond and accept for maintenance all road and drainage improvements within county right-of-way for Cielo Ranch Subdivision. All voting "Aye". MOTION PASSED**



24523 AUTHORIZE THE COUNTY JUDGE TO SIGN AND DELIVER LETTER REGARDING APPLICATION BY HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (WCID 1) FOR A MAJOR AMENDMENT REPLACING AND SUPERSEDING PERMIT NO. WQ001493-001 ISSUED NOVEMBER 30, 2004 [T1-334]

Items related to this have been before the Court on two prior occasions and the County's stance has consistently been in opposition to the discharge of this level of effluent into Bear Creek and beyond. W. F. Kirk Holland (Barton Springs Edwards Aquifer Conservation District) spoke in support of letter of opposition from the court. Andrew Backus (Board President of the Hays Trinity Groundwater Conservation District) spoke in support of letter of opposition. Barbara Stroud (property owner downstream from HCWCID#1 on Bear Creek) and Alston Boyd (lives on Bear Creek) spoke in support of letter of opposition. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to sign and deliver letter regarding application by Hays County Water Control and Improvement District No. 1 (WCID 1) for a major amendment replacing and superseding Permit No. WQ001493-001 issued November 30, 2004. All voting "Aye". MOTION PASSED**

24524 DIRECT PRIME STRATEGIES AND/OR OTHER CONSULTANTS FOR HAYS COUNTY TO ASSIST THE COUNTY IN UPDATING ITS TRANSPORTATION ADVISORY BOARD [T1-543]

Charles O'Dell (President of Hays CAN) made public comment. Gary Knight (Transportation Advisory Board member) spoke of need for professional assistance. Commissioner Barton suggested that Prime Strategies be used to assist the Board and retain John Langmore Associates to make a presentation. [T1-995] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute a contract with John Langmore Associates to present to the citizens advisory committee, and possibly the Commissioners' Court, for an amount not to exceed \$1,000 about regional transportation and state transportation planning and to authorize Prime Strategies to work with our citizens advisory committee, at their direction, for an additional amount not to exceed \$25,000 and furthermore, to authorize Prime Strategies to develop a proposal, time line, cost estimate, and detailed procedures for reviewing and amending our county transportation plan and recommending changes to the CAMPO plan for an amount not to exceed \$5,000 for a total of \$31,000 to be taken out of 2001 bond funds or out of R&B consultant line item. Commissioner Barton feels like they need the expertise - the committee can go out for RFQ's at a later date. After discussion the third part of the motion was withdrawn. All voting "Aye". MOTION PASSED.** [T1-1149] A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Prime Strategies to develop a proposal, time line, cost estimate, and detailed procedures for reviewing and amending our county transportation plan and recommending changes to the CAMPO plan for an amount not to exceed \$5,000. MOTIONS WITHDRAWN.

24525 APPROVE TRANSFER OF A VEHICLE FROM THE SHERIFF'S DEPARTMENT FOR USE BY CONSTABLE PRECINCT 4 [T1-1290]

Request is for transfer of a Ford Crown Victoria (county tag #12026) to Constable Precinct 4 to replace current vehicle. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve transfer of a vehicle from the Sheriff's Department for use by Constable Precinct 4. All voting "Aye". MOTION PASSED**

24526 INCREASE FUNDING ON THE COUNTY'S 5-MILE DAM PARK PROJECT FROM NEW PARK BOND FUNDS TO COMPLETE PHASE I [T1-1346]

Grants Administrator Richard Salmon spoke of Phase 1 and funds needed. Parks Director Jerry Pinnix requested \$20,000 for shades at the park. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to increase funding on the county's 5-Mile Dam Park Project by \$826,500 from New Park Bond Funds to complete Phase I (\$806,500 for Phase 1 plus \$20,000 additional funding for shades). All voting "Aye". MOTION PASSED**

24527 ADOPT THE TRANSPORTATION ADVISORY BOARD BYLAWS [T1-1505]

Gary Knight (Transportation Advisory Board member) spoke of changes made by the Board to the original By-Laws. **A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt the Transportation Advisory Board By-Laws. All voting "Aye". MOTION PASSED**

24528 TERMINATE THE \$2.00 PER MONTH SUPPLEMENTAL BENEFIT ALLOWANCE FOR 2007-2008 [T1-1640]

Human Resources Director Dee Dee Baen spoke of current life insurance benefit and supplemental benefit allowance. She suggested eliminating the \$2.00 per month supplemental benefit allowance and increase the life insurance benefit from \$10,000 up to \$25,000 from the savings. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to terminate the \$2.00 per month supplemental benefit allowance for 2007-2008. All voting "Aye". MOTION PASSED**



24529 INCREASE THE LIFE INSURANCE PROVIDED TO COUNTY EMPLOYEES FROM \$10,000 TO \$25,000 FOR 2007-2008, AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADDENDUM WITH FT. DEARBORNE LIFE AS THE RENEWAL DATE APPROACHES

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to increase the life insurance (without AD&D) provided to county employees from \$10,000 to \$25,000 for 2007-2008 and to authorize the County Judge to execute the addendum with Ft. Dearborne Life as the renewal date approaches. All voting "Aye". MOTION PASSED

[T1-1798] Commissioner Barton asked that the record reflect that an email was sent to members of the Commissioners' Court by Brad Hagan providing information regarding pass through financing and ongoing discussion with the transportation committee.

24530 FY2008 HAYS COUNTY BUDGET – APPROVE A PROPOSED TAX RATE INCREASE

[T1-1871] Court discussed items considered August 13, 2007. Commissioner Conley suggested approving a tax rate of 46 cents. Commissioner Barton spoke of need to address libraries and EMS – he would support cutting the Trinity Groundwater Conservation District. Commissioner Ford spoke in support of approving additional staff for the Sheriff's department. Commissioner Ingalsbe spoke in support of additional \$50,000 for San Marcos Hays County EMS (total of \$250,000). Commissioner Barton spoke of funding for libraries. County Auditor Bill Herzog spoke of debt rate of 6.17.

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a proposed tax rate of 46 cents. All voting "Aye". MOTION PASSED

24531 PUBLIC HEARING REGARDING OSSF PERMIT NUMBER 2005-416 (PERMIT HOLDER: NICK RAMUS), THE COMPLIANCE OF SAID PERMIT WITH HAYS COUNTY'S LOCAL OSSF RULES, AND/OR THE HEALTH AND SAFETY OF THE SYSTEM THAT IS THE SUBJECT OF SAID PERMIT [T1-2900]

Michael Marcin, Attorney for Carolyn Logan, made public comment. Charles O'Dell (Hays CAN) made public comment. A motion to recuse County Judge Elizabeth Sumter and Commissioner Debbie Gonzales Ingalsbe was filed by Attorney Skip Newsom. Special Counsel Mark Kennedy advised Judge Sumter and Commissioner Ingalsbe that they have a right to vote on the court or they can recuse themselves. Neither Judge Sumter or Commissioner Ingalsbe recused themselves. [T1-3383] Skip Newsom, Attorney for Nick Ramus and THK Properties, appeared before the court and spoke on behalf of his client. [T2-161] Phil Owenby, small business investor, spoke of his involvement in the Texas Heritage Kitchen. [T2-285] Andy Grubbs, (Registered Sanitarian, System Installer, and Licensed Geologist) spoke of installed system. [T2-531] Stan Burrier, Civil Engineer and former Guadalupe County Engineer, spoke of his review of the system design and review from Snowden Incorporated. [T2-688] Douglas Wheatly, OSSF Licensed Installer and service provider, spoke of service he provides and continuing education he receives. He spoke of improvements he made to the system. [T2-1073] Nick Ramus, Jr. spoke of his experience and career as a Chef and his plans for a catering business. He spoke of revisions that were made to his system in order to obtain a permit and what it has cost him financially. [T2-1298] Judge Sumter read independent review of activities to date on-site sewage facility located at 2511 South Old Bastrop Highway done by Snowden Inc. Environmental Health Director Tom Forrest spoke of not being able to visit with Mr. Snowden because of illness in his family and he feels like the report is incomplete. Hays County Environmental Health Programs Manager Tom Pope spoke of use of these systems commercially in Hays County and he spoke of calculations. Discussion was had regarding time spent by county staff regarding this issue and investigation of allegations of misconduct. Mr. Newsom spoke of system built under the rules at the time the system was installed. [T2-2188] Special Counsel Mark Kennedy spoke of appeal that was denied. Commissioner Barton spoke of innovative design addressed in the county rules (Section 10.4). [T2-2405] Judge Sumter spoke of independent engineer's review and county rules which would make her deny the permit. Mark Kennedy spoke of case law regarding "grandfathering" of rules. Commissioner Ford spoke of review by Snowden Inc. and she spoke of rules adopted by the county. Commissioner Barton spoke of consistent enforcement of our rules over a number of years. [T2-3200] Commissioner Ingalsbe spoke of county rules and change in property use. Mr. Owenby spoke problem with hooking into the City of San Marcos sewer system. Commissioner Conley spoke of dealing with this issue since 2001, treatment of county staff, and time and money spent on this issue. A motion was made by Commissioner Conley to permanently reinstate OSSF Permit #2005-416 and Commissioner Barton made a friendly amendment which was accepted by Commissioner Conley as follows: [T3-95] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to clarify and reiterate that OSSF Permit #2005-416 is granted pursuant to Section 10.4 Innovative Development from the Hays County Rules for OSSF and/or we grant a variance for the system as submitted and reviewed by EHD, this variance would be for section 10.1a3d, the one acre for LUE per day section of the OSSF rules and for this section only, and further as condition of this approval that applicant be required to submit maintenance reports to the Hays County EHD once every quarter for the duration of the existing two year maintenance contract and that applicant understands that his business must continue to meet the standards and regulations of the Hays EHD. Commissioner Conley and Commissioner Barton voting "Aye". Commissioner Ford, Commissioner Ingalsbe, and Judge Sumter voting "No". MOTION FAILED.** Judge Sumter advised that the permit will continue to be temporarily reinstated.



FY2008 HAYS COUNTY BUDGET – # 24530 CONTINUED [T3-445]

Elected Official Salaries

Discussion was had regarding elected officials salaries, travel allowance, and phone allowance. Judge Sumter suggested a 5% salary increase across the board and Commissioner Conley suggested a 2% COLA increase.

A motion was made by Judge Sumter, seconded by Commissioner Ford to increase Commissioners and County Judge's salary 3% and all other elected officials at 4.5%. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford voting "Aye". Commissioner Conley and Judge Sumter voting "No". MOTION PASSED.

[T3-970] A motion was made by Commissioner Barton, seconded by Commissioner Conley to increase Commissioners and County Judge's travel allowance 5%. Commissioner Conley and Commissioner Barton voting "Aye". Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "No". MOTION FAILED.

[T3/1012] A motion was made by Commissioner Barton to allow a \$35 per month phone allowance for Justice of the Peace. MOTION FAILED FOR LACK OF A SECOND.

[T3-1099] A motion was made by Commissioner Barton, seconded by Commissioner Conley to reconsider previous action regarding Commissioners and County Judge salary increase as follows: increase Commissioners and County Judge's salaries 2% (COLA) plus 5% (COLA) increase in travel allowance. All voting "Aye".

Post for workshop for Tuesday August 21, 2007 to finish up the budget.

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 AUGUST 14, 2007.



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

