



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 28<sup>TH</sup> 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. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Josh Lowry, Cypress Creek Church of Wimberley, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

#### PUBLIC COMMENTS

Mark Yelverton made public comment regarding discharge of firearms in the Belterra Subdivision. Brad Hagen made public comment regarding the pass through financing agreement (PTFA).

#### 24547 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 \$ 261,378.55 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

#### 24548 APPROVE BUDGET AMENDMENT 07-34

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-34 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

#### 24549 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 13, AUGUST 14, & AUGUST 15, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of August 13, August 14, and August 15, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

#### 24550 AMEND BUDGET OF COUNTY EMERGENCY MANAGEMENT CENTER OFFICE TO ALLOW FOR THE PURCHASE OF AN INVERTER FOR COMMAND VEHICLE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to amend budget of County Emergency Management Center office to allow for the purchase of an inverter for command vehicle. All voting "Aye". MOTION PASSED.

#### 24551 AUTHORIZE COMMERCIAL OSSF PERMIT FOR 6,600 SQ. FT. TENNIS AND FITNESS CLUB AT 14101 CANONADE, AUSTIN, TX IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit for 6,600 square feet tennis and fitness club located at 14101 Canonade, Austin, Texas in Precinct 4. All voting "Aye". MOTION PASSED.

#### 24552 APPROVE SPECIFICATIONS FOR BID #2007-B08 BRUSH CUTTING AND OTHER SERVICES FOR HAYS COUNTY 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 #2007-B08 brush cutting and other services for Hays County Road Department and authorize Purchasing Department to solicit for bid and advertise. All voting "Aye". MOTION PASSED.



**24553 APPROVE SPECIFICATIONS FOR RFQ 2007-P07 ARCHITECTURAL SERVICES FOR DESIGN OF HAYS COUNTY GOVERNMENT OFFICE COMPLEX AND AUTHORIZE PURCHASING TO SOLICIT FOR QUALIFICATIONS AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for RFQ 2007-P07 Architectural Services for design of Hays County Government office complex and authorize Purchasing Department to solicit for qualifications and advertise. All voting "Aye". MOTION PASSED.

**24554 AUTHORIZE COMMERCIAL OSSF PERMIT FOR A 45,000 SQ. FT RETAIL TRUCK SALES & SERVICE AT 18073 IH 35, BUDA, TX IN PRECINCT 2**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit for a 45,000 sq. ft. retail truck sales & service at 18073 IH 35, Buda, Texas in Precinct 2. All voting "Aye". MOTION PASSED.

**24555 AUTHORIZE COMMERCIAL OSSF PERMIT FOR A PUBLIC RESTROOM AT 109 OLD KYLE ROAD WIMBERLEY, TX IN PRECINCT 3 [T-168]**

Judge Sumter requested that water usage be monitored on a monthly basis. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Commercial OSSF Permit for a public restroom at 109 Old Kyle Road, Wimberley, Texas in Precinct 3 with stipulation that there be monthly monitoring of water usage. "Aye". MOTION PASSED.

**24556 [#07-4-044, 2 LOTS] REPLAT OF BARTON CREEK MEADOWS – WAIVE PRELIMINARY HEARING AND APPROVE FINAL PLAT [T1-199]**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to waive public hearing and approve final plat of "Barton Creek Meadows Replat". All voting "Aye". MOTION PASSED.

**24557 AFFIDAVIT OF PLAT CORRECTION FOR LOT 9 RANCHO ENCINO PHASE 1 – APPROVAL AND ACCEPTANCE OF AFFIDAVIT [T1-214]**

The plat of Rancho Encino Phase I, which was recorded in Volume 5 page 107, has an inaccurate location of the creek. A corrected survey was created and attached to an affidavit of plat correction for consideration by the court. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve and accept Affidavit of plat correction for Lot 9 Rancho Encino Phase 1. All voting "Aye". MOTION PASSED.

**[# 07-4-042, 96 LOTS] BELTERRA PHASE 5 SECTION 10 – CONSIDER APPROVE PRELIMINARY PLAN**

Commissioner Ford has questions regarding wastewater permit that have not yet been answered, therefore, she requested no action this date. Environmental Health Director Tom Forrest spoke of required letter from utility provider that is provided prior to final approval. Special Counsel Mark Kennedy spoke of this phase possibly being in a phased development agreement approved in 2002. No action taken this date. Mark Kennedy spoke of possible remedies.

**24558 PRESENTATION FROM TRANSPORTATION ADVISORY BOARD CHAIRPERSON STEPHEN KLEPFER AND ACTION TO ADD FM150 AND FM1826 TO THE TRANSPORTATION ADVISORY COMMITTEE'S IMMEDIATE CHARGE [T1-350]**

Stephen Klepfer (Transportation Advisory Board Chairperson) updated the Court on the Transportation Advisory Boards current work and future considerations. Tracey Dean (Advisory Board member) spoke in support of pass through financing agreement (PTFA). Linda Kneeland spoke in support of PTFA and FM1626. Robert Kneeland spoke of expansion of FM1626 being a safety issue. Melissa Frensley spoke. Brad Hagen and Elizabeth Davis spoke in support of PTFA. Judge Sumter spoke of meeting with Zachary regarding a public private partnership on FM1626, there have been discussions with City of San Marcos regarding FM110, and discussions regarding Ranch Road 12. Commissioner Barton spoke of possible funding options. Commissioner Ingalsbe spoke of need to move forward. Commissioner Conley spoke of charges of the committee and the PTFA. Commissioner Ford spoke. A motion was made by Judge Sumter, seconded by Commissioner Ford to add FM150 and FM1826 to the Transportation Advisory Committee's immediate charge. All voting "Aye". MOTION PASSED. [T1-1368] A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe which after discussion was withdrawn and reconsidered in another agenda item.



**24559 ACTION TO CHANGE AN LVN POSITION TO AN RN POSITION AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-1719]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to change an LVN position to an RN position at the Hays County Personal Health Department. All voting "Aye". MOTION PASSED.

**24560 AUTHORIZE COMMISSIONERS TO WORK WITH PRIME STRATEGIES ON THEIR RESPECTIVE STATE HIGHWAY PROJECTS AS IT PERTAINS TO THE PASS THROUGH FINANCING AGREEMENT [T1-1775]**

Brad Hagen made public comment regarding CAMPO meeting he attended. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize Commissioner Conley, Commissioner Ingalsbe, and Commissioner Barton to work on their prospective state highway projects as it pertains to the pass through financing agreement with Prime Strategies for an amount not to exceed \$50,000 and bring a report back to the court by September 25, 2007. All voting "Aye". MOTION PASSED

**24561 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR SERVICES BETWEEN THE HAYS COUNTY SHERIFFS OFFICE AND AUSTIN COMMUNITY COLLEGE [T1-2177]**

Kirk White (ACC Executive Director, Workforce Development Center) spoke in support of this agreement. This agreement proposes to provide accreditation at Austin Community College (ACC) to individuals who attend Hays County Sheriff's Cadet Training. Those individuals who wish to pursue a degree at ACC related to Criminal Justice will be granted, free of tuition, up to 20 hours of class credit for completion of certain portions of cadet training. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an agreement for services between the Hays County Sheriff's office and Austin Community College. All voting "Aye". MOTION PASSED.

**24562 ACTION RELATED TO ESTABLISHING STANDARDS FOR CONTEXT SENSITIVE DESIGN IN HAYS COUNTY ROAD PROJECTS [T1-2243]**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize a committee consisting of Mark Kennedy, Jerry Borcharding, Tom Forrest, Commissioner Barton, and Judge Sumter to enter into negotiations and bring back to the court for professional services regarding context sensitive design with Hays County. MOTION WITHDRAWN. [T1-2576] A motion was made by Commissioner Barton, seconded by Commissioner Conley to establish a committee consisting of Special Counsel Mark Kennedy, Road Supt/Engineer Jerry Borcharding, Environmental Health Director Tom Forrest, Commissioner Barton, and Judge Sumter to work with Purchasing Agent Cindy Maiorka to develop either an RFQ or RFP, at the earliest possible date, seeking professional firms to help Hays County with development standards for context sensitive designs. All voting "Aye". MOTION PASSED.

**24563 ALLOW COMMISSIONER FORD TO NEGOTIATE A CONTRACT WITH ESPEY CONSULTANTS, INC. IN ORDER TO ADDRESS POSSIBLE POLLUTION OF LONG BRANCH CREEK, A TRIBUTARY TO BARTON CREEK, RESULTING FROM PROXIMITY TO A SUBDIVISION CONSTRUCTION SITE [T1-2640]**

Commissioner Ford spoke of concerns regarding pollution of Long Branch Creek. Angelique Edl (representing the Heritage Oak Landowners Association) spoke of pollution of the creek since recent development in the area and presented drawings and pictures of the area. Special Counsel Mark Kennedy spoke of Water Code providing possible action to address the situation. Environmental Health Director Tom Forrest spoke in support of hiring Espey Consultants. Discussion was had regarding "request for qualifications" and list of firms already approved by Commissioners' Court. A motion was made by Commissioner Ford, seconded by Commissioner Barton to allow Commissioner Ford to negotiate a contract, and the County Judge to execute a contract, not to exceed \$4,000, with Espey Consultants Inc. in order to address possible pollution of Long Branch Creek, a tributary to Barton Creek, resulting from proximity to a subdivision construction site. All voting "Aye". MOTION PASSED.

**24564 AUTHORIZE THE COUNTY JUDGE TO SUBMIT \$60,000 GRANT APPLICATION TO THE MEADOWS FOUNDATION FOR THE LINKED DEPOSIT PROGRAM FOR WATER AND ENERGY CONSERVATION LOANS FOR COUNTY RESIDENTS [T2-8]**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to submit \$60,000 grant application to the Meadows Foundation for the Linked Deposit Program for water and energy conservation loans for county residents. All voting "Aye". MOTION PASSED.



**24565 APPROVE THE RETIREE BENEFITS REVIEW COMMITTEE RECOMMENDATIONS**

[T2-100] Britney Richey spoke of current retirement benefits and committee recommendations. [T2-478] A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept the Retiree Benefits Review Committee recommendations of no change to the current eligibility requirement, continue to provide Silver Choice through the Texas Association of Counties at the same dollar amount as county insurance, and go with the tier 2 plan for employees retiring under the rule of 75 and having at least 15 years of consecutive service with Hays County and enrolled in Hays County's medical insurance at the time of retirement - that being: 15 years of service = \$150 for employee medical coverage and with 20 years of more = \$100 for employee medical coverage – and to furthermore grandfather those under the current "\$100 deal" allowing them to receive their current benefits. All voting "Aye". MOTION PASSED.

**24566 ACTION TO FILL AND FUND THE WEBMASTER POSITION PRIOR TO OCTOBER 1, 2007** [T1-499]

A motion was made by Judge Sumter, seconded by Commissioner Barton to fill and fund the webmaster position prior to October 1, 2007 at a monthly salary not to exceed \$3,358.83 plus benefits. All voting "Aye". MOTION PASSED.

**24567 APPROVE AMENDED CITIZEN PARK ADVISORY TEAM BYLAWS** [T2-527]

Changes were suggested in Article V Section 1 regarding scheduling of meetings and in Article III regarding membership on the board. [T2-631] A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the Citizens Park Advisory Team By-Laws with amendments made this date. All voting "Aye". MOTION PASSED. [T2-816] A motion was made by Commissioner Barton, seconded by Judge Sumter to further amend the by-laws as adopted by the Commissioners' Court to reflect changes in Article III Sections 1 & 2 and amend Article V Section 1 with language to be provided by Special Counsel to provide that the committee shall set and publicize its regular meeting dates once per quarter. All voting "Aye". MOTION PASSED.

**"WALK FOR A DAY" PRESENTATION BY STEVE DRENNER** [T2-846]

Steve Drenner, President of Hill Country Conservancy, gave history of the Hill Country Conservancy and gave a powerpoint presentation titled "Walk for a day". He spoke of open space that has already been obtained and he spoke of the trail running from Travis County (starts at Barton Springs Pool) to Hays County - consisting of 32.7 miles. He spoke of gaps in the system: Brodie Lane, William Cannon @ Mopac, Slaughter Lane @ Mopac, and in Hays County (north of FM967). He spoke of ongoing work to obtain and utilize the trail and need for involvement from other jurisdictions (City of Austin, Hays County, Travis County, TxDot, etc.).

**24568 APPROVE INTERLOCAL AGREEMENT WITH VILLAGE OF WIMBERLEY ON TWO EARLY-WARNING SYSTEMS ON LOW-WATER CROSSINGS WITHIN THE CITY LIMITS** [T2-1538]

Two of the early warning systems for low water crossings are installed within the city limits of the Village of Wimberley. This interlocal agreement addresses those units and responsibilities of each entity. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve interlocal agreement with Village of Wimberley on two-early -warning systems on low-water crossings within the city limits. All voting "Aye". MOTION PASSED.

**24569 ADOPT THE ELECTION DAY POLLING SITES FOR NOVEMBER 6, 2007, CONSTITUTIONAL AMENDMENT ELECTION**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to adopt the Election Day Polling sites for November 6, 2007 Constitutional Amendment Election as presented by the Elections Administrator. All voting "Aye". MOTION PASSED.

**24570 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 6, 2007 SPECIAL ELECTIONS** [T2-1609]

Early voting will begin on October 22, 2007 and end November 2, 2007. A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt the Early Voting Schedule for the November 6, 2007 Special Elections as recommended by the Elections Administrator. All voting "Aye". MOTION PASSED.



**24571 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT THROUGH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR A 9-1-1 DATABASE PROGRAM AND THE MAINTENANCE OF SAID PROGRAM [T2-1673]**

This is a renewal agreement for the existing 9-1-1 network used in Hays County. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an interlocal agreement through the Capital Area Council of Governments for a 9-1-1 database program and the maintenance of said program. All voting "Aye". MOTION PASSED.

**24572 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR A REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE; AND TO RECOGNIZE THE DISTRICT ATTORNEY'S AUTHORITY TO EXECUTE HER PORTION OF THE AGREEMENT TITLED "SPECIAL CONDITION-DISTRICT ATTORNEY CONTRACT" [T1-1730]**

Special Counsel Mark Kennedy spoke of District Attorney's involvement in this agreement. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal assistance agreement for a Regional Auto Theft Enforcement Task Force; and to recognize the District Attorney's authority to execute her portion of the agreement titled "Special Condition - District Attorney Contract". All voting "Aye". MOTION PASSED.

**24573 APPROVE PAYMENT OF INVOICES IN THE AMOUNT OF \$3,775.00 THAT WERE CONSIDERED TO BE EMERGENCY PURCHASES FOR PCT. 2 OFFICES, ADULT PROBATION, AND ANNEX BUILDING FOR WATER EXTRACTION AND ODOR CONTROL [T1-1786]**

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payment of invoices in the amount of \$3,775 that were considered to be emergency purchases for Precinct 2 offices, Adult Probation, and Annex Building for water extraction and odor control. All voting "Aye". MOTION PASSED.

**24574 ACTION RELATED TO POSSIBLE TERMINATION OF EXISTING LEASE IN KYLE FOR PCT. 2 SATELLITE OFFICES AND TO DIRECT STAFF TO CONTACT THE CITY OF KYLE ON A BUILDING AT 111 N. FRONT STREET IN KYLE AS A POSSIBLE SHORT TERM LOCATION FOR PCT. 2 OFFICES [T1-1826]**

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize and instruct Special Counsel to give notice of termination of lease at the Precinct 2 satellite office on Center and First Streets in Kyle and authorize Commissioner Barton to express the county's official interest in negotiating a lease with the City of Kyle for office space at 111 N. Front Street in Kyle and to act with Special Counsel to bring a proposed lease back to the court. All voting "Aye". MOTION PASSED.

**Commissioner Barton left the meeting at this time.**

**24575 ACTION RELATED TO 2008 FISCAL YEAR BUDGET COLA/MERIT PAYROLL ALLOCATIONS [T2-1966]**

Salaries

Commissioner Ingalsbe spoke of considering the 2% COLA effective Oct 1<sup>st</sup> and postponing merits until January 1<sup>st</sup> with a saving of approximately \$187,500. Britney Richey suggested using staff salaries/filled positions as of Aug. 31<sup>st</sup> as a cutoff point for determining funding for merits. Discussion was had regarding possible use of money already allocated for vacant positions. It was stated that cost of living (COLA) does not have to bump the entire pay schedule range. Discussion was had to not move the pay range 2% (COLA), allocate the 5% for vacant positions into a pool, and start merit increases January 1, 2008.

[T2-2400]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to not move the salary range up 2% for COLA beginning October 1, 2007 and to allocate 3% merit January 1, 2008 based on salaries prior to 2% COLA. All present voting "Aye". MOTION PASSED.

[T2-2692]

A motion was made by Judge Sumter, seconded by Commissioner Ford to fund 3% merit for vacant positions as of October 1, 2007 into a separate pool to be used as needed after January 1, 2008. Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley and Commissioner Ingalsbe voting "No". MOTION FAILED.



Extension Office

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to allocate a 2% COLA and not allocate 3% merit to County Extension Agents. All present voting "Aye". MOTION PASSED.

Allocation for re-grades

T2-3076] A motion was made by Judge Sumter, seconded by Commissioner Ford to calculate the 2% COLA and 3% merit after the regrade number is determined. All present voting "Aye". MOTION PASSED.

Maxed-out Employees

[T2-3266] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve employees who are maxed-out in their pay range will receive the 2% COLA and merit as allocated by department head. All present voting "Aye". MOTION PASSED.

**Court was adjourned.**

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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 AUGUST 28, 2007.



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

