



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 30th DAY OF OCTOBER 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 Skinner, Dripping Springs United Methodist Church gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Clerk's Note: Agenda Item #1 RE: ADOPT A PROCLAMATION DECLARING NOVEMBER AS HOME CARE AND HOSPICE MONTH was PULLED.

24696 APPROVE PAYMENT OF COUNTY INVOICES

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$353,910.61 as presented by the County Auditor. All present voting "Aye". MOTION PASSED.**

24697 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 23, 2007

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the Commissioners Court Minutes of October 23, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED.**

24698 APPROVE BUDGET AMENDMENT 07-39

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-39 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED.**

24699 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR THE ANDY THOMPSON WAREHOUSE LOCATED AT 235 TRADEMARK DRIVE IN PRECINCT 2

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize institutional OSSF Permit for the Andy Thompson Warehouse located at 235 Trademark Drive in Precinct 2. All present voting "Aye". MOTION PASSED.**

24700 APPROVE RENEWAL CONTRACT FOR DR. SARAH RODRIGUEZ TO PROVIDE ENT SERVICES PRO BONO TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve renewal contract for Dr. Sarah Rodriguez to provide ENT Services pro bono to Hays County Personal Health Department. All present voting "Aye". MOTION PASSED.**

24701 APPROVE CONTRACT FOR DR. SILVIA LINARES FOR MATERNITY SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve contract for Dr. Silvia Linares for maternity services to the Hays County Personal Health Department. All present voting "Aye". MOTION PASSED.**

24702 APPROVE THE CANCELLATION OF COMMISSIONERS' COURT ON NOVEMBER 27, DECEMBER 25, 2007 AND JANUARY 1, 2008

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the cancellation of Commissioners' Court on November 27 and December 25, 2007 and January 1, 2008. All present voting "Aye". MOTION PASSED.**



24703 APPROVE AWARD OF BID #2008-B01 GEOGRID REINFORCEMENT FOR PAVED AND UNPAVED ROADWAY TO LONE STAR GEO PRODUCTS

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve award of Bid #2008-B01 Geogrid Reinforcement for paved and unpaved roadway to Lone Star Geo Products. All present voting "Aye". MOTION PASSED.**

24704 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$29,367 GRANT FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION FOR THE SHERIFF'S SCHOOL RESOURCE OFFICER IN WIMBERLEY ISD

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$29,367 Grant from the Office of the Governor - Criminal Justice Division for the Sheriff's School Resource Officer in the Wimberley ISD. All present voting "Aye". MOTION PASSED.**

24705 AUTHORIZE THE COUNTY JUDGE TO RENEW OOO/RLSS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES, FOR \$63,535.00

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to renew OOO/RLSS Contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$63,535.00. All present voting "Aye". MOTION PASSED.**

24706 AUTHORIZE THE COUNTY JUDGE TO RENEW THE TUBERCULOSIS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$14,710.00

Commissioner Barton was not present for vote. No application for this contract was required. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to renew the Tuberculosis Contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$14,710.;00. All present voting "Aye". MOTION PASSED.**

24707 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$163,452.72 GRANT FROM THE OFFICE OF GOVERNOR - DIVISION OF EMERGENCY MANAGEMENT HOMELAND SECURITY GRANT PROGRAM AND TO EXECUTE CONTRACT

Commissioner Barton was not present for vote. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$163,452.72 grant from the Office of Governor - Division of Emergency Management Homeland Security Grant Program and to execute contract. All present voting "Aye". MOTION PASSED.**

24708 APPROVE UTILITY PERMIT IN R-O-W OF NUTTY BROWN ROAD FROM US 290 TO FM 1826

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Utility Permit in the right-of-way of Nutty Brown Road from US290 to FM1826. All voting "Aye". MOTION PASSED.

24709 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR WOODBROOK SUBDIVISION PHASE 1 AND 2 [T1-112]

Janice Weber gave staff recommendation for approval. Roads being approved are Woodbrook Trail & Brook Cove. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to release maintenance bonds (Letters of Credit #040904 & #140904) and accept for maintenance all road and drainage improvements within county right-of-way for "Woodbrook Subdivision Phase 1 & 2". All voting "Aye". MOTION PASSED.**

24710 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION PHASE 4 SECTION 1 [T1-129]

Janice Weber gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two years for "Belterra Subdivision Phase 4 Section 1". All voting "Aye". MOTION PASSED.**



- 24711 [#05-4-11, 2 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 10 INTO 10A & 10B – APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON NOVEMBER 13, 2007 [T1-141]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for “Rolling Oaks Section 3 Resubdivision of Lot 10” into Lots 10A & 10B and to call for a public hearing on November 13, 2007. All voting “Aye”. MOTION PASSED.**

- 24712 APPOINT DR. MARIANNE REESE TO THE SOUTH CENTRAL TEXAS WATER ADVISORY COMMISSION [T1-152]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt resolution appointing Dr. Marianne Reese to the South Central Texas Water Advisory Commission. All voting “Aye”. MOTION PASSED.

- 24713 APPROVE SUBMISSION OF 2ND GRANT APPLICATION TO THE OFFICE OF GOVERNOR – DIVISION OF EMERGENCY MANAGEMENT – HAZARD MITIGATION GRANT PROGRAM FOR UP TO \$600,000 TO EXPAND THE COUNTY’S EARLY – WARNING SYSTEM ON DANGEROUS LOW-WATER CROSSINGS [T1-192]

Grants Administrator Richard Salmon spoke of county match of \$200,000 that was allocated in the FY08 budget. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve submission of 2nd grant application to the Office of Governor – Division of Emergency Management – Hazard Mitigation Grant Program for up to \$600,000 to expand the county’s early warning system on dangerous low-water crossings. All voting “Aye”. MOTION PASSED.**

- 24714 ACCEPT RESIGNATION OF SAUL GONZALES FROM THE HAYS COUNTY CPAT AND APPROVE THE APPOINTMENT OF DAVID SALAZAR TO FILL THAT POSITION

[T1-268] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept resignation of Saul Gonzales from the Hays County CPAT and approve the appointment of David Salazar to fill that position. All voting “Aye”. MOTION PASSED.**

- 24715 ACTION TO RECEIVE DEEDED INTEREST FROM PRESERVATION ASSOCIATES, INC., A NONPROFIT CORPORATION IN OLD COUNTY JAIL LOCATED IN SAN MARCOS [T1-284]

Lila Knight spoke of agreement by previous court to accept the old jail property. T. J. Higginbotham made public comment in support of this action. Special Counsel Mark Kennedy spoke of previous court action. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize Special Counsel and the County Judge to negotiate with Preservation Associates Inc. for the transfer of the deeded interest in the old county jail located on Fredericksburg Street in San Marcos. All voting “Aye”. MOTION PASSED.**

- 24716 APPROVE HAYS COUNTY’S INTENT TO ASSIGN TO THE CITY OF SAN MARCOS ALL OF ITS RIGHTS AND OBLIGATIONS UNDER THE PORTION OF THE PASS THROUGH TOLL AGREEMENT THAT PERTAINS TO FM 110 (SAN MARCOS LOOP), SUBJECT TO TXDOT’S APPROVAL; AND TO AUTHORIZE SPECIAL COUNSEL TO DRAFT A RESOLUTION INDICATING THE SAME [T1-401]

T. J. Higginbotham, Lila Knight, Richard Schneider, and Warren Ketteman, made public comment. Commissioner Ingalsbe spoke of funds that have been spent regarding this project. San Marcos Mayor Susan Narvaiz spoke in support of this project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Hays County’s intent to assign to the City of San Marcos all of its rights and obligations under the portion of the Pass Through Toll Agreement that pertains to FM110 (San Marcos Loop), subject to TxDot’s approval; and to authorize Special Counsel to draft a resolution indicating the same. All voting “Aye”. MOTION PASSED.**



24717 ACTION TO RE-COMMENCE ENVIRONMENTAL ASSESSMENTS, ENGINEERING DESIGN, AND RELATED SERVICES FOR FM 1626, AND TO AUTHORIZE THE PRECINCT 2 COMMISSIONER TO OVERSEE SUCH SERVICES, ALONG WITH PRIME STRATEGIES [T1-734]

Warren Ketteman, T. J. Higginbotham, Patrick Wentworth, and Sam Cooper made public comment. A lengthy discussion was had by the court. [T1-1152] **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the Precinct 2 Commissioner, working with staff, special counsel and the auditors office, to initiate needed work on environmental assessments on FM 1626 Segments A & B for an amount not to exceed \$500,000. All voting "Aye". MOTION PASSED.**

[T1-1991] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to re-commence environmental assessments, engineering design and related services for FM 1626 and to authorize the Precinct 2 Commissioners to oversee such services, along with Prime Strategies and work with county legal staff and department heads to structure the appropriate recommencement documents with an amount not to exceed \$1,687,800 as presented in the agenda backup (this amount is not in addition to the \$500,000) Commissioner Ford and Judge Sumter voting "No". Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". MOTION PASSED.**

DISCUSSION REGARDING SCHEDULE FOR PURCHASING PARK BONDS [T1-2416]

Bond Counsel Dan Wegmiller spoke of reimbursement resolutions and time lines for issuing bonds. Court asked Dan Wegmiller to get with County Auditor to develop a plan.

24718 ACTION TO DETERMINE HAYS COUNTY STRATEGY REGARDING A HEARING SET FOR NOVEMBER 27, 2007, WITH REGARD TO TCEQ PERMIT #WQ0014293001 REFLECTING THE HAYS COUNTY WCID #1 REQUEST FOR WASTEWATER TREATMENT AND DISCHARGE IN BEAR CREEK [T1-2927]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Special Counsel Mark Kennedy to participate and represent the court in the administrative hearing set for November 27, 2007 with regard to TCEQ Permit #WQ0014293001 reflecting the Hays County WCID#1 request for wastewater treatment and discharge into Bear Creek. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #26 RE: APPROVE CHANGE ORDERS FOR THE ADDITION OF WORK THAT IS BEING ADDED TO THE CONTRACT WITH BRYN AND ASSOCIATES FOR THE JUVENILE DETENTION CENTER DRAINAGE IMPROVEMENTS AND CONCRETE PROJECT THAT WAS APPROVED BY COMMISSIONERS COURT was PULLED. No discussion and no action taken.

SUNDAY AND ASSOCIATES, INC. - END OF THE PLAN YEAR HEALTH BENEFITS PRESENTATION [T1-3449]

Burke Sunday (Sunday and Associates Inc.) provided a financial report and Medical/Rx & Dental Plan Review. Discussion was had regarding educating county employees on costs and assistance available to deal with specific medical issues.

PRESENTATION BY NAISMITH ENGINEERING INC. ON STATUS OF HAYS COUNTY SUBDIVISION RULES REVIEW, REWRITE AND STAKEHOLDER PROCESS, AS WELL AS TCEQ PHASE II MS4 STORM WATER PERMIT REQUIREMENTS [T2-835]

Grant Jackson (Naismith Engineering Inc.) gave a presentation on the status of updating the development standards. Stakeholders have identified issues and have had numerous meetings reviewing various drafts of the proposed regulations developed by NEI and there were significant comments and discussions on the issues of water availability (focusing on groundwater and rainwater harvesting), OSSF issues, parkland and open space dedication, and general procedures for variances and approvals. The latest draft of the regulations are posted on the project website: www.neionline.com/Haysco.htm Final review draft should be ready by November 15-20th for the court, January 15, 2008 for public review and possibly adopt the rules in March 2008. Mr. Jackson also gave a presentation regarding Phase II Storm water requirements for small municipal separate storm sewer systems (MS4s). He explained that a MS4 is "a conveyance or system of conveyances...owned by... A public body, designed or used for collecting or conveying storm water, which is not a combined sewer, which is not part of a publicly owned treatment works" – nearly any public drainage system serving more than one building.



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 OCTOBER 30, 2007.



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

