



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13th DAY OF NOVEMBER 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:

First Baptist Church of Kyle Deacon Mark Jones, gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24738 ADOPT A PROCLAMATION DECLARING NOVEMBER AS HOME CARE AND HOSPICE MONTH

Representatives from Central Texas Medical Center spoke regarding home health care and hospice services being provided. Founder of Angels for Elders spoke of services provided. **A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation declaring November as "Home Care and Hospice Month". All voting "Aye". MOTION PASSED.**

24739 ADOPT A PROCLAMATION DECLARING THE WEEK OF NOVEMBER 11-17, 2007 AS NATIONAL NURSE PRACTITIONER WEEK IN HAYS COUNTY

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the week of November 11-17, 2007 as "National Nurse Practitioner Week" in Hays County. All voting "Aye". MOTION PASSED.

24740 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$1,111,474.31 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24741 APPROVE THE COMMISSIONERS COURT MINUTES OF OCTOBER 30 AND NOVEMBER 6, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the Commissioners Court Minutes of October 30 and November 6, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24742 APPROVE SPECIFICATIONS FOR BID #2008-B04 TWO (2) USED TANDEM AXLE, DIESEL POWERED SEMI WITH FIFTH WHEEL/HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2008-B04 tow (2) used tandem axle diesel powered semi with fifth wheel/Hays County Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

24743 APPROVE SPECIFICATIONS FOR BID #2008-B03 LIGHTBARS, HAYS COUNTY SHERIFF POLICE VEHICLES AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2008-B03 Lightbars, Hays County Sheriff Policy Vehicles and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.



24744 APPROVE MAY 2007 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve May 2007 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED.

24745 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$10,512 GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM AND TO EXECUTE CONTRACT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to accept \$10,512 Grant from the Office of the Governor, Criminal Justice Division, Juvenile Justice and Delinquency Prevention Program and to execute contract. All voting "Aye". MOTION PASSED.

24746 AUTHORIZE PURCHASE OF NEW CELL PHONE AND CALLING PLAN FOR NEWLY HIRED EMPLOYEES FOR THE JUVENILE PROBATION DEPARTMENT AND JUVENILE CENTER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize purchase of new cell phone and calling plan for newly hired employees for the Juvenile Probation Department and Juvenile Center. All voting "Aye". MOTION PASSED.

24747 APPROVE RAY HELM TO FILL THE PRECINCT 3 DEPUTY CONSTABLE POSITION VACATED BY ELI TURNER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Ray Helm to fill the Precinct 3 Deputy Constable position vacated by Eli Turner. All voting "Aye". MOTION PASSED.

24748 GRANT A VARIANCE ALLOWING CONSTRUCTION OF A DRIVEWAY CONNECTING COLONY DRIVE AND CRYSTAL HILLS DRIVE WITHIN 100 FEET OF NEAREST DRIVE ON CRYSTAL HILLS DRIVE [T1-174]

RPTP Jerry Borcharding gave staff recommendation for approval of variance request on Crystal Hills Drive. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to grant a variance allowing construction of a driveway connecting Colony Drive and Crystal Hills Drive within 100 feet of the nearest drive on Crystal Hills Drive. All voting "Aye". MOTION PASSED.**

24749 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR RIM ROCK SUBDIVISION, PHASE 1, SECTION 3 [T1-193]

RPTP Jerry Borcharding 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 acceptance of the maintenance bond for two years for Rim Rock Subdivision Phase 1 Section 3. All voting "Aye". MOTION PASSED.**

24750 [#07-3-58, 2 LOTS] EVERGREEN ACRES REPLAT OF LOT 8 - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON DECEMBER 4, 2007 [T1-210]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve preliminary plan for "Evergreen Acres Replat of Lot 8" and call for a public hearing on December 4, 2007. All voting "Aye". MOTION PASSED.**

24751 [#07-4-61, 5 LOTS] TEJAS RETREAT - APPROVE PRELIMINARY PLAN [T1-220]

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 "Tejas Retreat" subdivision. All voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #15 RE: [#05-4-11, 2 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 10 - PUBLIC HEARING, GRANT VARIANCE FOR NOT RESTRICTING LOT 10B TO RAINWATER COLLECTION WITH THE CONDITION THE BUYER OF LOT 10A WILL REPLACE THE CONVENTIONAL SEPTIC WITH A CLASS-I OSSF AND APPROVE OF FINAL PLAT was PULLED.



24752 [#07-4-32, 2 LOTS] RIVER MOUNTAIN RANCH REVISED LOTS 13A & 14A - WAIVE PUBLIC NOTICE AND PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT

[T1-237] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. This is a common lot line adjustment between two lots. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to waive public notice and preliminary plan approval and approve the final plat of "River Mountain Ranch Revised Lots 13A & 14A". All voting "Aye". MOTION PASSED.**

24753 [#04-4-51, 2 LOTS] HIDDEN CREEK PHASE 1 REPLAT LOTS 13, 15, & 16 - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON DECEMBER 4, 2007

[T1-246] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval of preliminary plan. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for "Hidden Creek Phase 1 Replat of Lots 13, 15 & 16 and call for a public hearing on December 4, 2007. All voting "Aye". MOTION PASSED.**

24754 APPROVE BUDGET AMENDMENT 08-02 [T1-260]

This budget amendment transfers a balance of \$40,000 in Countywide Capital Improvements to FY08 from FY07 for Pcts. 2 & 3 office relocation. And transfers \$30,000 from Edwards Aquifer revenue payment to the LCRA service fee interest rebate expense for Link program. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Budget Amendment #08-02. All voting "Aye". MOTION PASSED.**

24755 AUTHORIZE PURCHASE OF A RADIO TO INSTALL IN THE COUNTY FIRE MARSHAL'S SERVICE VEHICLE [T1-272]

Fire Marshal Carroll Czichos spoke of need for this radio which was not budgeted and it is recommended that radio be paid out of contingencies. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize purchase of a radio to install in the County Fire Marshal's service vehicle to be paid for out of contingency funds. All voting "Aye". MOTION PASSED.**

24756 APPROVE SUBMISSION OF GRANT APPLICATION TO THE TEXAS PARKS & WILDLIFE DEPT. FOR THE U.S. FISH AND WILDLIFE SERVICE - COOPERATIVE ENDANGERED SPECIES CONSERVATION FUNDS - SECTION 6 GRANT PROGRAM FOR UP TO \$72,000 [T1-363]

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve submission of grant application to the Texas Parks & Wildlife Department for the U.S. Fish and Wildlife Service - Cooperative Endangered Species Conservation Funds - Section 6 Grant Program for up to \$72,000 with 25% county match. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED.

24757 AUTHORIZE THE COUNTY JUDGE TO SUBMIT \$64,700 GRANT APPLICATION TO THE CAPCOG SOLID WASTE & RECYCLING GRANT PROGRAM TO ESTABLISH A 2ND CITIZENS COLLECTION STATION FOR THE COUNTY IN PCT. 2 [T1-744]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a \$64,700 grant application to the CAPCOG Solid Waste & Recycling Grant Program to establish a Citizens Collection Station in the Buda/Kyle area and to provide for a \$5,000 cash match from contingency funds and a land grant match to be determined at a later date. All voting "Aye". MOTION PASSED.

24758 APPROVE AN ADDITIONAL \$798.57 FOR THE PURCHASE OF A VEHICLE FOR BUILDING MAINTENANCE [T1-998]

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve and additional \$798.57 for the purchase of a vehicle for building maintenance. All voting "Aye". MOTION PASSED.

24759 ADOPT RESOLUTION REGARDING FM110 [T1-1045]

Commissioner Ingalsbe spoke of action taken by the City of San Marcos. No portion of the loop will be on CR266. Phase 1 is the section from IH35 to SH123. San Marcos Mayor Susan Narvaiz spoke. Resolution assigns all rights and obligations pertaining to FM110 (aka San Marcos Loop) under the Pass-Through Toll Agreement to the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt resolution regarding FM110, also known as the San Marcos Loop. All voting "Aye". MOTION PASSED.**



24760 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING FM1626 PASS-THROUGH FINANCING PROJECT WITH ZACHARY AMERICAN INFRASTRUCTURE, INC. [T1-1272]

Financial Advisor Counsel Dan Wegmiller spoke of debt service. Steve Klepfer, Chair of the Hays Co Transportation Advisory Board, spoke of special meeting held. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute a memorandum of understanding regarding FM1626 Pass-Through Financing Project with Zachary American Infrastructure Inc. All voting "Aye". MOTION PASSED.**

24761 AUTHORIZE FIRST SOUTHWEST COMPANY TO BEGIN PROCESS FOR ISSUANCE OF PARK BONDS [T1-2383]

Financial Advisor Dan Wegmiller spoke of options. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize First Southwest Company to begin process for issuance of Parks Bonds. All voting "Aye". MOTION PASSED.**

24762 SELECT AN ARCHITECTURAL FIRM TO BEGIN ARCHITECTURAL SERVICES ON THE HAYS COUNTY GOVERNMENT COMPLEX AND AUTHORIZE COMMISSIONER INGALSBE AND STAFF TO NEGOTIATE A CONTRACT [T1-2640]

Commissioner Ingalsbe advised that the building committee recommendation is for selection of HOK. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to select the architectural firm of HOK to begin architectural services on the Hays County Government Complex and authorize Commissioner Ingalsbe and staff to negotiate a contract. Commissioner Ingalsbe and Judge Sumter voting "Aye". Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "No". MOTION FAILED. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to select the architectural firm of PBS&J to begin architectural services on the Hays County Government Complex and authorize Commissioner Ingalsbe and staff to negotiate a contract. All voting "Aye". MOTION PASSED.**

DISCUSSION REGARDING "LEADERSHIP AND PUBLIC SERVICE" [T1-3171]

Leadership San Marcos Participants were present and members of the court explained their job duties and various projects that are underway in the county. A question and answer period was held.

DISCUSSION REGARDING THE HAYS COUNTY WATER & WASTE WATER AUTHORITY [T2-1106]

Attorney Ed McCarthy provided a brief overview of Texas Water Law; spoke of creation, funding and viability of the Hays County Water Authority; statutory sources of county power relating to water/water quality; intergovernmental cooperation with LCRA, GBRA, and other entities; county water issues; county projects; and water utilities.

24763 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING AND/OR CONTEMPLATED LITIGATION IN REFERENCE TO THE TCEQ APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH ACTION [T2-3137]

The court convened into closed executive session at 5:00 p.m. and reconvened into open meeting at 5:25 p.m. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to ratify the retainer of the law firm of Lowerre and Frederick, pursuant to last weeks' motion of the court regarding the Ranches at Hamilton Pool; and to further move that the law firm of Lowerre and Frederick be retained to represent Hays County, in collaboration with Special Counsel, regarding the TCEQ application for a amended permit by WCID #1; and to further move that the budget for Lowerre and Frederick's initial legal services be set at a maximum of \$10,000 until further action of this court. All voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #24 RE: APPROVE EARMARKING 2 MILLION DOLLARS OF PARK BOND MONEY FOR PROJECTS ON THE EAST SIDE OF IH35 was PULLED.

Court was adjourned.

I, LINDA C. FRITSCHKE, 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 NOVEMBER 13, 2007.



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