



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 11th DAY OF DECEMBER 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
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE BEING ABSENT, 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.

PUBLIC COMMENT

Powell Peters made public comment in opposition to a gun law. Gary Conner made public comment in opposition to the proposed gun ordinance.

Clerk's Note: Agenda Item #1 RE: PRESENTATION FROM THE HTGCD was PULLED.

24819 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices in the amount of \$1,965,967.32 as presented by the County Auditor. All present voting "Aye". MOTION PASSED.

24820 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 4, 2007

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Commissioners' Court Minutes of December 4, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED.

24821 APPROVE AWARD OF BID #2008-B03 LIGHTBARS FOR SHERIFF'S POLICE VEHICLES TO SIDDONS FIRE APPARATUS

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve award of Bid #2008-B03 Light-bars for Sheriff's Police vehicles to Siddons Fire Apparatus. All present voting "Aye". MOTION PASSED.

24822 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL PARTICIPATION AGREEMENT WITH TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL (TAC RMP)

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute an interlocal participation agreement with Texas Association of Counties Risk Management Pool (TAC RMP). All present voting "Aye". MOTION PASSED.

24823 APPROVE EXTENSION OF CONTRACT WITH PBS&J TO JUNE 30, 2008 FOR PROFESSIONAL SERVICES RELATING TO THE ENVIRONMENTAL ASSESSMENT DOCUMENT IN SUPPORT OF A FINDING OF NO SIGNIFICANT IMPACT (FONS) FOR RM 110

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve extension of contract with PBS&J to June 30, 2008 for professional services relating to the Environmental Assessment Document in support of a finding of no significant impact (FONS) for RM 110. All present voting "Aye". MOTION PASSED.



- 24824 APPROVE SPECIFICATIONS FOR RFQ #2008-P05 "PLANNING SERVICES FOR HAYS COUNTY PLAN FOR GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITY PRESERVATION" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

Commissioner Barton voiced his concerns and asked that this item be postponed. Court agreed to strike Item #5 under submission requirements and add "public safety" to Exhibit C - key playing issues. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve specifications for RFQ #2008-P05 "planning services for Hays County plan for growth, economic development and community preservation" and authorize Purchasing to solicit for proposal and advertise with deletion of item #5 under Submission Requirements and adding "public safety" to Exhibit C – Key Playing issues. All present voting "Aye". MOTION PASSED.**

- 24825 APPROVE "INVITATION TO BID" FOR RFP #2008-P04 GENERAL CONTRACTOR FOR CONSTRUCTION OF HAYS COUNTY PRECINCT 4 OFFICE BUILDING AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve "Invitation to Bid" for RFP #2008-P04 General Contractor for construction of Hays County Precinct 4 office building and authorize Purchasing to solicit for proposal and advertise. All present voting "Aye". MOTION PASSED.

- 24826 DELEGATE AUTHORITY AND RATIFY ANY PRIOR APPROVALS OF DONATIONS OF SURPLUS ROAD BUILDING MATERIALS INTO COUNTY INVENTORY FROM TXDOT TO THE DIRECTOR OF THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT [T1-638]

Special Counsel Mark Kennedy advised that the ratification also applies to former Road Director. Commissioner Conley was not present for this item. **A motion was made by Judge Sumter, seconded by Commissioner Ford to delegate authority and ratify any prior approvals of donations of surplus road building materials into county inventory from TXDOT to the Director of Resource Protection, Transportation and Planning Department. All present voting "Aye". MOTION PASSED.**

- 24827 CALL FOR A PUBLIC HEARING ON JANUARY 8, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION, PHASE 1 SECTION 3 [T1-656]

Proposed regulations: STOP sign on Bonnett Meadow Cove at Hawthorne Loop, STOP sign on Running Brook Cove at Hawthorne Loop, STOP sign on Split Cedar Cove at Hawthorne Loop, speed limit of 35MPH on Hawthorne Loop and a speed limit of 25MPH on Bonnett Meadow Cove, Running Brook Cove, and Split Cedar Cove. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on January 8, 2008 to establish traffic regulations in Rim Rock Subdivision Phase 1 Section 3. All present voting "Aye". MOTION PASSED.**

- 24828 CALL FOR A PUBLIC HEARING ON JANUARY 8, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN WOODBROOK SUBDIVISION PHASES 1 & 2 [T1-667]

Proposed regulations: STOP sign on Woodbrook Cove at Woodbrook Drive and speed limit of 25 MPH in the subdivision. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to call for a public hearing on January 8, 2008 to establish traffic regulations in Woodbrook Subdivision Phases 1 & 2. All present voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #12 RE: [#07-3-43 - PCT 3 - 2 LOTS] OAKWOOD HILLS RESUBDIVISION OF LOT 8 - APPROVE FINAL PLAT was PULLED

- 24829 [#07-4-57 - PCT 4 - 1 LOT] BELTERRA PHASE 2 SECTION 9A REPLAT OF LOT 1 BLOCK E - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-686]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan approval and approve final plat of "Belterra Phase 2 Section 9A Replat of Lot 1 Block E". All present voting "Aye". MOTION PASSED.**

- 24830 [#07-4-54 - PCT 4 - 3 LOTS] TOM DYE NO 1 SUBDIVISION - APPROVE PRELIMINARY PLAN [T1-698]

Bryan Franklin spoke in support of this property division. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Tom Dye No. 1 Subdivision". All present voting "Aye". MOTION PASSED.**



24831 [#07-4-56 - PCT 4 - 2 LOTS] RIM ROCK PHASE 1 SECTION 1 REPLAT OF LOTS 3 & 4 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-748]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan approval and approve final plat of "Rim Rock Phase 2 Section 1 Replat of Lots 3 & 4". All present voting "Aye". MOTION PASSED.**

24832 APPROVE AND CONFIRM THE APPOINTMENT OF MARCUS A. GONZALES AS DEPUTY CONSTABLE FOR HAYS COUNTY CONSTABLE PCT 1 LUPE CRUZ EFFECTIVE DECEMBER 17, 2007 [T1-760]

Constable Pct. 1 Lupe Cruz requested approval from the court to appoint Marcus A. Gonzales as Deputy for Constable Pct. 1. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve and confirm the appointment of Marcus A. Gonzales as Deputy Constable for Hays County Constable Precinct 1 Lupe Cruz effective December 17, 2007. All present voting "Aye". MOTION PASSED.**

24833 APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF HAYS COUNTY, TEXAS LIMITED TAX BONDS SERIES 2007; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE [T1-790]

Financial Advisor Dan Wegmiller presented a final pricing summary for \$10,000,000 Limited Tax Bonds, Series 2007. Recommends accepting bid of J.P. Morgan Chase Bank at 3.813% [T1-1120] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve an Order Authorizing the Issuance of Hays County, Texas Limited Tax Bonds Series 2007; levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; authorizing the execution of a payment agent/registrar agreement and a purchase and investment letter; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; and providing an effective date. All present voting "Aye". MOTION PASSED.**

24834 APPOINT SANDY IRVIN TO THE SAN MARCOS MAIN STREET PROGRAM BOARD

[T1-931] **A motion was made by Commissioner Conley, seconded by Judge Sumter to appoint Sandy Irvin to the San Marcos Main Street Program Board. All present voting "Aye". MOTION PASSED.**

24835 NOMINATE COMMISSIONER DEBBIE INGALSBE TO COMMUNICARE HEALTH CENTERS BOARD [T1-944]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to nominate Commissioner Debbie Ingalsbe to the Communicare Health Centers Board. All present voting "Aye". MOTION PASSED.

24836 INCREASE BOND PROGRAM WORK ORDERS (WA#6- ENVIRONMENTAL SERVICES AND WA#23 - CONSTRUCTION PHASE SERVICES) [T1-978]

RE: Sawyer Ranch Road Bond Project. Additional funds were expended after a storm event washed prime oil into Sawyer Ranch subdivision and to resolve unforeseen issues regarding driveway placement and unexpected drainage concerns. **A motion was made by Judge Sumter, seconded by Commissioner Barton to increase Bond Program Work Orders WA#6 (Environmental Services) and WA#23 (Construction Phase Services) in the amount of \$30,579.00. All present voting "Aye". MOTION PASSED.**

24837 APPROVE BUDGET AMENDMENT 08-04 [T1-1174]

Amendment #08-04 is to budget new grant [US Marshal/Lone Star Fugitive Task Force Grant] for overtime up to \$15,572. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Budget Amendment #08-04 as presented by the County Auditor. All present voting "Aye". MOTION PASSED.**

DISCUSSION REGARDING DETERMINING THOSE ORGANIZATIONS FROM WHICH THE COURT WISHES TO PURCHASE MEMBERSHIPS [T1-1186]

A list of possible organizations was presented. No action was taken at this time.



24838 AUTHORIZE THE COUNTY TREASURER TO PURCHASE A REPLACEMENT SHREDDER [T1-1310]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Treasurer to purchase a replacement shredder using funds out of countywide operating budget line item 01-414-5711 NTE \$1500. All present voting "Aye". MOTION PASSED.

24839 PUBLIC HEARING ON TAXATION ON PERSONAL PROPERTY IN TRANSIT AND ADOPT A RESOLUTION INDICATING THE SAME [T1-1365]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Special Counsel Mark Kennedy spoke of HB621. **A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt a Resolution to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code Section 11.253. All present voting "Aye". MOTION PASSED.**

24840 APPROVE PAYMENT OF AN INVOICE FOR THE JUVENILE DETENTION CENTER FOR WHICH A PURCHASE ORDER WAS NOT OBTAINED [T1-1440]

Invoice being considered is from Miller Uniforms & Emblems Inc. = \$1,841.63. Requested payment out of line item #17-473-5234. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve payment of an invoice for the Juvenile Detention Center for which a purchase order was not obtained. All present voting "Aye". MOTION PASSED.**

24841 AWARD PARK BOND FUNDS TO THE CITY OF DRIPPING SPRINGS TO PUT TOWARD THE PURCHASE OF A NEW PARK PROPERTY FOR THE CITY [T1-1493]

Dripping Springs Mayor Todd Purcell spoke of new park property. [T1-2119] **A motion was made by Commissioner Ford, seconded by Commissioner Conley to award Park Bond Funds in the amount of \$775,000 to the City of Dripping Springs to put toward the purchase of a new park property for the City conditioned on a term of commitment for one year, ending on December 11, 2009; City must commit to improvements and maintenance of park; the property purchased must remain parkland in perpetuity; City must acquire matching funds equal to county award; County Auditor will verify all matching funds; and to use the funds solely for the purposes for which they are provided and in the event of loss or misuse, county bond funds will be returned in full. All present voting "Aye". MOTION PASSED.**

EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING ADVERSARY NO 07-1061FM, CURRENTLY PENDING IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF TEXAS AND STYLED JOHN MINING VS. THE STATE OF TEXAS [T1-2250]

Court convened into closed executive session at 11:25 a.m. and convened into open meeting at 11:35 a.m. No action was taken.

WORKSHOP - TRUST FOR PUBLIC LAND [T1-2310]

A powerpoint presentation was given regarding "The Trust for Public Land" (TPL). TPL helps communities define conservation priorities, identify lands to be protected, and plan networks of conserved land that meet public need. TPL helps structure, negotiate, and complete land transactions that create parks, playgrounds, and protect natural areas.

JAIL SURVEY PRESENTATION BY BURNS ARCHITECTURE, INC., KENNETH BURNS [T2-150]

Kenneth Burns (Burns Architecture, Inc.) spoke of options, conceptual budget, and construction examples for the Hays County Jail expansion. He advised that there is room to expand the current facility and he provided several options [#1= 588 beds #2 = 784 beds]. Estimated project budgets for Option #1 = \$39,600,000. Option #2 = \$54,400,000 (does not include separation cells). The current jail has 362 beds.

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 DECEMBER 11, 2007.



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