



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 18th 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
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 Tim Darnell, San Marcos Hill Country Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION FROM COMMISSIONER BARTON REGARDING THE PROPOSED DAHLSTROM RANCH CONSERVATION EASEMENT PROJECT AND THE COUNTY'S PARK AND OPEN SPACE BONDS

David Wilson, Lila Knight, and Charles O'Dell made public comment. Commissioner Barton gave an update on review by CPAT (Citizens Park Advisory Team). He will bring this back to the court and CPAT early next year.

PRESENTATION FROM THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT [T1-290]

Andrew Backus, HTGCD Board President, gave a powerpoint presentation regarding the Hays Trinity Groundwater Conservation District.

24842 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$ 514,618.62 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24843 APPROVE COMMISSIONERS' COURT MINUTES OF DECEMBER 11, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve Commissioners' Court Minutes of December 11, 2007. All voting "Aye". MOTION PASSED.

24844 AUTHORIZE TRANSFER OF 1996 GMC (IGC3C19MXTE233805) TRUCK FROM THE SHERIFF'S DEPARTMENT TO THE MAINTENANCE DEPARTMENT AND SCHEDULE A 1999 FORD (1FTZX1726XKB66859) FOR AUCTION

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize transfer of 1996 GMC (IGC3C19MXTE233805) truck from the Sheriff's Department to the Maintenance Department and schedule a 1999 Ford (1FTZX1726XKB66859) for auction. All voting "Aye". MOTION PASSED.

24845 APPROVE AWARD OF RFP#2008-P02 "SCANNING & INDEXING" FOR THE COUNTY CLERK'S OFFICE TO ASC (GOVERNMENT RECORDS SERVICES) AND AUTHORIZE THE COUNTY CLERK TO NEGOTIATE A CONTRACT

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve award of RFP#2008-P02 "Scanning & Indexing" for the County Clerk's office to ASC (Government Records Services) and authorize the County Clerk to negotiate a contract. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda item #7 RE: APPROVE INSTITUTIONAL OSSF PERMIT FOR LESLIE A. RUNKLE FOR A 7 ROOM BED & BREAKFAST LOCATED AT 10401 SIGNAL HILL ROAD IN PRECINCT 4 was PULLED. This development is located within the Austin ETJ and action is being postponed until it has been through their process.



24846 AUTHORIZE THE COUNTY JUDGE TO RENEW THE AMENDED BIOTERRORISM PANDEMIC FLU CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$165,630

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to renew the amended Bioterrorism Pandemic Flu Contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$165,630. All voting "Aye". MOTION PASSED.

24847 AUTHORIZE TRANSFER OF 1999 FORD, VIN#1FTRX1727XKA49214, PICKUP TRUCK WITH 172,968 MILES FROM THE SHERIFF'S DEPARTMENT TO THE HAYS COUNTY TRANSFER STATION/PARKS DEPARTMENT AND SCHEDULE A 1992 CHEVROLET PICKUP, VIN #2GCEC19Z1P1219651, WITH 219,651 MILES FOR AUCTION

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize transfer of 1999 Ford (Vin#1FTRX1727XKA49214) pickup truck with 172,968 miles from the Sheriff's Department to the Hays County Transfer Station/Parks Department and schedule a 1992 Chevrolet pickup (Vin#2GCEC19Z1P1219651) with 219,651 miles for auction. All voting "Aye". MOTION PASSED.

24848 APPOINT COMMISSIONER WILL CONLEY, MARK KENNEDY, RICHARD SALMON, AND GARY AMAON TO A PRECINCT 3 COMMITTEE TO WORK ON BEST COUNTY OPITONS REGARDING THE JACOBS WELL PROJECT AND PRESENT TO COURT AT A LATER DATE

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Commissioner Will Conley, Mark Kennedy, Richard Salmon and Gary Amaon to a Precinct 3 committee to work on best county options regarding the Jacobs Well Project and present to court at a later date. All voting "Aye". MOTION PASSED.

24849 APPROVE RESOLUTUION RELATED TO THE COUNTY GRANT APPLICATION, SUBMITTED TO THE CAPCOG SOLID WASTE & RECYCLING GRANT PROGRAM, TO SET UP A 3RD RECYCLING CENTER IN PRECINCT 2

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve resolution related to the County grant application, submitted to the CAPCOG Solid Waste & Recycling Grant Program, to set up a 3rd Recycling Center in Precinct 2. All voting "Aye". MOTION PASSED.

24850 ACCEPT DONATED COMPUTERS AND PRINTERS FROM THE STATE OF TEXAS OFFICE OF COURT ADMINISTRATION

A motion was made by Commissioner Barton, seconded by Commissioner Conley to accept donated computers and printers from the State of Texas Office of Court Administration. All voting "Aye". MOTION PASSED.

24851 APPROVE AWARD OF BID #2008-B04 "TWO USED TANDEM AXEL DIESEL POWERED SEMI-TRACTORS W/FIFTH WHEEL" TO ARROW TRUCK SALES IN THE AMOUNT OF \$109,000

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve award of Bid #2008-B04 "Two used tandem axel diesel powered semi-tractors w/fifth wheel" to arrow truck sales in the amount of \$109,000. All voting "Aye". MOTION PASSED.

24852 APPROVE UTILITY PERMITS #01926 & 01927

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve Utility Permit #01926 on Hays Country Acres Road issued to Verizon and #01927 on Fitzhugh Road (CR101) issued to Pedernales Electric Coop. Inc. as submitted by the Road Department. All voting "Aye". MOTION PASSED.

PUBLIC COMMENT

[T1-839] Dianne Wassenich made public comment regarding parks bond funds. Abbe DeLozier made public comment regarding agenda item #7 (Institutional OSSF Permit for Leslie Runkle) which was pulled from the agenda.



24853 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON MT. OLIVE SCHOOL ROAD (CR245) [T1-960]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for establishing a speed limit of 25MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to establish traffic regulations of 25 MPH speed limit on Mt. Olive School Road (CR245). All voting "Aye". MOTION PASSED.**

24854 ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN THE R-O-W OF AUTUMN LANE [T1-972]

RPTP Director Jerry Borcharding spoke of request by citizens to have this road taken into the county maintenance system. He spoke of condition of the road and variances to be considered. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept for maintenance all road and drainage improvements within the right-of-way of Autumn Lane. All voting "Aye". MOTION PASSED.**

24855 [#06-4-55, 4 LOTS] AUTHORIZE THE FILING OF THE RECORD PLAT FOR "MARTIN VIEW" SUBDIVISION [T1-1028]

Subdivision Coordinator Sandy Irvin advised that final plat approval was October 31, 2006 and the plat was not recorded within 12 months of that approval, therefore, authorization is required by the Commissioners' Court. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize filing of the record plat for "Martin View" subdivision. All voting "Aye". MOTION PASSED.**

24856 [#07-3-69, 2 LOTS] BURNETT RANCH REPLAT OF LOTS 214-216 SECTION 2 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-1044]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. Three lots are being reconfigured into two lots which allows for waving the preliminary plan. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive preliminary plan approval and approve final plat of "Burnett Ranch Replat of Lots 214-216 Section 2". All voting "Aye". MOTION PASSED.**

24857 [#07-4-54, 3 LOTS] TOM DYE NO. 1 SUBDIVISION - APPROVE FINAL PLAT [T1-1055]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Tom Dye No. 1" subdivision. All voting "Aye". MOTION PASSED.**

24858 [#05-4-87, 88 LOTS] BELTERRA PHASE 4 SECTION 14 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-1077]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. Commissioner Ford spoke of pending TCEQ permit for water/wastewater. Special Counsel Mark Kennedy spoke of plat notes that address these issues. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Belterra Phase 4 Section 14" and accept construction fiscal surety. All voting "Aye". MOTION PASSED.**

24859 [#05-4-87, 124 LOTS] BELTERRA PHASE 4 SECTION 12A - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-1223]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat of "Belterra Phase 4 Section 12A" and accept construction fiscal surety. All voting "Aye". MOTION PASSED.**

DISCUSSION REGARDING POSSIBLE ALLOCATION OF \$1,158,000 IN PARK BOND FUNDS TO THE CITY OF SAN MARCOS FOR THE CFPO PARK PROJECT [T1-1247]

San Marcos Police Officer Frank Calabrese gave history of CFPO youth athletics program and need for a new location. Commissioner Conley spoke in support of this project. Penny Dunn (San Marcos Police Dept.) spoke in support of the CFPO Park Project. San Marcos Mayor Susan Narvaiz advised that this is not a city project and she spoke in support of this project. Charles O'Dell (President of Hays CAN) spoke of this project. Andrew Spieks spoke in support of this project. Commissioner Ingalsbe spoke in support of this project and the number of children that are served throughout the county. Commissioner Barton spoke of this being a community wide park project. This project is to be submitted to the County Parks Advisory Team for consideration.



24860 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ECONOMIC DEVELOPMENT INCENTIVES AGREEMENT BETWEEN HAYS COUNTY AND SETON AND SCC DEVELOPMENT [T1-1760]

A powerpoint presentation was given regarding development occurring east of IH35 in the Kyle area where the Seton hospital facility will be located. Target date for opening of the hospital is January 2010. Commissioner Ingalsbe spoke of previous court action regarding this project and terms of the agreement. Discussion was had regarding improvements to be made to Dacy Lane. Special Counsel Mark Kennedy spoke of minor adjustments made to the agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute the final draft of the Economic Development Incentives Agreement between Hays County, Seton and SCC Development. All voting "Aye". MOTION PASSED.**

24861 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION FOR UP TO \$40,000 TO THE OFFICE OF GOVERNOR - CRIMINAL JUSTICE DIVISION - DISCRETIONARY JUSTICE ASSISTANCE GRANT PROGRAM [T1-2441]

Grants Administrator Richard Salmon explained the grant. Equipment to be purchased with grant is a video recording system for the Sheriff's Department interview rooms. **A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to submit grant application for up to \$40,000 to the Office of Governor - Criminal Justice Division - Discretionary Justice Assistance Grant Program. All voting "Aye". MOTION PASSED.**

DISCUSSION REGARDING THE PASS THROUGH TOLL AGREEMENT INCLUDING BUT NOT LIMITED TO FM1626, LOOP 110, RR12, SH290, AND SH21 [T1-2484]

Diana Wood, Umland City Administrator, spoke of State Highway 21. Charles O'Dell, President of Hays CAN, spoke. Commissioner Barton gave an update regarding the pass through toll agreement. Judge Sumter spoke of funding options. Discussion was had regarding TxDot meetings and possible bond election in May 2008.

24862 APPROVE PURCHASE OF DATA PROCESSING EQUIPMENT FOR RESOURCE PROTECTION AND TRANSPORTATION PLANNING DEPARTMENT (ENVIRONMENTAL HEALTH DEPT) [T1-3400]

Janice Weber, RPTP Infrastructure Coordinator, spoke of current computer equipment being slow. Request is being made for 14 computers, warranty, speakers = \$900, 14 office software = \$240 each, 8 flat monitors = \$225 each, and 2 non-network printers = \$275 each for a total of \$18,310.00. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve purchase of data processing equipment for Resource Protection and Transportation Planning Department (Environmental Health Department) in the amount of \$18,310.00 out of countywide contingencies. All voting "Aye". MOTION PASSED.**

DISCUSSION REGARDING A BURN BAN POLICY [T2-95]

Special Counsel Mark Kennedy spoke of policy over the last seven years being followed using a disaster declaration process (imminent threat of wild fire). He spoke of Government Code Section 418.108 (declaration of local disaster) and Local Government Code Section 352.081 (regulation of outdoor burning). Fire Marshal Carroll Czichos spoke of exemption permit that could be utilized. No action was taken.

24863 AUTHORIZE TRANSFER OF A 2003 FORD F250 (VIN#3FTNF20L63MB16377) TO HAYS COUNTY ESD#4 [T2-769]

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commissioner Conley and Special Counsel Mark Kennedy to work up an offer and consideration to the Hays County ESD#4 that could be executed by the County for transfer of a 2003 Ford F250 (Vin#3FTNF20L63MB16377) to the Hays County ESD#4. All voting "Aye". MOTION PASSED.

24864 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ACCEPTANCE OF SETTLEMENT, COVENANT TO REMEDIATE, AND RELEASE OF ALL SETTLED CLAIMS, AS IT RELATES TO THE DAMAGE TO THE ROOFTOP OF THE HAYS COUNTY SHERIFF'S DEPARTMENT [T2-971]

Special Counsel Mark Kennedy spoke of negotiating a two year extension. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute an acceptance of settlement, covenant to remediate, and release of all settled claims, as it relates to the damage to the roof top of the Hays County Sheriff's Department and negotiation for a two year extension. All voting "Aye". MOTION PASSED.**



24865 APPROVE BUDGET AMENDMENT #08-05 [T2-1018]

Emergency Management Coordinator Jeff Turner spoke of countywide equipment that could be used for making ID cards for county employees. TJPC-Juvenile Alternative Ed budget amendment for computer & ID card machine equipment was pulled. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the Road & Bridge General Budget transfer listed on Amendment #08-05. All voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #27 RE: DISCUSSION OF CONSERVATION EASEMENTS AND PARK ACCESS was PULLED.

24866 ACTION REGARDING ORGANIZATION FROM WHICH THE COURT WISHES TO PURCHASE MEMBERSHIPS [T2-1203]

County Auditor Bill Herzog spoke of membership dues. Judge Sumter recommended dropping County Executives of America (\$976). Court agreed to delete membership in "County Executives of America = \$976 and add new commitments of Envision Center Texas = \$11,250 and Clean Air Force = \$4,275. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to amend the budget by moving \$10,000 from contingencies to the countywide membership dues expenditures line item. All voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #31 RE: APPROVE APPOINTMENT OF RALPH GONZALES TO THE COMMUNITY ACTION, INC. SAN MARCOS, TEXAS, BOARD OF DIRECTORS was PULLED.

EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL ISSUES, AS PROVIDED FOR UNDER THE TEXAS OPEN MEETINGS ACT.

Court convened into closed executive session and reconvened into open meeting. No discussion and no action taken.

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 DECEMBER 18, 2007.



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

