



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 29th DAY OF JANUARY A.D., 2008, 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 Terry Michaels, Calvary Church of the Springs, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24919 PROCLAMATION FOR THE SAN MARCOS NOON LIONS CLUB 62ND ANNUAL MEXICAN DINNER

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt proclamation for the San Marcos Noon Lions Club 62nd Annual Mexican Dinner. All voting "Aye". MOTION PASSED.

PRESENTATION FROM LINDSEY JANSEN, AMERICAN CANCER SOCIETY

Lindsey Jansen congratulated the Hays County "Relay Super Stars", the top 2 fund raising team for the 2007 San Marcos Relay for Life. Tiffany Jackson spoke of fundraiser held at the courthouse and named off the team members.

PUBLIC COMMENT

Charles O'Dell (Hays CAN) made public comment regarding ethical government.

24920 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill, Herzog spoke of changes in invoices [R&B \$106,000 for juvenile detention & license fee for bldg mtc] Commissioner Ford requested that payment to Tom Forrest be placed on hold until court approves. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve payment of county invoices in the amount of \$1,285,470.82 as presented by the county Auditor with the exception of payment to Tom Forrest. All voting "Aye". MOTION PASSED.

24921 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 22, 2008.

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Commissioner Court Minutes of January 22, 2008. All voting "Aye". MOTION PASSED.

24922 APPROVE EARLY VOTING SCHEDULE 2008.

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Early Voting Schedule 2008. All voting "Aye". MOTION PASSED.

24923 Approve Institutional OSSF Permit for APHCC OF TEXAS, 145 Trademark Dr., Buda, in Precinct 2

Environmental Health Sanitarian Tom Pope spoke of use of the property and monitoring that may need to take place. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve institutional OSSF permit for APHCC of Texas at 145 Trademark Drive in Buda and monitor average use per month. All voting "Aye". MOTION PASSED.

24924 APPROVE THE PURCHASE OF ACID LOCKER FOR THE TRANSFER STATION IN DRIPPING SPRINGS.

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the purchase of Acid Locker for the transfer station in Dripping Springs. All voting "Aye". MOTION PASSED.



24925 AUTHORIZE THE HAYS COUNTY HEALTH DEPARTMENT TO SELL THE REMAINDER OF THE FLU VACCINE AT A PRICE OF \$15.00 PER DOSE

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the Hays County Health Department to sell the remainder of the Flu Vaccine at a price of \$15.00 per dose. All voting "Aye". MOTION PASSED.

24926 APPROVE UTILITY PERMIT #01933

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve utility permit #01933 issued to Gorforth Water Supply on Gorforth Road (CR157) as presented by the Hays County Road Department. All voting "Aye". MOTION PASSED.

24927 APPROVE THE CORRECTION OF MARKERS/HEADSTONES DIMENSIONS IN THE HAYS COUNTY RULES FOR CEMETERY OPERATION AND INDIGENT BURIALS

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the corrections of the Markers/Headstone dimensions of the Hays County Rules for Cemetery Operation and Indigent Burials. Corrected language should read: All markers/headstones shall be flat, flush with the ground, with maximum dimensions of 2' X 1' (24" X 12"). All voting "Aye". MOTION PASSED.

24928 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$38,339 GRANT FROM THE OFFICE OF GOVERNOR – CRIMINAL JUSTICE DIVISION – DISCRETIONARY JUSTICE ASSISTANCE GRANT PROGRAM.

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to accept \$38,339 Grant from the Office of Governor – Criminal Justice Division – Discretionary Justice Assistance Grant Program. All voting "Aye". MOTION PASSED.

24929 AUTHORIZE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION SECTION 5310, 3037 AND 5317 PROGRAMS GRANT APPLICATION PART II.

A motion was made by Commissioner Conley, seconded by Judge Sumter to Authorize County Judge to submit Grant application to the Texas Department of Transportation Section 5310, 3037 and 5317 Programs Grant application Part II. All voting "Aye". MOTION PASSED.

24930 AUTHORIZE COUNTY JUDGE TO ACCEPT A \$65,118 GRANT FROM THE TEXAS JUDICIAL COUNCIL – TASK FORCE ON INDIGENT DEFENSE AND TO EXECUTE CONTRACT

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize County Judge to accept a \$65,188 Grant from the Texas Judicial Council – Task Force on Indigent Defense and to execute Contract. All voting "Aye". MOTION PASSED.

24931 CALL FOR A PUBLIC HEARING ON FEBRUARY 12, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON GATLIN CREEK ROAD, CR191 [T1-320]

Recommended traffic regulation: 35 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on February 12, 2008 to establish traffic regulations on Gatlin Creek Road (CR191). All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #15 RE: RIM ROCK PHASE 2 SECTION 2 (90 LOTS) – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY was PULLED. No discussion and no action taken.



24932 GRANT A VARIANCE TO SUBDIVISION AND DEVELOPMENT RULES SECTION 3.11 TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO FLORINDA MARTINEZ, 1.302 ACRES IN THE 2000 BLOCK OF GOFORTH ROAD [T1-337]

Charles O'Dell, President of Hays CAN, made public comment. Commissioner Barton spoke of application made by Florinda Martinez and explained situation at this location. Judge Sumter voiced her concerns. Subdivision Coordinator Sandy Irvin and RPTP Director Jerry Borcharding spoke of work that is being done to plat the subdivision. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to allow permitting of an on-site sewage facility and development permit to Florinda Martinez for a 1.302 acre tract in the 2000 block of Goforth Road. Commissioner Barton and Commissioner Conley voting "Aye". Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "No". MOTION FAILED.**

24933 APPOINT ROBBIN MALAIN TO THE COMMUNITY ACTION, INC., SAN MARCOS, TEXAS BOARD OF DIRECTORS [T1-1285]

A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint Robbin Malain to the Community Action Inc., San Marcos Board of Directors. All voting "Aye". **MOTION PASSED.**

DISCUSSION TO MATCH DEPARTMENT HEADS WITH A COURT MEMBER WHO WILL ACT AS PRIMARY POINT OF CONTACT [T1-1310]

Commissioner Ford spoke in favor of matching department heads with a court member who will act as primary point of contact. Collections Dept. Director Judy Seim spoke. This item will be discussed in executive session.

24934 AUTHORIZE POSTING A HIRING RANGE FOR A CERTIFIED NURSE PRACTITIONER OF MINIMUM TO MIDPOINT, \$47,345.34 TO \$59,181.42 [T1-1462]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize posting a hiring range for a Certified Nurse Practitioner of minimum and midpoint of \$47,345.34 to \$59,181.42. All voting "Aye". **MOTION PASSED.**

24935 RE-APPOINT MIKE GONZALES TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION TO REPRESENT HAYS COUNTY CITIES [T1-1489]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to re-appoint Mike Gonzales to the Capital Area Metropolitan Planning Organization to represent Hays County cities – term to expire in 2009. All voting "Aye". **MOTION PASSED.**

DISCUSSION REGARDING AUTHORIZING A TEMPORARY, PART-TIME EMPLOYEE FOR PCT. 2 COMMISSIONER'S OFFICE TO FACILITATE THE CONTINUATION OF THE FM1626 PROJECT THAT WAS APPROVED BY THE COURT ON OCTOBER 30, 2007 [T1-1512]

Charles O'Dell, President of Hays CAN, made public comment. Commissioner Barton spoke of action taken on October 30, 2007 and work that needs to be done. No action being requested this date.

24936 AUTHORIZE A TEMPORARY PART-TIME INTERN FOR PRECINCT 2 COMMISSIONER'S OFFICE [T1-1656]

Charles O'Dell, President of Hays CAN, made public comment. Commissioner Barton spoke of hiring an intern out of his special project funds. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize a temporary part-time intern for Precinct 2 Commissioners' office. All voting "Aye". MOTION PASSED.**

24937 CALL FOR A MORATORIUM ON CONSIDERATION OF PARK BOND PROJECTS WHILE COURT AND CPAT TAKE TIME TO DEFINE THE TYPE OF PROJECTS WE ANTICIPATE AND REFINE THE SCORING CRITERIA FOR EACH PROJECT TYPE

[T1-1701] - A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a short moratorium on consideration of Park Bond Projects while court and CPAT take time to define the type of projects we anticipate and refine the scoring criteria for each project type and allow projects currently in the consideration process with CPAT and HC staff to continue on that path or at their own discretion hold back and wait for new criteria to be established; and a motion was made by Commissioner Barton, seconded by Commissioner Conley to amend Commissioner Ford's motion to have moratorium expire on or before midnight on April 1, 2008. All voting "Aye" on both motions. **MOTION PASSED.**



DISCUSSION REGARDING GUIDELINES TO CITIZENS PARKS ADVISORY TEAM ON CATEGORIZING PARKS AND OPEN SPACE PROJECTS CONSIDERED FOR THE 2007 \$30 MILLION BOND FUNDS [T1-2301]

Commissioner Ford suggested the following categories: (1) acquisitions to preserve open space natural areas, habitats and land that contribute to water quality (2) acquisitions for new parks and recreation facilities, (3) funds for new park development, (4) funds for restoration and management of open space and natural areas, (5) funds for redevelopment of existing public lands. She spoke of need for a workshop. Commissioner Conley spoke of Habitat Conservation Plan.

DISCUSSION REGARDING SCHEDULING FOR COURT AGENDAS AND WORKSHOPS

[T1-2581] - Commissioner Barton spoke of scheduling for court workshop/agenda items. No action was taken.

Clerk's Note: Agenda Item #27 RE: ACTION TO LIFT THE BURN BAN **was PULLED**. Fire Marshal Carroll Czichos recommends continuation.

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS

The court convened into closed executive session at 1:10 p.m. to discuss personnel matters involving evaluation of all individual department heads and reconvened into open meeting at 6:15 p.m. No discussion and no action taken.

24938 AUTHORIZE THE COUNTY JUDGE TO SIGN THE LEASE AGREEMENT WITH YELLOW ROCK BUSINESS PARK LLP FOR NEW OFFICE SPACE FOR HAYS COUNTY INFORMATION TECHNOLOGY DEPARTMENT [T1-2970]

Commissioner Ford spoke of space available for the Information Tech Dept. Special Counsel Mark Kennedy spoke of changes in the original lease agreement: 2a1 further description for property, start date of Feb. 1st, dedicated trash responsibility to landlord, \$300,000 policy limit instead of \$1 million, 2 clauses added (lease extension & funding out clause). **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to sign the lease agreement with Yellow Rock Business Park LLP for new office space for Hays County Information Technology Department as reviewed by Special Counsel. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley abstained. MOTION PASSED.**

24939 APPROVE PAYMENT OF INVOICES FOR TOM FORREST [T1-3153]

Charles O'Dell, President of Hays CAN, made public comment regarding open records request. Special Counsel Mark Kennedy spoke of his response to that request. Commissioner Barton spoke of services provided by Tom Forrest. Funds are available in the Road & Bridge Consultant line item. **A motion was made by Judge Sumter, seconded by Commissioner Barton to ratify and approve payment of invoices for November & December in the amount of \$10,000 to Tom Forrest to be paid out of R&B Dept. Consultant line item. All voting "Aye". MOTION PASSED.**

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 JANUARY 22, 2008.



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