



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 12th DAY OF FEBRUARY 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. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

The invocation was given by Commissioner Conley and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

Human Resources Director Dee Dee Baen Introduced new county employees.

PUBLIC COMMENT

Lupe Carbajal made public comment regarding denial of septic permit to Florinda Martinez in Kyle. Mary Gonzales made public comment regarding use of parks bond money.

Clerk's Note: Agenda Item #15 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE WIMBERLEY VALLEY WATERSHED ASSOCIATION TO PROVIDE 2007 PARKS BOND FUNDS TO THE JACOB'S WELL PROJECT was PULLED.

Clerk's Note: Agenda Item #19 RE: AMEND THE TRANSPORTATION ADVISORY BOARDS CHARGE was PULLED.

Clerk's Note: Agenda Item #24 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT FOR COLLABORATIVE REVIEW OF GROUNDWATER AVAILABILITY STUDIES was PULLED.

24962 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$492,598.66 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24963 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 31 AND FEBRUARY 5, 2008

Commissioner Ford requested a change in the minutes for January 31st: change FM1626 to FM1826 on Pct. 4 comments. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of January 31 and February 5, 2008 as presented by the County Clerk with change requested by Commissioner Ford. All voting "Aye". MOTION PASSED.

24964 AUTHORIZE COUNTY JUDGE TO SUBMIT \$21,070 GRANT APPLICATION REQUEST TO THE LCRA - CDP PROGRAM FOR THE COUNTYWIDE CERT PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize County Judge to submit \$21,070 grant application request to the LCRA - CDP Program for the Countywide CERT Program. All voting "Aye". MOTION PASSED.

24965 APPROVE THE CANCELLATION OF COMMISSIONERS COURT ON MARCH 4, 2008

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve the cancellation of Commissioners Court on March 4, 2008. All voting "Aye". MOTION PASSED.

24966 APPROVE SPECIFICATIONS FOR BID #2008-B09 ROAD IMPROVEMENTS/HOT-MIX OVERLAY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

RPTP Director Jerry Borcharding requested that "BeeBack Inn Road" be added to his backup information. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications for Bid #2008-B09 Road Improvements/Hot-Mix Overlay and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.



24967 APPROVE SPECIFICATIONS FOR BID #2008-B10 HAYS COUNTY BANK DEPOSITORY CONTRACT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications for Bid #2008-B10 Hays County Bank Depository contract and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

24968 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR THE HAYS COUNTY RESOURCE PROTECTION TRANSPORTATION AND PLANNING (ROAD DIVISION) AND EMERGENCY RESPONSE TEAM OFFICE IN PRECINCT 3

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit for the Hays County Resource Protection Transportation and Planning (road division) and Emergency Response Team Office in Precinct 3. All voting "Aye". MOTION PASSED.

24969 REAPPOINT MARILYN MILLER TO THE BOARD OF DIRECTORS OF ESD #6 FOR A TERM OF TWO YEARS

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to reappoint Marilyn Miller to the Board of Directors of ESD #6 for a term of two years. All voting "Aye". MOTION PASSED.

24970 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON GATLIN CREEK RD, CR 191 [T1-189]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish a traffic regulation of 35 MPH speed limit on Gatlin Creek Road (CR191) as recommended by the Road Department. All voting "Aye". MOTION PASSED.

24971 [#07-4-073, 2 LOTS] - GREEN HILLS RESUBDIVISION OF LOT 3 - APPROVE PRELIMINARY PLAN & CALL FOR A PUBLIC HEARING ON FEBRUARY 26, 2008 [T1-199]

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 "Green Hills Resubdivision of Lot 3" and call for a public hearing on February 26, 2008. All voting "Aye". MOTION PASSED.

24972 [#07-2-072, 2 LOTS] - OAK MESA RESUBDIVISION OF LOT 2 - APPROVE PRELIMINARY PLAN & CALL FOR A PUBLIC HEARING ON FEBRUARY 26, 2008 [T1-211]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for "Oak Mesa Resubdivision of Lot 2" and call for a public hearing on February 26, 2008. All voting "Aye". MOTION PASSED.

24973 AUTHORIZE THE ROAD DEPARTMENT TO ACCOMPLISH MINOR DRAINAGE IMPROVEMENTS OUTSIDE COUNTY ROW [T1-225]

RPTD Director Jerry Borcharding spoke of improvements to be made throughout the county which may require that improvements be made outside of county right-of-way in order to protect county property. Property owner and respective Commissioner approval will be obtained. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the Road Department to accomplish minor drainage improvements outside of county right-of-way. All voting "Aye". MOTION PASSED.

24974 ASSIGN OFFICE SPACE TO THE COMPLIANCE DEPARTMENT PRESENTLY BEING OCCUPIED BY INFORMATION TECHNOLOGY [T1-341]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to assign office space currently being occupied by Information Technology to the Compliance Department. All voting "Aye". MOTION PASSED.



24975 ACTION REGARDING HAYS COUNTY'S PASS THROUGH FINANCING AGREEMENT WITH THE STATE OF TEXAS, WHETHER TO PROCEED, AND OPTIONS TO FINANCE THE COUNTY'S SHARE OF THE AGREEMENT [T1-368]

Commissioner Barton spoke of need to proceed with pass through financing agreement and he stated the roads that need improvements. Commissioner Barton spoke of other entities that are participating and he spoke in favor of issuing revenue bonds and putting forth a bond package to the voters in November.

[T1-653] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to order and declare that [A] the Commissioners Court shall issue revenue bonds this spring in an amount sufficient to meet the short-term needs of its engineers and its partners at the state and in city government, with the intent of furthering those projects known informally as the State Pass-Through Financing Partnership. The amount of these bonds is estimated not to exceed \$31 million. The exact amount will be determined in the manner outlined below, and to be formally authorized by the Court within 30 days. [B] The County shall plan a general obligation bond election for the standard election date in November 2008, with the intent of putting before voters a proposal or series of proposals to address transportation needs in the County, including but not necessarily limited to, the construction dollars and other remaining needs of the State Pass Through Financing projects, safety concerns on other state roads, and various county road and drainage projects. [C] Staff and consultants reporting to the Commissioners Court should plan to meet these goals. [D] These goals will be accomplished by the following actions, among others: 1. The County's liaisons with TxDOT, that being Judge Sumter and Commissioner Barton, having previously been instructed by the Court to confer further with TxDOT about the County's interest in partnering "in concept" are also hereby instructed to communicate to TxDOT the County's intent to issue revenue bonds sufficient to allow TxDOT to meet its proposed spring-summer 2008 contract letting schedule for the pass-through partnership roads. 2. The County's transportation planning and engineering consultant, Prime Strategies, is instructed to negotiate with TxDOT staff to determine the minimum amount of revenue bond funding necessary to meet spring and summer letting schedules for US 290 and Interstate 35, and also to keep surveying, engineering, environmental clearance work, utility planning and relocation and right-of-way preparation and negotiation moving efficiently and expeditiously between now and November 2008. 3. The County's financial adviser, First Southwest, is instructed to prepare revenue bond options for consideration by the Court within 30 days, with a goal funding initial disbursements to TxDOT in early-to-mid April, 2008. 4. The Court commits to set up a bond committee within 30 days, to be supported by professional engineering and consultant teams funded by interest from the 2001 bonds, an to develop a set of guidelines, and with a charge or goal of reporting back to the Commissioners Court by the end of June on recommendations for a November bond package.**

[T1-703] Public comments were made by Horace Fletcher (Buda), Richard Schneider (Buda), James Kohler (Kyle), Lila Knight (Kyle), J.P. 2 Beth Smith (Mountain City), Clay Huckaby (Buda), Dan Ekakiadis (Kyle – member of Kyle City Council), Judy Allen (San Marcos – member of the San Marcos CISD school board), Ray Kotowski (San Marcos), Robert Kidnew (Buda), Barrie Breed (San Marcos), David Wilson (Kyle), San Marcos Mayor Susan Narvaiz, Buda Economic Development Director Warren Ketteman, and Kyle Economic Development Director Diana Blank. Commissioner Conley spoke of economic aspects. Public comment was made by Diana Woods (City of Umland), Kyle Mayor Mike Gonzalez, Adell Hurst (President of Kyle Area Senior Zone), Kevin Kriston (San Marcos), Peter Baen, Wayne Becak (San Marcos), Douglas Dear (Buda), Mary Gonzales (San Marcos), Brad Hagen, and Sandra Tenorio (Buda City Council). Petitions were submitted in support of road improvements. Commissioner Barton spoke of emails he received from citizens. Commissioner Ingalsbe spoke of progress on improvements to McCarty Lane. She spoke in support of funding improvements for FM1626 as soon as possible. [T1-2300] Commissioner Barton spoke of issuing revenue bonds. Judge Sumter spoke of moving forward without approving revenue bonds. Commissioner Ford spoke of making a commitment that the court will support the pass through financing package that TxDOT has come back with and move forward with holding a bond election in May. Commissioner Conley spoke of previous bond package that failed and need for a bond election in November. Judge Sumter spoke in support of latest package submitted by TxDOT and supports a bond election in May. [T1-3049] Commissioner Barton spoke of the courts actions having consequences and he spoke of available funding that could be used for engineering, etc. for some of the roads in question. He spoke of things that need to be done to prepare for a bond election. Judge Sumter advised that she has been holding community meetings. [T2-1] San Marcos Mayor Susan Narvaiz spoke. Commissioner Barton spoke of considering \$14.5 – 18.5 million versus \$31 in revenue bonds. Discussion was had regarding holding a bond election in May or November. Commissioner Ingalsbe suggested setting a bond limit of \$14.5 or \$17.5 million. [\$4 million for US290 West, delay funding of IH35 improvements in Buda area on FM2001, fund IH35 utility improvements and delay other projects on IH35, \$4 mil on FM1626, and \$2 million on SH21]. [T2-464] Commissioner Ingalsbe proposed a friendly amendment to set the bond limit at \$19.5 million [would include ½ of money for US290 West, I35 @ FM2001, ROW/Utilities on I35, and \$4 million for FM1626]. - replace \$31 million with \$19.5 million. [T2-584] Discussed breakdown of money by projects. Same projects with some savings to come from US290 and I35 construction - FM1626 at \$4 million. Bond Counsel Dan Wegmiller spoke of revenue tax bonds and 1 cent tax that would be needed. **Commissioner Barton and Commissioner Conley accepted the friendly amendment to replace the \$31 million figure with \$19.5 million. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter Voting "No". MOTION PASSED.**



24976 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AIA DOCUMENT B101-2007, STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ARCHITECT WITH PBS&J [T2-875]

Chuck Croslin, AIA VP, appeared before the court. County Auditor Bill Herzog spoke of reimbursement resolutions needed and money currently budgeted. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an AIA Document B101-2007 standard form of agreement between owner and architect with PBS&J with \$425,495 to be paid out of line item 01-414-5741/building fund. All voting "Aye". MOTION PASSED.

24977 AWARD LANDSCAPE ARCHITECTURAL CONTRACT TO LAND DESIGN PARTNERS, INC. FOR THE DESIGN OF THE 251 ACRE SPRING LAKE PROJECT IN CONJUNCTION WITH THE CITY OF SAN MARCOS AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT [T1-1270]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to award landscape architectural contract to Land Design Partners Inc. for the design of the 251 acre Spring Lake Project in conjunction with the City of San Marcos and to authorize the County Judge to execute contract. All voting "Aye". MOTION PASSED.

24978 APPROVE A MEMORANDUM OF AGREEMENT REGARDING THE CENTRAL TEXAS 8-HOUR OZONE FLEX PROGRAM AND AUTHORIZATION OF COMMISSIONER FORD, AS THE COUNTY'S REPRESENTATIVE ON THE CENTRAL TEXAS CLEAN AIR COALITION, TO SIGN MOA ON THE COUNTY'S BEHALF [T1-1303]

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve a Memorandum of Agreement regarding the Central Texas 8-Hour Ozone Flex Program and authorization for Commissioner Ford, as the county's representative on the Central Texas Clean Air Coalition, to sign MOA on the county's behalf. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley abstained. MOTION PASSED.

24979 APPROVE NEW HAYS COUNTY SHERIFFS OFFICE VEHICLE IMPOUNDMENT POLICIES AND PROCEDURES [T2-1601]

Deputy Sheriff Mark Graves spoke of proposed policies and procedures. Delete Chapter 7 involving vehicle impound unit, Hays County does not have one and does not want one it would cost more personnel. 17A – of the contract needs to read as follows: the conviction of the company or the owner, principal or operator of the company of fraud or theft defined in the Texas Penal Code as a Class B Misdemeanor or higher offense, any Penal Code Felony, or any Penal Code violation that the Sheriff or his designee and determines may be unsafe of a threat to persons or property involved in a towing company business transaction. This is set to be able to catch any DWI convictions on an operator of that type of business. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve new Hays County Sheriff's Office Vehicle Impoundment Policies and Procedures with Special Counsel adapting the application to suit legal standards. All voting "Aye". MOTION PASSED.

24980 APPROVE EXTENSION OF THE DISASTER DECLARATION [T2-1919]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve extension of the Disaster Declaration (Burn Ban) until repealed by the Commissioners Court. All voting "Aye". MOTION PASSED.

24981 AUTHORIZE COUNTY JUDGE TO EXECUTE A CONTRACT WITH PROTECH ENGINEERING TO PROVIDE SURVEYING AND ENGINEERING SERVICES TO THE ROAD DEPARTMENT ON AN AS-NEEDED BASIS [T2-1955]

Special Counsel Mark Kennedy spoke of need for a "non exclusivity" clause. RPTP Director Jerry Borcharding spoke. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute a contract with ProTech Engineering to provide surveying and engineering services to the Road Department on an as-needed basis to include a "non exclusivity" clause. All voting "Aye". MOTION PASSED.



24982 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OPTION TO PURCHASE PROPERTY IN THE VILLAGE OF WIMBERLEY FOR PRECINCT 3 OFFICES [T2-2155]

This item was pulled from open session and held in Executive Session due to the detrimental effect deliberation in open court would have had on Hays County's negotiating position in this potential real property transaction. Executive Session was held pursuant to the Texas Government Code, Section 551.072, to deliberate regarding the purchase and acquisition of real property in Precinct 3. Upon completion of the closed executive session, the court reconvened into open meeting. Commissioner Conley explained the 60 day option period. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an option to purchase property in the Village of Wimberley for Precinct 3 offices. All voting "Aye". MOTION PASSED.**

EXECUTIVE SESSION PURSUANT TO OPEN MEETING ACT, TEXAS GOVERNMENT CODE 551.074, TO DISCUSS PERSONNEL MATTERS INVOLVING THE BUILDING MAINTENANCE DEPARTMENT

Court convened into closed executive session at 3:25 p.m. and reconvened into open meeting at 4:05 p.m. No action was taken on this item.

24983 APPROVE MOVING THE SALARY OF ONE ASSISTANT DISTRICT ATTORNEY FELONY PROSECUTOR TO MID-POINT [T2-2225]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve moving the salary of one Assistant District Attorney Felony Prosecutor to mid-point. 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 FEBRUARY 12, 2008.



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

