



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26th 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 INGALSE	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:

Jerry Borcharding gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25002 PROCLAMATION RECOGNIZING THE WEEK OF MARCH 2ND AS "SPEAK UP FOR KIDS" WEEK

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Proclamation recognizing the week of March 2nd as "Speak Up For Kids" week. All present voting "Aye". MOTION PASSED

PUBLIC COMMENT

Charles O'Dell made public comment regarding open meeting/open records act. San Marcos Mayor Susan Narvaiz gave public comment regarding McCarty Lane project.

25003 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 366,390.63 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25004 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 15 & 19, 2008.

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioners' Court Minutes of February 15 & 19, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25005 APPROVE UTILITY PERMIT #01931

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Utility Permit #01931 on CR191/Gatlin Creek Road issued to Pedernales Electric Cooperative as submitted by the Road Department. All voting "Aye". MOTION PASSED

25006 REAPPOINT ROBERT HAYDEN TO THE HAYS COUNTY ESD #6 BOARD OF DIRECTORS FOR A TERM OF TWO YEARS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to reappoint Robert Hayden to the Hays County ESD#6 Board of Directors for a term of two years. All voting "Aye". MOTION PASSED

25007 APPROVE PAYMENT OF \$30 PER EMPLOYEE FEE FOR HEALTHCHECK RATHER THAN ALLOW PAYROLL DEDUCTIONS

Judge Sumter suggested having the employees make a \$5 payment at time of taking blood (county to pay \$25) and not allow payroll deductions. Human Resources Director Dee Dee Baen and County Treasurer Michele Tuttle gave their support for payroll deduction. Commissioner Ford suggested that the county pay the entire \$30 fee per employee. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payment of the \$30 fee per employee to participate in 2008 Healthcheck. All voting "Aye". MOTION PASSED



25008 APPROVE SPECIFICATION AND DIRECT PURCHASING TO ADVERTISE FOR BID FOR MCCARTY LANE (EAST) WIDENING PROJECT [T1-320]

This project will widen McCarty Lane from CR266 east for approximately 1800 feet, providing access to the proposed loop. Public comment: Maria Gonzales and Charles O'Dell (Hays CAN) asked questions of the court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve specifications and direct Purchasing to advertise for bid for McCarty Lane (East) widening project with funding to come from the interest income from the previous bond package not to exceed \$1 million. All voting "Aye". MOTION PASSED**

25009 [#08-4-08, 2 LOTS] BURKE SUBDIVISION RESUBSUBDIVISION OF LOT 1 – APPROVE PRELIMINARY PLAN

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for "Burke Subdivision Replat of Lot 1". All voting "Aye". MOTION PASSED**

25010 [#07-2-072, 2 LOTS] OAK MESA RESUBDIVISION OF LOT 2 – PUBLIC HEARING & FINAL PLAT APPROVAL [T1-587]

Judge Sumter declared the public hearing open. No public comment was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of "Oak Mesa Resubdivision of Lot 2". All voting "Aye". MOTION PASSED**

25011 [#07-2-064, 2 LOTS] SUNRISE ACRES RESUBDIVISION OF LOT 4 – APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON MARCH 11, 2008 [T1-617]

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 "Sunrise Acres Resubdivision of Lot 4" and call for a public hearing on March 11, 2008. All voting "Aye". MOTION PASSED**

25012 [#07-4-073, 2 LOTS] GREEN HILLS RESUBDIVISION OF LOT 3 – PUBLIC HEARING & FINAL PLAT APPROVAL [T1-625]

Judge Sumter declared the public hearing open. No public comment was received and the public hearing was closed. 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 "Green Hills Resubdivision of Lot 3". All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #12 RE: ACTION TO LIFT THE BURN BAN was PULLED.

25013 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE WIMBERLEY VALLEY WATERSHED ASSOCIATION TO PROVIDE 2007 PARKS FUNDS TO THE JACOB'S WELL PROJECT [T1-666]

Steve Klepfer, David Baker, and Andrew Sansom made public comment in support of the project. Craig Payne made public comment regarding property owners easement to the well and request for representation on the new Association. A.A. Bubba Ross made public comment regarding safety issues. Patrick Cox, President of the Wimberley Valley Watershed Association, spoke. Commissioner Conley spoke of support from Texas State University, GBRA, Village of Wimberley, and others. Proposed funding, after contingencies are met, is a total of \$3,000,000 (\$2.6 million directly to the Wimberley Valley Watershed Association and \$400,000 paid to a new non-profit entity charged with managing the property and the project). **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute a Memorandum of Understanding with the Wimberley Valley Watershed Association to provide 2007 Parks Funds to the Jacob's Well Project in the amount of \$3 million. All voting "Aye". MOTION PASSED**

25014 ACCEPT THE FY 2007 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER, & COMPANY LLP [T1-1314]

A brief explanation of the audit was given by the firm of Holtman, Wagner & Company. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept the FY2007 Financial Audit for Hays County as prepared by the Accounting Firm of Holtman, Wagner, & Company LLP. All voting "Aye". MOTION PASSED**



CONSIDERATION OF RECOMMENDATION FROM THE PRE-COMPREHENSIVE PLAN COMMITTEE AND STAFF FOR A PLANNING CONSULTANT FOR THE HAYS COUNTY CONNECTIONS 2035 STRATEGIC PLAN AND AUTHORIZE THE COUNTY JUDGE AND APPROPRIATE STAFF TO NEGOTIATE A CONTRACT [T1-1744]

Marilee Wood spoke of four firms that were interviewed. Commissioner Barton spoke of his concerns. \$150,000 has been budgeted for the comprehensive plan. Commissioner Conley requested more time to review proposal. Court would like to meet with the recommended firm before taking action. Action was postponed until March 11, 2008 meeting.

25015 ACCEPT ANNUAL REPORT AND AUDIT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 3 [T1-2582]

Sharon O'Brien presented the annual report and audit from the Hays County Emergency Services District #3. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept annual report and audit from the Hays County Emergency Services District #3. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING THE COUNTY'S MEETING WITH THE EXECUTIVE DIRECTOR OF TXDOT ON THE COUNTY'S PASS THROUGH FINANCING AGREEMENT AND THE UPCOMING FEBRUARY TRANSPORTATION COMMISSION MEETING [T1-2790]

Judge Sumter spoke of meeting that was held and advised that Hays County is on the schedule for the February 28th Transportation Commission meeting. Court discussed members of the court that might attend that meeting.

25016 APPOINT MARY GIBERSON TO THE HAYS COUNTY HISTORICAL COMMISSION

[T1-3070] A motion was made by Commissioner Barton, seconded by Judge Sumter to appoint Mary Giberson to the Hays County Historical Commission. All voting "Aye". MOTION PASSED

25017 APPOINT RANDY VAN CAMP TO THE HAYS COUNTY ESD #1 BOARD OF DIRECTORS [T1-3089]

Mr. Van Camp will replace Vernon Jordan and serve as Treasurer for the remainder of the current term. A motion was made by Commissioner Ford, seconded by Commissioner Conley to appoint Randy Van Camp to replace Vernon Jordan and serve remaining term of office on the Hays County ESD#1 Board of Directors. All voting "Aye". MOTION PASSED

25018 ACTION TO TEMPORARILY ALLOW GREG TVRDIK TO ACCRUE MORE THAN 60 HOURS OF COMPENSATORY TIME [T1-3141]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to temporarily allow Greg Tvrdik to accrue more than 60 hours of compensatory time. All voting "Aye". MOTION PASSED

25019 ACCEPT DONATIONS OF \$200.00 AND AUTHORIZE AN EXPENDITURE OF \$175.00 TO PURCHASE A USED PALLET JACK AND BALE WRAPPER [T1-3191]

Total purchase price is \$375 (\$200 to be donated and \$175 expenditure from the Recycling and Solid Waste Department budget). A motion was made by Judge Sumter, seconded by Commissioner Barton to accept donations of \$200.00 and authorize an expenditure of \$175.00 to purchase a used pallet jack and bale wrapper. All voting "Aye". MOTION PASSED

25020 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WIMBERLEY TO SHARE EXPENSES PAID FOR COMMERCIAL INSPECTION, ENVIRONMENTAL ASSESSMENT, APPRAISAL, AND RENDERINGS PRODUCTION RELATED TO THE PROPOSED PURCHASE OF PROPERTY FOR THE HAYS COUNTY PRECINCT 3 OFFICES, SUCH EXPENSES NOT TO EXCEED \$10,000 [T2-1]

Commissioner Conley spoke of partnership with the Village of Wimberley – funding to come out of line item # 01-414-5742. A motion was made by Commissioner Barton, seconded by Commissioner Barton to authorize the County Judge to execute an interlocal agreement with the Village of Wimberley to share expenses paid for commercial inspection, environmental assessment, appraisal and renderings production related to the proposed purchase of property for the Hays County Precinct 3 offices, such expenses not to exceed \$10,000. All voting "Aye". MOTION PASSED



25021 AUTHORIZE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT TO UTILIZE TWO COUNTY-OWNED GROUNDWATER WELLS AS MONITORING WELLS FOR RESEARCH PURPOSES AND TO PERMIT THOSE WELLS IN ACCORDANCE WITH HTGCD RULES [T2-82]

The two county-owned wells are located at the Precinct 3 and Precinct 4 road maintenance yards and would remain functional for their current use. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Hays Trinity Groundwater Conservation District to utilize two county-owned groundwater wells as monitoring wells for research purposes and to permit those wells in accordance with HTGCD rules. All voting "Aye". MOTION PASSED

25022 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT FOR COLLABORATIVE REVIEW OF GROUNDWATER AVAILABILITY STUDIES [T2-130]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a Memorandum of Understanding with Hays Trinity Groundwater Conservation District for collaborative review of groundwater availability studies. All voting "Aye". MOTION PASSED

25023 DIRECT STAFF TO DEVELOP AN AGREEMENT WITH SETON FAMILY OF HOSPITALS TO PARTICIPATE AND PARTIALLY FUND A HAYS ENVIRONMENTAL HEALTH ASSESSMENT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FINAL AGREEMENT [T2-335]

As part of the County's overall negotiations with Seton during last year's site selection process and incentive negotiations, Seton agreed to partially fund and to cooperate with the County on a study of the existing state of public health care in Hays County. During the budget process the Court approve \$25,000 in matching funds for this effort (now referred to as a "Health Scan" or "Health Assessment"). This health scan is basically an analysis of all of the factors that contribute to the health of the community directly or indirectly. The \$25,000 in the budget [line item #01-414-5514] is not for general health care consultants, but for the "Seton" health assessment. No funds have been dedicated or obligated to the RFP for health care consultants. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to direct staff to develop an agreement with Seton Family of Hospitals, and possible participation from Central Texas Medical Center, to participate and partially fund a Hays Environmental Health Assessment and authorize the County Judge to execute the final agreement for an expenditure not to exceed county match of \$25,000. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING CAPITAL EXPENDITURES IN THE COMING YEAR'S BUDGET [T2-1090]

Judge Sumter spoke of capital expenditures anticipated for the county in the next couple of years and the possibility of a recession or at least a slowing of the economy. Capital expenditures include but are not limited to the Precinct 1, 2 & 3 offices, government center, jail, pass through finance package, 19.5 million revenue bonds for pass through finance package, county roads, commitment to changing the market for salary comparisons for county employees and commitment to increase hot mix usage on county roads. Need to look at the possible tax implications, prioritize expenditures and commitments. Discussion was had regarding government center, jail, precinct offices, etc. Numbers are needed for various projects to determine funds needed.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE REGARDING THK, LLC VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

[T2-1625]

The court convened into closed executive session at 2:55 p.m. and reconvened into open court at 5:00 p.m. No action was taken. Commissioner Barton left the meeting during the executive session.

WORKSHOP REGARDING BIOLOGICAL FINDINGS AND OTHER STATUS OF HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T2-1675]

Clif Ladd (Loomis Austin) introduced his team and they proceeded to go through the Hays County Habitat Conservation Plan. Timelines were discussed. Clif Ladd spoke of grant application and recommendations for species inclusion. The Biological Advisory Team (BAT) of the Hays County Habitat Conservation Plan (Hays County HCP) was asked to propose a list of species to include in the plan and provide recommendations for the most appropriate type of coverage for included species. BAT assembled a comprehensive list of rare or sensitive species known to occur in Hays County and the list included 112 species, including a number of plants, invertebrates, fish, amphibians, reptiles, and mammals. The BAT further reviewed the comprehensive and filtered lists of species of concern to arrive at the recommended list of species of concern to address in the Hays County HCP. The recommended list of species of concern includes 58 species. The covered species of concern were the golden-cheeked warbler and the black-capped vireo and the remaining species of concern are listed as evaluation species. Hays County has 430,000 acres and 40% of the county is golden cheek warbler habitat. Black-capped vireo are generally over Edwards limestone areas. Discussed Karst and Aquatic/Karst features (caves, etc.) and Aquatic resources in the county. Maps are available on the county website indicating areas of concern. Three alternatives were discussed for a preserve system based on preserve sizes of 3,500 acres, 16,000 acres, and 32,000 acres. Funding options were discussed.



Court was adjourned this the 26th day of February, 2008.

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 26, 2008.



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

