



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 11th DAY OF MARCH 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 INGALSBY	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley was not present at beginning of the meeting.

Nick Icosipentarhos gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Kate Johnson (Kyle resident) made public comment in opposition to proposed ordinance to restrict guns. Abel Velasquez (Human Resources Dept.) introduced two new employees at the Juvenile Detention Center. Charles O'Dell made public comment regarding open records violation complaint.

25024 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog spoke of membership and dues overage in countywide operations – he suggested paying overage out of contingencies. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$254,470 for 3/4/08 and \$433,190.56 for 3/11/08 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

25025 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 26, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioners Court Minutes of February 26, 2008. All present voting "Aye". MOTION PASSED

25026 APPROVE CHANGE ORDER #2 FOR THE PROJECT AT THE HAYS COUNTY JUVENILE DETENTION CENTER IN THE AMOUNT OF \$8,800.00

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Change Order #2 for the project at the Hays County Juvenile Detention Center in the amount of \$8,800.00. All present voting "Aye". MOTION PASSED

25027 AUTHORIZE THE COUNTY JUDGE TO APPROVE RESOLUTION AND TO SUBMIT GRANT APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE SHERIFF'S SCHOOL RESOURCE OFFICER IN WIMBERLEY ISD FOR UP TO \$20,278.00

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to approve resolution and to submit grant application to the Governor's Office Criminal Justice Division for the Sheriff's School Resource Officer in Wimberley ISD for up to \$20,278.00. All present voting "Aye". MOTION PASSED

25028 ACCEPT DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY SHERIFF'S JAIL COMMISSARY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept delivery of the Internal Examination Report for the Hays County Sheriff's Jail Commissary. All present voting "Aye". MOTION PASSED



25029 AUTHORIZE OUT-OF-STATE TRAVEL FOR SO-FONG WONG, RN FNP TO ATTEND A CONFERENCE ON DIABETES IN MILPITAS, CALIFORNIA

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize out-of-state travel for So-Fong Wong, RN FNP, to attend a conference on diabetes in Milpitas, California. All present voting "Aye". MOTION PASSED

25030 APPROVE SPECIFICATIONS FOR BID #2008-B07 VENDING MACHINE SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for Bid #2008-B07 vending machine services and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

25031 APPROVE SPECIFICATIONS FOR BID #2008-B06 BOTTLED WATER SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for Bid #2008-B06 Bottled Water Services and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

25032 APPROVE AWARD OF RFB #2008-B08 ROAD STRIPING FOR ROAD DEPARTMENT TO HIGHWAY TECHNOLOGIES LP.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve award of RFB #2008-B08 Road Striping for Road Department to Highway Technologies LP. All present voting "Aye". MOTION PASSED

25033 APPROVE RENEWAL OF BID #2005-B04 CEMETERY MAINTENANCE WITH MAINTENANCE MANAGEMENT FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve renewal of Bid #2005-B04 Cemetery Maintenance with Maintenance Management for one additional year as provided in the original bid. All present voting "Aye". MOTION PASSED

25034 APPROVE INSTITUTIONAL OSSF PERMIT FOR THE TRATTORIA LISINA RESTAURANT AT 13304 FM 150 WEST IN PRECINCT 4 [T1-145]

Charles O'Dell made public comment. RPTP Director Jerry Borcharding spoke of issues regarding increase in flow. Chief Sanitarian Tom Pope spoke of increase. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Institutional OSSF Permit for the Trattoria Lisina Restaurant at 13304 FM150 West in Precinct 4. All present voting "Aye". MOTION PASSED

25035 ADOPT A POLICY FOR REFUNDING SUBDIVISION AND DEVELOPMENT FEES

[T1-379] Special Counsel Mark Kennedy spoke of changes that have been made. Commissioner Conley came to the meeting at this time. A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt a Policy for Refunding Subdivision and Development Fees effective immediately. All voting "Aye". MOTION PASSED

25036 AUTHORIZE ADVERTISING FOR AN RFQ FOR AN ENGINEERING FIRM TO BEGIN REDESIGNING THE APPROACH TO THE BLANCO RIVER BRIDGE ON FISHER STORE ROAD [T1-483]

RPTP Director Jerry Borcharding spoke. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize advertising for an RFQ for an engineering firm to begin redesigning the approach to the Blanco River Bridge on Fisher Store Road. All voting "Aye". MOTION PASSED



25037 CALL FOR A PUBLIC HEARING ON MARCH 25, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON QUAIL RUN ROAD/CR 272 [T1-512]

Recommended speed limit is 40 MPH for approximately 500 feet west of Trails End to approximately 3,000 feet west of Trails End. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on March 25, 2008 to establish traffic regulations on Quail Run Road (CR272). All voting "Aye". MOTION PASSED**

25038 CALL FOR A PUBLIC HEARING ON MARCH 25, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON PLANT LADY LANE [T1-521]

Recommended traffic regulation is to establish a STOP sign on Plant Lady Lane at its intersection with Martin Road/CR2188. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on March 25, 2008 to establish traffic regulations on Plant Lady Lane. All voting "Aye". MOTION PASSED**

25039 GRANT A DRIVEWAY VARIANCE AT 845 BELL SPRINGS ROAD [T1-527]

Commissioner Ford spoke of variance request. RPTP Director Jerry Borcharding spoke of request and gave staff recommendation for approval. Discussion was had regarding platting requirements. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to grant a driveway variance at 845 Bell Springs Road. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

25040 [#08-4-08, 2 LOTS] BURKE SUBDIVISION RESUB OF LOT 1 – APPROVE FINAL PLAT

[T1-764] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. Sharon Darley owner of property in the Burke Subdivision spoke of need to plat the Burke Subdivision properly. Commissioner Ford spoke of this being an unrecorded subdivision and she is working towards getting this plat recorded. Jeff Howard (representing Austin Equine – current owners of the property) spoke of access to these lots on FM150 and he spoke of access easement for all property owners in the subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Burke Subdivision Resubdivision of Lot 1". All voting "Aye". MOTION PASSED**

25041 [#07-4-66, 2 LOTS] STAGECOACH RANCH SECTION 4 RESUB OF LOT 7 – CALL FOR A PUBLIC HEARING ON MARCH 25, 2008 AND APPROVE PRELIMINARY PLAN

[T1-1210] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on March 25, 2008 and approve preliminary plan for "Stagecoach Ranch Section 4 Resubdivision of Lot 7". All voting "Aye". MOTION PASSED**

25042 [#08-3-03, 2 LOTS] RANCH AT WIMBERLEY RESUB OF LOT 1-H – CALL FOR A PUBLIC HEARING ON MARCH 25, 2008 AND APPROVE PRELIMINARY PLAN

[T1-1223] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on March 25, 2008 and approve preliminary plan for "Ranch at Wimberley Resubdivision of Lot 1-H". All voting "Aye". MOTION PASSED**

25043 [#07-2-64, 2 LOTS] SUNRISE ACRES RESUB OF LOT 4 – HOLD A PUBLIC HEARING AND APPROVE FINAL PLAT [T1-1234]

Judge Sumter declared the public hearing open. Chris Avalos made public comment. Judge Sumter closed the public hearing. Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. Discussion was had regarding rental homes (18 homes on ½ acre each) being constructed on property next to this lot. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of "Sunrise Acres Resubdivision of Lot 4". All voting "Aye". MOTION PASSED**



25044 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH BARECKY CONSTRUCTION CO. TO BEGIN CONSTRUCTION OF THE NEW PCT 4 BUILDING

[T1-1514] Constable Pct. 4 Debbie Brown spoke of need for this building as quickly as possible. Commissioner Ford spoke of revisions that have been made – a savings of \$88,500. A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a contract with Barecky Construction Company to begin construction of the new Precinct 4 building in the amount of \$1,577,750 [\$1,646,250 less savings of \$88,500]. All voting “Aye”. MOTION PASSED

25045 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A SPECIAL WARRANTY DEED CONVEYING SOUTH BUDA WCID NUMBER 1’S PART OF RELOCATED CR 132 TO HAYS COUNTY AND A SPECIAL WARRANTY DEED CONVEYING THE CITY OF BUDA’S PORTION OF RELOCATED CR 132 TO HAYS COUNTY AND TO AUTHORIZE THE COUNTY JUDGE TO SIGN AN ORDER CLOSING, ABANDONING AND VACATING A PART OF CR 132 [T1-2135]

Commissioner Barton spoke of truck bypass. Warren Ketteman (Buda Economic Development Director) and Sarah Mangham (Buda City Finance Director and Interim Buda City Manager) spoke. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to accept a special warranty deed conveying South Buda WCID Number 1’s part of relocated CR132 to Hays County and a special warranty deed conveying the City of Buda’s portion of relocated CR132 to Hays County and to furthermore authorize the County Judge to sign an Order closing, abandoning and vacating a part of CR132. All voting “Aye”. MOTION PASSED

25046 AUTHORIZE THE COUNTY JUDGE TO ACCEPT SURPLUS LAND CONSISTING OF APPROXIMATELY ONE-HALF MILE OF FM 2001 EAST OF IH35, TO BE TRANSFERRED UNDER THE AUTHORITY OF THE TEXAS TRANSPORTATION COMMISSION

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to accept surplus land consisting of approximately one-half mile of FM2001 east of IH35 to be transferred under the authority of the Texas Transportation Commission. All voting “Aye”. MOTION PASSED

25047 APPOINT COMMISSIONER BARTON TO CONVEY THE PORTION OF FM 2001 THAT THE COUNTY WILL BE RECEIVING FROM THE STATE TO BUDA SUNFIELD, LLC; TO APPOINT THE STATE’S APPRAISER AS THE COUNTY’S APPRAISER FOR SALES PURPOSES; TO FIND THAT A CONVEYANCE TO BUDA SUNFIELD LLC IN RETURN FOR THE REALIGNMENT OF FM2001 IS REASONABLE AND EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY BEING CONVEYED BY HAYS COUNTY; TO AUTHORIZE SPECIAL COUNSEL TO DRAFT OR APPROVE THE DEED FOR CONVEYANCE OF THE PORTION OF FM2001 BEING CONVEYED BY HAYS COUNTY; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THAT DEED, ONCE IT IS APPROVED OR DRAFTED BY SPECIAL COUNSEL [T1-2450]

Commissioner Barton spoke. A motion was made by Commissioner Barton, seconded by Judge Sumter to appoint Commissioner Barton to convey the portion of FM 2001 that the County will be receiving from the State to Buda Sunfield, LLC; to appoint the State’s appraiser as the County’s appraiser for sales purposes; to find that a conveyance to Buda Sunfield LLC in return for the realignment of FM2001 is reasonable and exceeds the fair market value of the property being conveyed by Hays County; to authorize Special Counsel to draft or approve the deed for conveyance of the portion of FM2001 being conveyed by Hays County; and to authorize the County Judge to execute that deed, once it is approved or drafted by Special Counsel. All voting “Aye”. MOTION PASSED

25048 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS REGARDING CONSTRUCTION OF PARK FACILITIES AND NECESSARY IMPROVEMENTS FOR “THE VILLAGE” PROJECT LOCATED TO THE EAST OF HUNTER ROAD AT REIMER ROAD [T1-2661]

Charles O’Dell (Hays CAN) made public comment. Special Counsel Mark Kennedy responded to complaints and he spoke of interlocal agreement and easement. Penny Dunn spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement between Hays County and the City of San Marcos regarding construction of park facilities and necessary improvements for “The Village” project located to the east of Hunter Road at Reimer Road. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting “Aye”. Commissioner Ford voting “No”. MOTION PASSED



25049 PRESENTATION BY KNUDSON AND ASSOCIATES, THE FIRM RECOMMENDED BY THE RFQ REVIEW COMMITTEE AND ACCEPT RECOMMENDATION FROM THE PRE-COMPREHENSIVE PLAN COMMITTEE AND STAFF FOR A PLANNING CONSULTANT FOR HAYS COUNTY CONNECTIONS 2035 STRATEGIC PLAN AND AUTHORIZE THE COUNTY JUDGE AND APPROPRIATE STAFF TO NEGOTIATE A CONTRACT [T1-3106]

Patti Knudson Joiner, Tom Northrup, and Joseph Lessard were present. Planning Focus: Manage orderly growth of Hays County, facilitate sustainable development, preserve individuality and character of diverse communities, including natural resources, and institutionalize collaborative processes and linkages within county agencies, cities and other stakeholders. Joe Lessard explained the flow of information and the process. Consultant Tasks: (1) Analysis of available data, (2) issues assessment, (3) Hays County office/presence, (4) public involvement plan, (5) strategic planning, (6) preliminary Hays County Connections 2035, and (7) draft Hays County Connections 2035. Funding sources: TCEQ, TxDOT/FHWA, Texas Water Development Board, CAMCOG, CAMPO, River Authorities, Utility Providers, and other local jurisdictions. Discussed breaking the process down in phases. **A motion was made by Judge Sumter, seconded by Commissioner Ford to accept recommendation from the pre-comprehensive plan committee and staff for Knudson and Associates Firm as planning consultant for Hays County Connections 2035 Strategic Plan and authorize the County Judge and appropriate staff to negotiate a contract. Commissioner Ford, Commissioner Barton, Commissioner Ingalsbe, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

25050 ACCEPT RECOMMENDATIONS AND PROPOSAL FROM THE TRUST OF PUBLIC LAND [T2-1350]

Commissioner Ford spoke of proposal from the Trust of Public Land. Scope of work and process: TPL will assist Hays County in creating an effective conservation preservation program by bringing recommendations of best practices drawn from studies of successful local government acquisition programs around the country, providing objective assessment of community protection priorities, engaging stakeholders in the development of specific protection priorities which can guide future decision making, developing clear credible project selection categories and criteria based on community priorities, creating a process for identifying and initiating the best projects, evaluating the most appropriate roles for CPAT, staff, elected officials and partners, assisting in the development of policies, procedures and documents to implement recommendations. Commissioner Barton spoke of adding language that would require Commissioner Court approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept the Trust of Public Land proposal and enter into a professional services contract based on its content and begin its implementation immediately. All voting "Aye". MOTION PASSED**

25051 ACTION REGARDING FOLLOW-THROUGH ON THE HAYS COUNTY PASS THROUGH FINANCING ORDER ADOPTED BY COMMISSIONERS COURT FEBRUARY 12, INCLUDING BUT NOT LIMITED TO THE CREATION OF A BOND COMMITTEE FOR HAYS COUNTY, THE EMPLOYMENT OF PROFESSIONAL ENGINEERS AND/OR PLANNERS TO ASSIST THE COMMITTEE, PROJECT PLANNING, COSTS , SCHEDULING AND FINANCE OPTIONS [T2-1642]

Charles O'Dell, Hays CAN, made public comment. Commissioner Barton provided some preliminary cash flow requirements that could be used to determine the timing of issuing the \$19.5 million in revenue bonds. He spoke of appointing a bond committee and begin holding public hearings and meetings. Commissioner Conley spoke of need to create a committee and move forward with an RFP. [T2-2422] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for an RFP to be reviewed and scored by Cindy Maiorka, Jerry Borcharding and Mike Weaver of Prime Strategies, with top three firms to come back to commissioners court for consideration, not to consider firms that are currently under contract with county for pass through financing, to form a nine member bond committee with chair to be appointed by the County Judge, and accept the preliminary time schedule. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #21 RE: LIFT THE BURN BAN AND LOCAL DISASTER DECLARATION was PULLED.

DISCUSSION REGARDING REPLACING RODNEY COBB ON THE CPAT COMMITTEE WITH RICHARD SALMON [T2-2573]

Commissioner Conley advised that Rodney Cobb (San Marcos Parks & Rec Director) can no longer serve on the CPAT and he recommended replacing him with Richard Salmon who is knowledgeable of the committee and now works for the City of San Marcos. Judge Sumter requested a letter of resignation from Rodney Cobb and she spoke of CPAT by-laws that require that members reside in Hays County (Richard Salmon does not live in Hays County).



25052 APPROVE FUNDING FOR ACTIVITIES DURING COUNTY EMPLOYEE APPRECIATION WEEK [T2-2806]

Judge Sumter spoke of county's 160th birthday. She spoke of various events to be held during the week for employee appreciation. Appreciation Luncheon bids were obtained from Gary Job Corp and Fuschak Bar-B-Que. Funding needed would not exceed \$10,000. Court agreed to use Gary Job Corp for luncheon. **A motion was made by Judge Sumter, seconded by Commissioner Ford to fund an amount not to exceed \$10,000 for activities during county employee appreciation week from contingencies. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING DEVELOPMENT OF A HAYS COUNTY GOVERNMENT INFORMATIONAL BROCHURE [T2-3200]

Commissioner Ford spoke of plans for a county government information brochure. No action taken this date.

DISCUSSION REGARDING PARTICIPATION IN CAMPO'S CONGESTION MONITORING PROGRAM

[T2-3421] Judge Sumter spoke of request for FY2008 match in the amount of \$3,000. Congestion Monitoring Program: The 2008-2009 Congestion Monitoring and Analysis Report will include collecting and analyzing travel time and delay data on approximately 860 miles of roadways in the CAMPO region. Project deliverables include a project report and a GIS based mapping tool for analysis. Model Improvements (Reporting, Mapping, Toll Traffic, TOD Assessment, Modeling/GIS Software Updates: Improve the reporting capability of the travel demand model to improve the efficiency of the modeling department. This will also assist with an off-model assessment for TOD locations and covers upgrades/maintenance of modeling software. **No action taken.**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, LLC VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T3-6]

Court convened into closed executive session at 4:30 p.m. and reconvened into open session at 4:45 p.m. **No action was taken.**

Court was adjourned this the 11th day of MARCH, 2008.

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 MARCH 11, 2008.



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

