



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 29<sup>th</sup> DAY OF APRIL 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. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

A.D. Dillard from the First Baptist Church of San Marcos 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.

RPTP Director Jerry Borcharding introduced new employee Betty Lambright, EH Compliance Specialist.

**25171 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices in the amount of \$469,459.34. As presented by the County Auditor. All voting "Aye". MOTION PASSED

**25172 APPROVE COMMISSIONERS' COURT MINUTES OF APRIL 22, 2008**

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the Commissioners Court Minutes of April 22, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**25173 APPROVE THE NOVEMBER 2007 AND DECEMBER 2007 TREASURER'S REPORTS AND INVESTMENT REPORTS**

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the November 2007 and December 2007 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

**25174 APPROVE PLANS AND SPECIFICATIONS FOR PHASE I OF THE 5-MILE DAM PARK EXPANSION AND AUTHORIZE COUNTY PURCHASING AGENT TO ADVERTISE AND SOLICIT FOR BIDS**

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve plans and specifications for Phase I of the 5-Mile Dam Park Expansion and authorize County Purchasing Agent to advertise and solicit for bids. All voting "Aye". MOTION PASSED

**25175 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SELECT PAYMENT APPLICATION AND ACCOMPANYING DOCUMENTS FOR USE IN RELATION TO THE "GOV PAY" CONTRACT ALREADY AUTHORIZED BY COMMISSIONERS COURT**

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute select payment application and accompanying documents for use in relation to the "Gov Pay" contract already authorized by Commissioners Court. All voting "Aye". MOTION PASSED

**25176 APPROVE COMMERCIAL OSSF PERMIT FOR CRAGG'S DO IT BEST LUMBER AND HOME CENTER STORE LOCATED AT 16965 RR-12, WIMBERLEY, MILAM PARK SUBDIVISION LOT 3**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commercial OSSF Permit for Cragg's Do It Best Lumber and Home Center Store located at 16965 RR12, Wimberley, Milam Park Subdivision Lot 3. All voting "Aye". MOTION PASSED



**25177 TORRES SUBDIVISION [#08-1-18, 7 LOTS] -ACCEPT REDUCED FEES, APPROVE SHARED ACCESS VARIANCE, AND APPROVE PRELIMINARY PLAN [T1-120]**

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. Commissioner Ingalsbe spoke of efforts to bring this subdivision into compliance. \$1,500 fee is being requested. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept reduced fee of \$1,500, approve the shared access variance, and approve preliminary plan for the "Torres Subdivision". All voting "Aye". MOTION PASSED**

**25178 APPROVE SEPTIC PERMIT FOR FLORINDA MARTINEZ, LOT 5 OF THE PROPOSED TORRES SUBDIVISION [T1-240]**

Attorney Dominic Audino spoke on behalf of property owner Mario Torres. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve septic permit for Florinda Martinez, Lot 5 of the proposed Torres Subdivision. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED**

**25179 OFFICIALLY ACCEPT AN ADDITIONAL .988 MILE STRETCH OF OAK GROVE ROAD IN TO THE COUNTY MAINTENANCE SYSTEM [T1-389]**

Kathleen Whetstone and Shea Cockrell made public comment. Commissioner Ford spoke of health and safety issue of property owners on the road. Discussion was had regarding the platting of this unrecorded subdivision. GIS Manager Steve Floyd spoke of county maintained roads. RPTP Director Jerry Borcharding spoke. Discussion was had regarding proposed work to the road – would be a three year phased project. Discussion was had regarding dedication of land for roadway and cul-de-sac (turn-around) and building the road to country lane standard (50 ft of ROW). Jerry Borcharding spoke of improving the road as it geographically lies – funds are limited in his budget for surveying. [T1-1310] **A motion was made by Commissioner Ford, seconded by Commissioner Conley to officially accept an additional .988 mile stretch of Oak Grove Road into the county maintenance system with improvements to be phased in over the next three years to address health and safety issues, subject to dedication of right-of-way and turn-around at the end of the road, with the understanding that it will be improved to country lane standards (50 ft. ROW) as it currently geographically lies on the ground. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED** Commissioner Ingalsbe spoke of need to address platting situations.

**25180 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDMENT TO PASS-THROUGH AGREEMENT FOR PAYMENT OF PASS-THROUGH TOLLS BY THE DEPARTMENT [T1-1490]**

Mike Weaver spoke. Special Counsel Mark Kennedy spoke of changes made to the agreement. Discussion was had regarding reimbursement for FM110 project. [T1-2180] **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute the amendment to Pass-Through Agreement for payment of Pass-Through Tolls by the Department including amending Schedule C-1 breaking out FM 110 into Phase 1 and Phase 2, with the appropriate maximum total reimbursement by segment also broken out, and FM 1626 A & B broken out in two segments with the appropriate maximum total reimbursement by segment, to be negotiated between Commissioner Barton, Mike Weaver and Mark Kennedy for FM 1626 to get those numbers correct, and between Commissioner Ingalsbe, Mike Weaver and Mark Kennedy for FM110 to get those numbers correct with changes made this date. All voting "Aye". MOTION PASSED**

[T3-1] Special Counsel Mark Kennedy advised that TxDot had been contacted while the court was in executive session and they indicated that they are not willing to break out the FM110 project but they are willing to break out the FM1626 project. Phase 1 of the FM110 project was not in the original agreement. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to modify the original action to remove statement that schedule C1 needs to have a division of Phase 1 and Phase 2 for FM110 and for the numbers to correspond with those two phases instead should stay as presented as a whole project and one refundable number and FM1626 can remain as 16A & 16B with those corresponding numbers. All voting "Aye". MOTION PASSED**



**25181 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN MARCOS, TEXAS AND HAYS COUNTY, TEXAS FOR THE COMPLETION OF THE MCCARTY LANE AND FM110 (SAN MARCOS LOOP) ROADWAY IMPROVEMENT PROJECTS [T1-2428]**

San Marcos Mayor Susan Narvaiz, Interim City Manager Collette Jamison, City Council Member Pam Couch, and Laurie Anderson spoke in support of this project. Judge Sumter spoke of various sections of the agreement that may need to be made. Court agreed to the following changes: Section 3.6 need to add action taken today "on or about April 29, 2008; Section 6.2 – deleted "or other current funds as determined by County"; and Sections 8.2 & 8.3 remove "b) funds otherwise duly authorized and appropriated by action of the Hays County Commissioner Court". **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement between the City of San Marcos, Texas and Hays County, Texas for the completion of the McCarty Lane and FM110 (San Marcos Loop) Roadway Improvement Projects and asked Mark Kennedy to move forward on a advanced funding agreement. All voting "Aye". MOTION PASSED**

**25182 AUTHORIZE \$900.00 EXPENDITURE FOR DISTRICT CLERK STAFF TO ATTEND WORKSHOP HOSTED BY TYLER TECHNOLOGIES IN DALLAS TEXAS [T2-679]**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize \$900.00 expenditure from the health insurance line item for District Clerk staff to attend workshop hosted by Tyler Technologies in Dallas, Texas. All present voting "Aye". Commissioner Conley not present to vote. **MOTION PASSED**

**WORKSHOP – DISCUSSION OF DEBT STRUCTURE – PRESENTATION BY DAN WEGMILLER**

[T2-711] Dan Wegmiller, First Southwest Company, presented a Preliminary Capital Improvement Program Analysis which included a Ten-Year History of Tax-Exempt Interest Rates, estimated tax impact assumptions on county capital projects, estimated Pass-Through Finance Program Assumptions, Pass-Through Finance Program Sources & Uses, and Tax Impact Analysis to complete the Pass-Through Finance Program

**25183 APPROVE A RESOLUTION RELATING TO ESTABLISHING THE COUNTY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE COUNTY FOR AUTHORIZED PURPOSES, AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO, AND PROVIDING AN EFFECTIVE DATE [T2-1266]**

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a resolution relating to establishing the County's intention to reimburse itself in an amount not to exceed \$19,500,000 for the prior lawful expenditure of funds from the proceeds of Tax-Exempt Obligations to be issued by the County for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date of April 29, 2008. All voting "Aye". **MOTION PASSED**

**25184 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCED FUNDING AGREEMENT WITH TXDOT FOR US HIGHWAY 290 WEST FOR 8 MILLION DOLLARS AND IMMEDIATELY ISSUE 4 MILLION DOLLARS TOWARD THE PROJECT [T2-1307]**

A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute an Advanced Funding Agreement with TxDot for US Highway 290 West for 8 million dollars and immediately issue 4 million dollars toward the project. All voting "Aye". **MOTION PASSED**

**Clerk's Note: Agenda Item #13 RE: DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE EXPENDITURE AND AUTHORIZE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR THE NEW PCT 4 OFFICE TO CONNECT TO THE DRIPPING SPRINGS WATER SUPPLY CORPORATION'S PUBLIC WATER SUPPLY SYSTEM was PULLED.**

**25185 APPOINT WENDELL PAYTON TO REPLACE RODNEY COBB ON CPAT [T2-1690]**

A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Wendell Payton to replace Rodney Cobb on CPAT. All voting "Aye". **MOTION PASSED**



**25186 APPROVE AN EXPENDITURE OF UP TO \$32,065 FOR THE DACY LANE SCHEMATIC ALTERNATIVE ANALYSIS [T2-1700]**

This study will give us a better understanding of ROW widths, drainage, parameters for vertical and horizontal elevations, utility challenges and more and the information is needed to help all involved determine the ultimate design of the roadway. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve an expenditure of up to \$32,065 for the Dacy Lane schematic alternative analysis and instruct Special Counsel to draft a one page notice provision for adherence to bidding and purchasing procedures. All voting "Aye". MOTION PASSED**

**25187 AUTHORIZE COMMISSIONERS, ACTING IN THEIR CAPACITY AS EX OFFICIO ROAD COMMISSIONERS, TO EXECUTE, FROM TIME TO TIME, TEMPORARY LICENSE AGREEMENTS FOR USE OF HAYS COUNTY RIGHT OF WAY [T2-1984]**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Commissioners, acting in their capacity as Ex Officio Road Commissioners, to execute from time to time, temporary license agreements for use of Hays County Right of Way. All voting "Aye". MOTION PASSED

**25188 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH THE TRUST FOR PUBLIC LAND FOR ONGOING CONSULTING RELATED TO THE MAY 2007 PARKS BOND FUND [T2-2017]**

Special Counsel Mark Kennedy spoke of adding a "Task Six" to exhibit A - Scope of Services. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute a professional service agreement with the Trust for Public Land for ongoing consulting related to the May 2007 Parks Bond Fund with addition of Task Six - Scope of Services. All voting "Aye". MOTION PASSED**

**DISCUSSION REGARDING DIRECTING STAFF TO PREPARE A CONTRACT WITH CENTRAL TEXAS SUSTAINABILITY INDICATORS PROJECT FOR DATA AND MATERIALS RELATED TO HAYS COUNTY TRENDS AND BUDGET PLANNING, AND TO PROVIDE INFORMATION ON ECONOMIC, ENVIRONMENTAL, EQUITY, AND GROWTH BENCHMARKS IN CENTRAL TEXAS**

[T2-2140] Commissioner Barton spoke of possible participation in a telephone survey on issues related to planning in Hays County at a cost of \$10,000 – 15,000. He will bring this back to the court for consideration.

**25189 AUTHORIZE MARK KENNEDY, SPECIAL COUNSEL, TO COORDINATE DUE DILIGENCE ON THE JACOBS WELL PARKS PROJECT NOT TO EXCEED \$25,000**

[T2-2471] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize Mark Kennedy, Special Counsel, to coordinate due diligence on the Jacobs Well Parks Project not to exceed \$25,000 to be paid out of park bond funds. All voting "Aye". MOTION PASSED**

**25190 APPROVE A ROW LICENSE AGREEMENT FOR RIM ROCK COMMUNITY INC.**

[T2-2570] Discussion was had and minor changes made to the purpose of license agreement to allow the installation of native landscaping, dark-sky or shielded lighting, fencing, entryway monuments, and irrigation into the right-of-way. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a Right-of-Way Agreement for Rim Rock Community Inc. All voting "Aye". MOTION PASSED**

**25191 APPROVE BUDGET AMENDMENT 08-13 [T2-2718]**

County Auditor Bill Herzog advised that the action taken today (#25182) regarding the District Clerk's budget request will be added to this budget amendment. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Budget Amendment #08-13. All voting "Aye". MOTION PASSED**

**25192 APPOINT SAM COOPER AND JIM HAVIS FROM PCT. 2 AND RUBEN GARZA FROM PCT. 1 TO THE CITIZENS BOND ADVISORY COMMITTEE [T2-2735]**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to appoint Sam Cooper and Jim Havis from Precinct 2 to the Citizens Bond Advisory Committee. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to appoint Ruben Garza from Precinct 1 to the Citizens Bond Advisory Committee. All voting "Aye". MOTION PASSED.



**EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS PERFORMANCE REVIEW OF RPTP DIRECTOR**

Court convened into closed execution session to discuss performance review of the RPTP Director at 3:15 P.M. and reconvened into open meeting at 5:50 p.m. No action was taken.

Special Counsel Mark Kennedy requested that the court revisit agenda item #10 – Resolution #25180. See that item for additional action taken.

**Court was adjourned this the 29<sup>th</sup> day of APRIL, 2008.**

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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 APRIL 29, 2008.



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

