



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 5<sup>TH</sup> DAY OF AUGUST 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:

Jail Chaplin Robert Hicks gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the American Flag and the Texas Flag. Judge Sumter called the meeting to order.

**25427 PROCLAMATION RECOGNIZING THE 160<sup>TH</sup> ANNIVERSARY OF THE HAYS COUNTY SHERIFF'S OFFICE**

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt Proclamation recognizing the 160<sup>th</sup> Anniversary of the Hays County Sheriff's Office. All voting "Aye". MOTION PASSED

**ADVANCE PRESENTATION ON 2008 QUALITY OF LIFE INDICATORS AND CITIZEN OPINION TRENDS, BY JIM WALKER, EXECUTIVE DIRECTOR OF THE CENTRAL TEXAS SUSTAINABILITY INDICATORS PROJECT**

[T1-145] Jim Walker, Executive Director of the Central Texas Sustainability Indicators Project spoke of telephone surveys and other research.

**PUBLIC COMMENTS**

[T1-270] Ted Breihan made public comment regarding bond election and road improvements.  
 [T1-300] Roger Kew made public comment regarding Hays County Law Enforcement and thanked the court for action regarding the Belterra discharge permit.

**25428 APPROVE PAYMENT OF COUNTY INVOICES**

County Auditor Bill Herzog spoke of Alliance invoice that is being paid out of consultant line item. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$1,112,681.85 as presented by the County Auditor. All voting "Aye". MOTION PASSED

**25429 APPROVE COMMISSIONER COURT MINUTES OF JULY 29, 2008**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of July 29, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**25430 APPROVE HEALTH SERVICES AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION INC., OF HAYS, CALDWELL & BLANCO COUNTIES FOR SEPTEMBER 1, 2008 THROUGH JULY, 31, 2009**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Health Services between Hays County Personal Health Department and Community Action Inc. of Hays, Caldwell & Blanco Counties for September 1, 2008 through July 31, 2009. All voting "Aye". MOTION PASSED

**25431 AUTHORIZE TRANSFER OF \$12,000.00 IN IMMUNIZATION GRANT 10-708 FROM SALARIES TO EQUIPMENT AND OFFICE SUPPLIES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize transfer of \$12,000.00 in Immunization Grant 10-708 from salaries to equipment and office supplies. All voting "Aye". MOTION PASSED

**25432 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Utility Permit #01968 on Oak Knob Drive issued to Verizon, #01971 on Center Point Road issued to City of San Marcos, #01972 on Center Point Road issued to City of San Marcos, #01970 on Deer Creek Circle issued to Deer Creek Water Co., #01969 on Deer Creek Circle issued to Deer Creek Water Co., and #01965 on McGregor Lane issued to Pedernales Electric. All voting "Aye". MOTION PASSED

**25433 APPROVE AWARD FOR BID #2008-B18 ROAD SIGNS TO MULTIPLE VENDORS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award for Bid #2008-B18 Road Signs to multiple vendors. All voting "Aye". MOTION PASSED

**25434 APPROVE RENEWAL OF BID #2006-B09 GROUNDS MAINTENANCE FOR DUDLEY JOHNSON/RANDALL VETTER PARK AND KYLE LOG CABIN FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of Bid #2006-B09 grounds maintenance for Dudley Johnson/Randall Vetter Park and Kyle Log Cabin for one additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

**25435 AUTHORIZE COMMERCIAL OSSF PERMIT FOR AN AUSTIN EQUINE AND ASSOCIATES VETERINARY CLINIC LOCATED AT 20640 FM 150, DRIPPING SPRINGS (BURKE SUBDIVISION LOT 1B)**

Commissioner Ford spoke of concerns that were resolved. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Commercial OSSF Permit for an Austin Equine and Associates Veterinary Clinic located at 20640 FM150, Dripping Springs (Burke Subdivision Lot 1B). All voting "Aye". MOTION PASSED

**25436 CALL FOR A PUBLIC HEARING ON AUGUST 19, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON CANTERBURY DRIVE IN BELTERRA SUBDIVISION [T1-376]**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on August 19, 2008 to establish traffic regulations on Canterbury Drive in Belterra Subdivision. All voting "Aye". MOTION PASSED

**25437 [#08-3-17, 5 LOTS] BURNETT RANCH RESUBDIVISION SECTION 1 LOT 34 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-387]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Interim Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of Burnett Ranch Resubdivision Section 1 Lot 34. All voting "Aye". MOTION PASSED

**25438 [#08-4-14] DEER CREEK RESUBDIVISION BLOCK A SECTION 1 LOT 11AR - CALL FOR A PUBLIC HEARING ON AUGUST 19, 2008 [T1-406]**

Interim Subdivision Coordinator Clint Garza gave staff recommendation. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on August 19, 2008 for Deer Creek Resubdivision Block A Section 1 Lot 11AR. All voting "Aye". MOTION PASSED

**25439 [#08-4-38, 2 LOTS] RESUBDIVISION OF LOT 8 LOS RANCHOS - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON AUGUST 19, 2008 [T1-420]**

Interim Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan and call for a public hearing. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and call for a public hearing on August 19, 2008 for Los Ranchos Resubdivision of Lot 8. All voting "Aye". MOTION PASSED



**25440 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSULTING AGREEMENT WITH NICK ICOSSIPENTARHOS [T1-433]**

This agreement will allow Nick Iccosipentarhos, former Director of Personal Health, to provide consulting services to the Personal Health Department in an on-call/as needed basis for the month of August at an amount not to exceed \$2,500. Charlie Johnson made public comment. **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute a Consulting Agreement with Nick Iccosipentarhos. All voting "Aye". MOTION PASSED**

**25441 DENY PETITION TO BE ON NOVEMBER BALLOT FOR LOCAL OPTION ELECTION IN JUSTICE PRECINCT 3 [T1-480]**

Charlie Johnson made public comment. Judge Sumter advised that the petitions did not qualify for an election to be ordered by the Commissioners Court. 1,834 signatures were needed to qualify and the Elections Administrator could only verify 1,811. **A motion was made by Commissioner Conley, seconded by Judge Sumter to deny petition to be on November ballot based off technicalities and state law for Local Option Election in Justice Precinct 3. All voting "Aye". MOTION PASSED**

**25442 APPROVE OUT OF STATE TRAVEL TO ATTEND AND PRESENT AT AMERICAN BOARD FOR CERTIFICATION IN HOMELAND SECURITY, SAN DIEGO, CALIFORNIA; SEPTEMBER 1<sup>ST</sup> THROUGH SEPTEMBER 5<sup>TH</sup>, 2008 [T1-606]**

Jeff Turner, Emergency Management Coordinator, spoke of certification which he will receive by attending this conference. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve out of state travel to attend and present at American Board for Certification in Homeland Security, San Diego, California on September 1 – 5, 2008. All voting "Aye". MOTION PASSED**

**25443 APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS FOREST SERVICE AND REGIONAL INCIDENT MANAGEMENT TEAM (RIMT) MEMBER AND HAYS COUNTY [T1-673]**

Emergency Management Coordinator Jeff Turner spoke. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve a Memorandum of Understanding between the Texas Forest Service and Regional Incident Management Team (RIMT) member and Hays County. All voting "Aye". MOTION PASSED**

**25444 APPOINT COMMISSIONER CONLEY TO REPLACE SANDY IRVIN ON THE SAN MARCOS MAIN STREET PROGRAM BOARD [T1-729]**

**A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint Commissioner Conley to replace Sandy Irvin on the San Marcos Main Street Program Board. All voting "Aye". MOTION PASSED**

**25445 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT ALLOWING THE HAYS COUNTY SHERIFF'S OFFICE TO TRANSFER ONE (1), 1991 EL DORADO HAWK 14 PASSENGER BUS VIN#IFDKE30M8MHB37026 TO THE WIMBERLEY VALLEY COMMUNITY RESPONSE TEAM [T1-739]**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an Agreement allowing the Hays County Sheriff's Office to transfer one (1), 1991 El Dorado Hawk 14 passenger bus VIN#: IFDKE30M8MNB37026 to the Wimberley Valley Community Response Team. All voting "Aye". MOTION PASSED**

**25446 AUTHORIZE AN EXPENDITURE OF \$3,376.30 FOR THE RENOVATION OF THE MAIN RESTROOMS AT THE HAYS COUNTY CIVIC CENTER FOR THE PURPOSES OF BRINGING THEM UP TO ADA SPECIFICATIONS [T1-765]**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize an expenditure of \$3,376.30 for the renovation of the main restrooms at the Hays County Civic Center for the purposes of bringing them up to ADA specifications. All voting "Aye". MOTION PASSED**



**25447 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A HAYS COUNTY PURCHASE CONTRACT TO REED CARR FOR RIGHT-OF-WAY ACQUISITION ON MCCARTY LANE [T1-785]**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute a Hays County Purchase Contract to Reed Carr for Right-of-Way acquisition on McCarty Lane. All voting "Aye". MOTION PASSED

**Clerk's Note: Agenda Item #23 RE: APPROVE INSTITUTIONAL OSSF PERMIT FOR THE TWIN PARKS COUNTRY CLUB OWNED BY JARRETT PARKS III, LOCATED AT 1111 HAYS COUNTRY OAKS IN DRIPPING SPRINGS was PULLED. No discussion and no action taken.**

The court convened into closed executive sessions at 9:50 a.m. and reconvened into open meeting at 10:05 a.m.

**25448 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING BUSH RANCH A.K.A. LEDGESTONE SUBDIVISION PURSUANT TO CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION RELATED TO SEDIMENTATION OF LONGBRANCH CREEK [T1-826]**

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Commissioner Ford, as a member of the court, to release any and all existing reports associated with the sedimentation along Longbranch Creek to release these to the representatives of the developer, contractor and/or the engineers for the Ledgestone Subdivision in Precinct 4. All voting "Aye". MOTION PASSED

**TRANSPORTATION ADVISORY BOND COMMITTEE MEETING PRELIMINARY REPORT [T1-853]**

Transportation Advisory Bond Committee Chair Chuck Nash spoke of need for direction from the court in ranking projects and dollar amounts for consideration. Discussion was had regarding scoring of the projects and public input. Discussion was had regarding cost estimates for various projects and need to know what projects may have cost sharing with other entities. The court advised that Dacy Lane (from Bunton to BeeBee), McCarty Lane widening, Buda Truck By-Pass, State Highway 21 intersection @ 150/Yarrington Road, US 290 @ Nutty Brown, Rim Rock intersection on SH 1826, and Lime Kiln Road (from Post Road to Hilliard Road - Sink Creek improvement would remain) have already been committed to by the court and should be removed. Discussion was had regarding pass through toll agreement and reimbursement resolution. Ruben Garza, Roger Kew, and Mike Moeller spoke.

**25449 DISCUSSION AND ACTION ON PARTICULAR FY09 BUDGET LINE ITEMS**

**Historical Commission [T10—2728]**

Kate Johnson appeared requesting an additional \$2,000 for their cemetery fund.

**Sheriff's Dept. and Jail [T1-2874]**

Discussion was had regarding "personnel" requests, additional motorcycles (Honda = \$15,000 + \$6800 each), GPS Tracker, Stalker radar equipment, renovation of storeroom to auto shop, time stamp, and riding lawn mower. Discussed equipment needs: HP Network Printer (\$3,500), fax machine, and a Netclock-Dispatch (\$11,430). Discussed capital equipment for Animal Control. Commissioner Conley spoke of salaries and step program. [T2-100] He recommended a 4% step increase with 8 steps. Would cost \$74,989 w/fringe. 2% COLA/Merit for law enforcement in step program = \$79,000 in the budget. Commissioner Barton spoke in favor of 2% being a merit increase and not a COLA. Human Resources Director Dee Dee Baen spoke of "cost of living" and "cost of labor" and she spoke of benchmarks. Discussion was had regarding new recruit uniforms and uniform allowance. [T2-700]

**Law Enforcement Salaries**

[T2-282] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve alternate scenario of 4% step at 8 steps for law enforcement (Sheriff Deputies & Constable Deputies).**

[T3-335] Dee Dee Baen provided figures for 2% and 4% step programs. Judge Sumter spoke of this not being a guarantee in the future.

**Buda Law Enforcement [T2-909]**

Deputy Bo Kidd spoke of Buda Law Enforcement and need for four additional officers and equipment. The City of Buda funds the Officer and the County provides vehicle and equipment. County Auditor Bill Herzog spoke of delayed funding by City of Buda to April 2009 – the County will be funding \$317,000 with revenue from Buda of \$152,000.

**Road Department** [T2-1275]

RPTP Director Jerry Borcharding spoke of cuts made to his requested budget. Total cuts were equal to \$2,991,000. Requesting that Construction Coordinator position be reinstated along with 2 Reviewers and 1 Staff Assistant = \$245,000. He spoke of number of additional people that will be needed to deal with the new subdivision rules. Discussion was had regarding increasing subdivision fees. Discussed contract hauling - \$100,000 was cut from his request. If the Elder Hill Project is deleted from his budget (put into bond program) then the road department will do their own hauling – zero out that line item. Discussed consultant expense - \$400,000 requested and was reduced by \$150,000 – he requested reinstatement of the \$150,000. Discussed Contract roadwork – requested \$5,014,000 which was cut by \$2,314,000 which would require him to delete hot mix for Cimarron Park, Chaparral Road, Wayside Drive, Elder Hill, extra hot mix and contract labor in Green Pastures. Discussed materials requested at \$2,423,350 – he reduced this by \$701,400 by deleting Elder Hill project, maintenance materials and Rolling Oaks. Discussed equipment request of \$590,600 which was cut \$257,000 (hot mix laydown machine) – he deleted a double drum roller = \$115,000 and a crack sealer = \$41,000. Requested increases are \$2,000 for membership fees & bonds, \$3,000 for continuing education, \$4440 for office equipment, \$8,600 for data processing equipment and 2 laptops, and \$200,000 for building capital improvements. Jerry Borcharding requested rollover of Pct. 1 Southridge Estates (\$108,000), Pct. 2 Rolling Hills (\$199,000), Pt. 3 Sachtleben (\$47,750), and Pct. 4 Meadow Creek Ranches (\$136,000). Discussed right-of-way expense

**Environmental Health Dept. & CAPCOG/911 Addressing Mtc.** [T2-2980]

Requested additional continuing education in the Environmental Health Dept. \$20,000 is needed for printing the county atlas for 911 purposes. Court asked for cost to print atlas and number being purchased.

**Civic Center** [T2-3104]

Barry Nelson, Civic Center Manager, spoke of need for additional fulltime worker

**Constable Pct. 1** [T2-3223]

Constable David Peterson spoke of law enforcement supplies needed (requested \$3,340 – Judge recommended \$500). He requested \$1,800 more to fund small items that are essential. Requested \$800 for law enforcement equipment maintenance and repair - Judge recommended \$200. He is requesting that the \$600 be reinstated to be used for repairs for radar devices and replacement batteries for tasers. Requesting \$650 for printing of warrant cards, door hanger cards, and other materials that would prevent multiple attempts to serve paperwork at residences. He is requesting an additional \$1,200 for graphics for the four patrol units.

**Fire Marshal** [T2-3560]

Fire Marshal Mark Chambers spoke of personnel and need for fee schedule for inspections. He spoke of vehicle (Ford Expedition) request and equipment needed for that vehicle. He spoke of need for a Dell laptop (replacement computer) and stand – delete color and laser printer at this time.

**Special Counsel** [T3-122]

Mark Kennedy spoke of travel stipend - he is requesting additional \$1,300.

**Extension Office** [T3-170]

County Agent Susan Schramm spoke of travel stipend – requesting and additional \$1,000 each for herself and Richard Parish.

[T3-218] Vicki Wilhelm spoke of request from Health Dept. for an ADA compliant examining table \$3,372 - Constable Pct. 3 is requesting a taser for his office in the amount of \$840 (was left off his request) – IT equipment for Juvenile Probation Dept.: 3 Dell laptops \$1600 each Plus \$125 antennas \$450 for printers for three new positions – Road Dept. needs \$240 for software for new system that was added – Sheriffs Dept. Animal Control Supervisor needs \$4,750 plus \$125 antenna for new position – County Clerks Records Coordinator and HR Public Information Officer has no equipment to go with those new positions = \$2,190 each for a computer system.

**Court was adjourned this the 5<sup>TH</sup> day of AUGUST, 2008.**

**I, LINDA C. FRITSCHÉ, 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 AUGUST 5, 2008.**



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