



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 26<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:

|                                 |                             |
|---------------------------------|-----------------------------|
| <b>ELIZABETH "LIZ" SUMTER</b>   | <b>COUNTY JUDGE</b>         |
| <b>DEBBIE GONZALES INGALSBE</b> | <b>COMMISSIONER, PCT. 1</b> |
| <b>JEFFERSON W. BARTON</b>      | <b>COMMISSIONER, PCT. 2</b> |
| <b>WILL CONLEY</b>              | <b>COMMISSIONER, PCT. 3</b> |
| <b>KAREN FORD</b>               | <b>COMMISSIONER, PCT. 4</b> |
| <b>LINDA C. FRITSCH</b>         | <b>COUNTY CLERK</b>         |

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Brother Wayne Thompson, Hays County Juvenile Center, gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**25493 PROCLAMATION RECOGNIZING THE RETIREMENT OF TEXAS RANGER SGT. TOMMY RATLIFF [T1-50]**

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt Proclamation recognizing the retirement of Texas Ranger Sgt. Tommy Ratliff. All voting "Aye". MOTION PASSED

**PRESENTATION BY HALFF ASSOCIATES INC. REGARDING A HAYS COUNTY MASTER DRAINAGE PLAN [T1-130]**

Wes Birdwell, Halff Associates Inc., gave a presentation on the possibility of a Hays County Flood Protection Planning Study. The plan would accurately define flooding risk, potential reduction in flood insurance rates, identifies projects to alleviate existing flooding, establishes floor elevations for new construction, identifies where storm water management facilities are required, and encourages economic development. The action plan is the initiate contact with LCRA, GBRA, USACE, and Stakeholders; draft memorandum of agreements; develop a strategic phased plan; prepare and submit grant to TWDB; and obtain County resolution in support of grant.

**PUBLIC COMMENT**

Charlie Johnson made public comment regarding the proposed 2008-2009 budget.

**25494 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$117,234.45 as presented by the County Auditor. All voting "Aye". MOTION PASSED

**25495 APPROVE RENEWAL OF DOCTOR'S ANNUAL CONTRACTS FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC, DR. A. RAY JACOBSON, MD, DR. BETH REID, MD, AND DR. TERESA IRWIN, MD**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of Doctor's annual contracts for the Hays County Personal Health Department Women's Health Clinic;, Dr. A. Ray Jacobson, MD; Dr. Beth Reid, MD; and Dr. Teresa Irwin, MD. All voting "Aye". MOTION PASSED

**25496 APPROVE RENEWAL OF CONTRACTS FOR DR. CHARLES P. ANDERSON, MD AND DR. ALBERTO SANTOS, DO TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of contracts for Dr. Charles P. Anderson, MD and Dr. Alberto Santos, DO to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED

**25497 APPROVE RENEWAL OF CONTRACT FOR MALCOLM RAY SCOTT, R.PH TO PROVIDE PHARMACY SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of contract for Malcolm Ray Scott, R.PH to provide pharmacy services to the Hays County Personal Health Department. All voting "Aye". MOTION PASSED

**25498 APPROVE UTILITY PERMIT**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Utility Permit #01973 on Jacobs Well road to PEC as submitted by Road Department. All voting "Aye". MOTION PASSED

**25499 APPROVE RENEWAL OF RENTAL AGREEMENT FOR DPS RADAR UNITS WITH APPLIED CONCEPTS, INC. AND AUTHORIZE COUNTY JUDGE TO EXECUTE AGREEMENT**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of rental agreement for DPS Radar Units with Applied Concepts, Inc. and authorize County Judge to execute agreement. All voting "Aye". MOTION PASSED

**25500 APPROVE SPECIFICATIONS FOR #2008-P18 ENGINEERING SERVICES FOR GEOTECHNICAL SERVICES FOR HAYS COUNTY GOVERNMENT OFFICE COMPLEX AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for #2008-P18 Engineering Services for Geotechnical Services for Hays County Government Office Complex and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

**25501 APPROVE RENEWAL OF BID #2007-B09 FUEL FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of Bid #2007-B09 Fuel for one (1) additional year as provided for in original bid. All voting "Aye". MOTION PASSED

**25502 APPROVE SPECIFICATIONS FOR RFQ #2008-P17 ARCHITECTURAL SERVICES FOR CONSTRUCTION OF ADDITIONAL OFFICE SPACE AT THE ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for RFQ #2008-P17 Architectural Services for construction of additional office space at the Road Department and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

**25503 APPROVE AWARD OF BID #2008-B16R HAULING OF SOLID WASTE TO TEXAS DISPOSAL SYSTEMS**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve award of Bid #2008-B16R Hauling of Solid Waste to Texas Disposal Systems. All voting "Aye". MOTION PASSED

**25504 APPROVE PURCHASE OF USED VAN BODY FOR THE STORAGE OF EROSION BLANKET MATERIAL AT THE ROAD DEPARTMENT'S YARRINGTON ROAD YARD IN THE AMOUNT OF \$1,000 FROM DIVERSIFIED TRUCK AND TRAILER**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve purchase of used Van body for the storage of erosion blanket material at the Road Department's Yarrington Road Yard in the amount of \$1,000 from Diversified Truck and Trailer. All voting "Aye". MOTION PASSED

**25505 APPROVE BUDGET AMENDMENT 08-22 FOR GENERAL FUND, ROAD & BRIDGE FUND AND REVENUE BOND CONSTRUCTION FUND**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #08-22 for General Fund, Road & Bridge Fund, and Revenue Bond Construction Fund. All voting "Aye". MOTION PASSED



**25506 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE [T1-510]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RTP Director Jerry Borcharding gave staff recommendation. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulation of a STOP sign at the end of Ella Lane at Barton Valley Circle to stop southbound traffic. All voting "Aye". MOTION PASSED**

**25507 CALL FOR A PUBLIC HEARING ON SEPTEMBER 9, 2008 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON BEBACK INN ROAD [T1-523]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to call for a public hearing on September 9, 2008 to establish traffic regulations (Speed Limit) on Beback Inn Road. All voting "Aye". MOTION PASSED

**25508 AUTHORIZE THE COUNTY JUDGE TO ACCEPT FISCAL SURETY FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS IN THE MOUNT OLIVE RANCH SUBDIVISION; AND CONVERT FISCAL SURETY FOR CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS TO A 2 YEAR BOND FOR ONGOING MAINTENANCE OF STREET AND DRAINAGE IMPROVEMENT IN THE MOUNT OLIVE RANCH SUBDIVISION [T1-531]**

Special Counsel Mark Kennedy requested converting the construction surety to maintenance surety. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to accept the fiscal surety for re-vegetation of the street and drainage improvements and convert the street and drainage improvements construction fiscal surety to a 2-year maintenance surety in the Mount Olive Ranch Subdivision. All voting "Aye". MOTION PASSED**

**25509 [#08-3-45] HILL COUNTRY ESTATES SECTION TWO LOT 15 - APPROVE RELEASE AND REMOVAL OF BUILDING SETBACK LINE [T1-580]**

Subdivision Coordinator Clint Garza gave staff recommendation for release of building setback line on Lot 15. The required number of homeowners have given their approval for this release/removal request. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve release and removal of building setback line on Lot 15 Hill Country Estates Section Two. All voting "Aye". MOTION PASSED**

**25510 [#08-4-14] DEER CREEK BLOCK A RESUBDIVISION OF LOT 11-AR - CALL FOR PUBLIC HEARING ON SEPTEMBER 23, 2008 [T1-594]**

Subdivision Coordinator Clint Garza spoke of need for a public hearing before final hearing. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 23, 2008 to consider Resubdivision of Lot 11-AR Deer Creek Block A. All voting "Aye". MOTION PASSED**

**25511 [#08-4-38] RESUBDIVISION OF LOT 8 LOS RANCHOS - CALL FOR A PUBLIC HEARING ON SEPTEMBER 9, 2008 [T1-610]**

Subdivision Coordinator Clint Garza spoke of need for a public hearing before final hearing. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 9, 2008 for Resubdivision of Lot 8 Los Ranchos. All voting "Aye". MOTION PASSED**

**25512 APPROVE FUNDING ALL OR A PORTION OF THE FUNDING THAT IS THE SUBJECT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE WIMBERLEY VALLEY WATERSHED ASSOCIATION REGARDING THE JACOB'S WELL NATURAL AREA; AND TO CONSIDER MODIFYING THE MEMORANDUM OF UNDERSTANDING TO ACCOMMODATE SUCH FUNDING [T1-625]**

Patrick Cox, President of Wimberley Valley Watershed Association, spoke in support of the MOU. Joe Day made public comment in support of the MOU. Special Counsel Mark Kennedy explained the Memorandum of Understanding. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve funding all or a portion of the funding that is the subject of the Memorandum of Understanding between Hays County and the Wimberley Valley Watershed Association regarding the Jacob's Well Natural Area; and to consider modifying the Memorandum of Understanding to accommodate such funding. All voting "Aye". MOTION PASSED**



**25513 ACTION TO LIFT THE BURN BAN AND THE DECLARATION OF LOCAL DISASTER IN HAYS COUNTY [T1-946]**

Fire Marshal Mark Chambers gave figures for moisture and drought conditions. He recommended lifting the burn ban. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to lift the burn ban and the Declaration of Local Disaster in Hays County. All voting "Aye". MOTION PASSED**

**25514 ACTION TO OPEN A \$2,500 FUND FOR THE SHOOT SAFE HAYS COUNTY CAMPAIGN WHICH CAN RECEIVE ADDITIONAL PUBLIC AND PRIVATE CONTRIBUTIONS IN ORDER TO FUND THE INITIAL PUBLIC EDUCATION AND OUTREACH MATERIALS AND EFFORTS [T1-1011]**

Commissioner Ford spoke of event to be held at Cabella's this Saturday – she will be contributing \$ 500 from her budget. Constable Pct. 3 Darrell Ayres spoke of importance of firearm safety – he will also donate gunlocks for this effort. Sheriff Allen Bridges gave his departments commitment to this effort – he will contribute \$1,000 to this event. Judge Sumter spoke of her contribution. Commissioner Conley spoke of plans to sponsor a fire range. Commissioner Ingalsbe and Commissioner Barton thanked Commissioner Ford and Judge Sumter and spoke in support of the effort. **A motion was made by Commissioner Ford, seconded by Judge Sumter to ask auditor's office to open a fund for the Shoot Safe Hays County Campaign and put \$2,500 from contingencies line item and we are open to receiving contributions from other entities departments and private individuals to support our public education and outreach effort and to waive purchasing requirements on existing negotiated contracts; and to accept contributions of \$1,000 from the Sheriff's discretionary funds, \$500 from Commissioner Ford's Special Project funds and \$250 from the County Judge's personal fund, 150 gun locks from Constable Ayres and will be held at Cabella's from 9-4 on August 30-31, 2008. All voting "Aye". MOTION PASSED**

**25515 CALL FOR AN ADOPTION ELECTION TO BE HELD ON NOVEMBER 4, 2008, FOR VOTING FOR OR AGAINST THE PROPOSITION: "ADOPTION OF THE STATE LAW APPLICABLE TO (FIRE FIGHTERS, POLICE OFFICERS, OR BOTH, AS APPLICABLE) THAT ESTABLISHES COLLECTIVE BARGAINING IF A MAJORITY OF THE AFFECTED EMPLOYEES FAVOR REPRESENTATION BY AN EMPLOYEES ASSOCIATION, PRESERVES THE PROHIBITION AGAINST STRIKES AND LOCKOUTS, AND PROVIDES PENALTIES FOR STRIKES AND LOCKOUTS." [T 1-1276]**

Elections Administrator Joyce Cowan advised that the petition does qualify for holding an election. Tom Barbee and Charlie Johnson made public comment. **A motion was made by Judge Sumter, seconded by Commissioner Barton to call for an Adoption Election to be held on November 4, 2008, FOR or AGAINST the Proposition: "Adoption of the State Law applicable to (Fire Fighters, Police Officers, or both, as applicable) that establishes collective bargaining if a majority of the affected employees favor representation by an employees association, preserves the prohibition against strikes and lockouts, and provides penalties for strikes and lockouts. All voting "Aye". MOTION PASSED**

**25516 AUTHORIZE THE COUNTY JUDGE TO SIGN AN ORDER AND NOTICE CALLING FOR THE GENERAL ELECTION ON NOVEMBER 4, 2008 TO ELECT COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION [T1-1370]**

**A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to sign an Order and Notice calling for the General Election on November 4, 2008 to elect County and Precinct Officers as required by Article XVI, Section 65 of the Texas Constitution All voting "Aye". MOTION PASSED**

**25517 SELECT PUBLIC MEMBERS FOR A SALARY GRIEVANCE COMMITTEE [T1-1384]**

Judge Sumter made the following selections for the public members for a Salary Grievance Committee: Robert Peralez, Walter Ortiz Deorue, Michael B. Doerr, Peggy Margaret Valdez, Randal Mark Wilson, Hugh Harris Smith, Pamela Dee Lewallen, Rebecca Creasy Treadway, and Nanette Leigh Pena. Alternates selected were: Wesley Haven Mau, Marilyn H. Krause, Guadalupe Delgado, La Juan Hallum, Debra Lynne Taylor, Michael Warnken, Scott Field Bailey, Susan Elizabeth Pridgen, and David Lee Dunham.

**25518 CANCEL THE SEPTEMBER 2<sup>ND</sup> COMMISSIONERS COURT MEETING**

**[T1-1460] A motion was made by Commissioner Barton, seconded by Judge Sumter to cancel the September 2, 2008 Commissioners Court meeting and request Special Counsel and County Judge to research law to see if court is permitted to add agenda items to special meeting to be held on September 3,2008. All voting "Aye". MOTION PASSED**



**25519 APPROVE INTERLOCAL CONTRACT FOR PSAP MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING WITH CAPCOG [T1-1569]**

Grants Administrator Jeff Hauff spoke of contract for PSAP maintenance, equipment upgrade and training with CAPCOG. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve an interlocal contract for PSAP maintenance, equipment upgrade and training with CAPCOG. All voting "Aye". MOTION PASSED

**25520 APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN HAYS COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE AND DISCUSSION REGARDING HAYS COUNTY TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS FOR THE NEXT THREE-TO-FIVE YEARS [T1-1616]**

Financial Advisor Dan Wegmiller provided an updated preliminary capital improvement program analysis.

**Summary of Results:**

|  | Pass-Through Financing   | Priority Road Projects   | Pass-Through Financing plus Priority Road Projects                   |
|--|--|--|--|
| <b>Issuance</b>                        | \$148,225,000  | \$ 58,885,000  | \$ 207,110,000   |
| <b>Est. Tax Impact</b>                 | \$ 0.0100*   | \$ 0.0315  | \$ 0.0415  |
| <b>Est. Monthly Homeowner's Impact</b> | \$ 0.83 on \$100,000<br>\$ 1.25 on \$150,000<br>\$ 1.67 on \$200,000 | \$ 2.63 on \$100,000<br>\$ 3.94 on \$150,000<br>\$ 5.25 on \$200,000 | \$ 3.46 on \$100,000<br>\$ 5.19 on \$150,000<br>\$ 6.92 on \$200,000 |

\* The estimated tax impact of the Pass-Through Financing Program is net of TxDOT reimbursement of \$133,170,000.

Court could call the election without specifying the roads – roads could be specified in a brochure provided to voters after this date. Proposed Proposition was considered and changes were made – final agreed version being:

**“THE ISSUANCE OF \$207,110,000 OF HAYS COUNTY ROAD BONDS FOR COUNTY ROAD AND/OR STATE HIGHWAY CONSTRUCTION AND IMPROVEMENT, AND FOR CONSTRUCTING AND IMPROVING THOSE ROADS THAT ARE THE SUBJECT OF AN EXISTING PARTNERSHIP AGREEMENT BETWEEN THE COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (SECTIONS OF IH 35, FM 1626, FM 110 AND US HIGHWAY 290) PURSUANT TO WHICH THE COUNTY EXPECTS TO BE REIMBURSED FOR A MAXIMUM AMOUNT OF \$133,170,000 OVER TIME; AND SECTIONS OF OLD BASTROP HIGHWAY, SH 21, DACY LANE, POST ROAD, FM 967, LAKEWOOD DRIVE, FM 150, RR 12, FM 2325, US HIGHWAY 290, LIME KILN ROAD, AND RM 1826; AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”**

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve an Order by the Commissioners Court of Hays County, Texas calling a Bond Election to be held in Hays County, Texas; making provision for the conduct of a joint election with various political subdivisions; resolving other matters incident and related to such election; and providing an effective date of August 26, 2008. All voting "Aye". MOTION PASSED

**25521 PLAN AND FUND A HAYS COUNTY PUBLIC INFORMATION EFFORT WITH REGARD TO THE NOVEMBER 2008 TRANSPORTATION BOND PACKAGE [T2-456]**

Commissioner Ford spoke of educational campaign and costs. Jim Harvey explained the various options (ie postcards, brochures, etc.). Discussed various tasks:

- Task 1 = \$12,000 – Coordination with Court & Staff
- Task 2 = \$13,078 – Prepare Mail-out Education Materials for distribution to public
- Task 3 = \$ 2,742 – Prepare Education Materials for posting to website
- Task 4 = \$ 6,250 – Coordinate media events to provide education materials to public
- Task 5 = \$ 1,754 – Prepare a power point presentation

Labor estimate and costs = \$35,828. Additional direct costs for printing mailing and other related items should be expected to range from approximately \$25,000 to \$80,000 depending on the type of mailer and number of units printed and mailed. [T1-1401] A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the Consultant team to commence work for an amount nte \$25,000 under a supplement to the existing professional services contract and authorize Special Counsel Mark Kennedy and County Judge to negotiate the amendment to the contract that will allow that work to commence and ask the consultant team to report back on September 9<sup>th</sup> meeting with cost projections for informational mail program and a final budget to cover tasks 3 & 5 and perhaps part of task #4 to be paid out of the county consultant line item. All voting "Aye". MOTION PASSED



**HOLD A PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING TAX YEAR BY 4.19%. [T2-1446]**

Judge Sumter declared the public hearing open. Constable Pct. 1 David Peterson spoke of uniform allowances.

Judge Sumter announced that a vote on the tax rate will take place on September 10, 2009 after the budget hearing.

**Court was adjourned.**

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**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 AUGUST 26, 2008.**



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

