



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9TH 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. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Clerk's Note: Judge Sumter was not present at the beginning of the meeting and Commissioner Ingalsbe presided over the meeting.

Pastor Dennis Spire, Calvary Baptist Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Commissioner Ingalsbe called the meeting to order.

25524 ADOPT A PROCLAMATION RECOGNIZING THE WEEK OF SEPTEMBER 17TH THROUGH 23RD AS CONSTITUTION WEEK [T1-58]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a Proclamation recognizing the week of September 17th through 23rd as Constitution Week. All present voting "Aye". MOTION PASSED

25525 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$ 1,114,640.08 for Sept. 2, 2008 distribution and \$387,938.61 for Sept. 9, 2008 distribution as presented by the County Auditor. All present voting "Aye". MOTION PASSED

25526 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 18TH, 19TH, 20TH, 23RD, 26TH, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners Court Minutes of August 18, 2008, August 19, 2008, August 20, 2008, August 23, 2008, and August 26, 2008 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

25527 APPROVE RENEWAL OF INTERLOCAL CONTRACT FOR GEOMAP 2007 WORK ORDER 32220080-56-HAY-01

This is an amendment to the original interlocal contract to acquire high resolution elevation data which extends the termination date to September 30, 2009. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of interlocal contract for GEOMAP 2007 Work Order 42220080-56-HAY-01. All present voting "Aye". MOTION PASSED

25528 APPROVE THE JUNE 2008 AND JULY 2008 TREASURER'S REPORT AND INVESTMENT REPORTS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the June and July 2008 Treasurer's Report and Investment Reports as presented. All present voting "Aye". MOTION PASSED

25529 APPROVE CONTRACT RENEWAL WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR REIMBURSEMENTS ASSOCIATED WITH CERTIFICATION OF VITAL RECORDS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve contract renewal with the Department of State Health Services for reimbursement associated with Certification of Vital Records. All present voting "Aye". MOTION PASSED



- 25530 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS – COMMUNITY DEVELOPMENT FUND FOR \$250,000 FOR ADDITIONAL WATER SYSTEM IMPROVEMENTS IN THE CEDAR OAKS MESA SUBDIVISION AND TO ACT AS THE COUNTY’S AUTHORIZED REPRESENTATIVE FOR THIS PROGRAM**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve resolution authorizing the County Judge to submit a grant application to the Office of Rural Community Affairs – Community Development Fund for \$250,000 for additional water system improvements in the Cedar Oaks Mesa Subdivision and to act as the County’s authorized representative for this program. All present voting “Aye”. MOTION PASSED

- 25531 APPROVE UTILITY PERMIT #01974**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Utility Permit #01974 on Centerpoint Road issued to Bluebonnet Electric Cooperative as submitted by the Road Department. All present voting “Aye”. MOTION PASSED

- 25532 AUTHORIZE COUNTY JUDGE TO RENEW THE TUBERCULOSIS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$14,710.00. NO APPLICATION FOR THIS CONTRACT WAS REQUIRED**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to renew the Tuberculosis contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$14,710.00. All present voting “Aye”. MOTION PASSED

- 25533 CALL FOR A PUBLIC HEARING ON SEPTEMBER 16, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON VESPER LANE [T1-126]**

Proposed traffic regulation is a STOP sign on Vesper Lane at Clear Lake Drive intersection. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on September 16, 2008 to establish traffic regulations on Vesper Lane. All present voting “Aye”. MOTION PASSED

- 25534 APPROVE CONTRACT WITH KIMLEY-HORN & ASSOCIATES TO PROVIDE ENGINEERING SERVICES FOR REALIGNMENT OF THE FISHER STORE/BLANCO RIVER APPROACH [T1-136]**

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve contract with Kimley-Horn & Associates to provide engineering services for realignment of the Fisher Store/Blanco River approach and authorize the County Judge to execute same. All present voting “Aye”. MOTION PASSED

- 25535 APPROVE THE HIRING OF A TEMPORARY REPLACEMENT FOR THE ADMINISTRATIVE ASSISTANT II POSITION WITHIN THE HAYS COUNTY CONSTABLE PCT. 1 OFFICE [T1-239]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the hiring of a temporary replacement for the Administrative Assistant II position within the Hays County Constable Pct. 1 Office to be funded out of the countywide salary adjustment line item. All present voting “Aye”. MOTION PASSED

- 25536 APPOINT JUSTICE OF THE PEACE PCT. 3 ANDREW CABLE TO CAPCOG, CRIMINAL JUSTICE ADVISORY COMMITTEE [T1-360]**

Jeff Turner was considered for this appointment, however, J.P. 3 Andrew Cable volunteered and was chosen. A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Justice of the Peace Pct. 3 Andrew Cable to CAPCOG Criminal Justice Advisory Committee. All present voting “Aye”. MOTION PASSED



25537 ACCEPT \$1,000.00 PARTNERSHIP DONATION FROM THE CITY OF HAYS FOR THE INTERLOCAL AGREEMENT [T1-393]

The County and the City of Hays are applying to the Texas Water Development Board (TWDB) for a \$200,000 research and planning grant to fund a Regional Water Supply and Wastewater Facility Plan. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept \$1,000.00 partnership donation from the City of Hays for the Interlocal Agreement for the planning study. All present voting "Aye". MOTION PASSED**

DISCUSSION REGARDING AWARD A CONTRACT TO BEVIS PEST CONTROL FOR \$9,000.00 TO PROVIDE TERMITE PEST CONTROL AT THE ANNEX BUILDING [T1-424]

Maintenance Supervisor Ron Knott spoke of bids that were received. Discussion was had regarding difference between Bevis Pest Control and ABC Pest and Lawn Services. More information is needed before court approval.

25538 APPROVE THE RESALE OF PROPERTY HELD IN TRUST, LOT 10 BLOCK 2, DAN MCKIE ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME X, PAGE 547, DEED RECORDS OF HAYS COUNTY TEXAS [T1-637]

Tax Assessor-Collector Luanne Caraway gave staff recommendation for approval. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the resale of property held in trust, Lot 10 Block 2 Dan McKie Addition to the City of San Marcos, Hays County, Texas according to the map or plat thereof recorded in Volume X Page 547 Deed Records of Hays County, Texas. All present voting "Aye". MOTION PASSED**

25539 APPROVE AN INTERLOCAL COOPERATION AGREEMENT FOR ASSESSMENT AND COLLECTION OF TAXES WITH THE SUNFIELD MUNICIPAL UTILITY DISTRICT NUMBER 1 [T1-655]

Tax Assessor-Collector Luanne Caraway gave staff recommendation for approval. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve an Interlocal Cooperation Agreement for Assessment and Collection of Taxes with the Sunfield Municipal Utility District Number 1. All present voting "Aye". MOTION PASSED**

25540 APPROVE THE SHERIFF'S AND CONSTABLE'S FEES FOR FY2009 [T1-695]

Constable Pct. 3 Darrell Ayres recommended increasing the service for executing deeds and bills of sale from \$60 to \$65. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the Sheriff's and Constable's fees for FY2009. All present voting "Aye". MOTION PASSED**

25541 AUTHORIZE THE COUNTY JUDGE TO SIGN A RIGHT OF ENTRY DOCUMENT WITH GIBERSON PROPERTIES, INC. A PROPERTY OWNER ALONG FM 1626

[T1-722] **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a Right of Entry document with Giberson Properties, Inc. a property owner along FM 1626. All present voting "Aye". MOTION PASSED**

25542 [#08-4-39, 2 LOTS] RESUBDIVISION OF LOT 8 LOS RANCHOS – PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-839]

Commissioner Ingalsbe declared the public hearing open. Paul Mendenhall made public comment in support of this resubdivision. Commissioner Ingalsbe closed the public hearing. RPTP Director Jerry Borcharding gave staff recommendation. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Lot 8 Los Ranchos resubdivision. All present voting "Aye". MOTION PASSED**

CONSIDER REQUEST TO ALLOW THE MEADOW WOODS SUBDIVISION TO PLACE A MARQUIS IN THE COUNTY EASEMENT [T1-894]

Commissioner Barton spoke of proposed sign. Commissioner Ford voiced her concerns in setting a precedent for other subdivisions. Special Counsel Mark Kennedy spoke of a possible license agreement. RPTP Director Jerry Borcharding spoke of the proposed sign – he will provide photos for future consideration. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to allow the Meadow Woods Subdivision to place a marquis in the county easement. Motions withdrawn – will reconsider next week.**



25543 ACTION TO FINALIZE THE PLAN FOR PUBLIC EDUCATION/INFORMATION MATERIAL IN RELATION TO THE NOVEMBER 4, 2008 BOND AND APPROVE WORK PLAN AND AMENDED CONTRACT AMOUNT FOR ALLIANCE TRANSPORTATION GROUP [T1-1062]

Commissioner Ford provided information regarding the education campaign – proposing a tri-fold that has English and Spanish. Total cost of \$63,708. Discussion was had regarding the public education/information material in relation to the November 4, 2008 bond and the work plan. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to request Special Counsel to amend the contract with Alliance Transportation Group in the amount of \$63,708 to cover election materials and to furthermore, authorize the County Judge to execute the amended contract. All present voting “Aye”. MOTION PASSED**

25544 APPROVE PURCHASE OF SPEED TABLES FOR THE ROAD DEPARTMENT FOR TRAFFIC CALMING MEASURES ON QUAIL RUN IN PRECINCT 3 [T1-1548]

RPTP Director Jerry Borcharding spoke of situation on Quail Run located off Hunter Road. Commissioner Conley spoke of the number of vehicles traveling on this road and the safety issue on a blind hill. Jerry Borcharding spoke of need to put a speed table on both sides of the hill. Commissioner Barton spoke of Meadow Woods located off CR150. Court discussed taking vehicle counts and register speeds when considering placement of speed tables. Commissioner Barton asked that the Road Department come back to the court within 90 days with a policy and criteria for consideration. [T1-2246] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve purchase of two speed tables in an amount not to exceed \$16,000 for traffic calming measures on Quail Run in Precinct 3. All present voting “Aye”. MOTION PASSED.**

CONSIDER PURCHASE OF TWO SOLAR-POWERED RADAR SIGNS FOR THE ROAD & BRIDGE DEPT. FROM RADARSIGN, LLC IN THE AMOUNT OF \$8,546 [T1-2441]

RPTP Director Jerry Borcharding spoke of cost. He was directed by the court to obtain information for a mobile unit that would collect data.

25545 CALL FOR A PUBLIC HEARING ON SEPTEMBER 23, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON DEERWOOD DRIVE [T1-2562]

Proposed traffic regulation: YIELD sign on Deerwood Drive at Trail Driver. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on September 23, 2008 to establish traffic regulations on Deerwood Drive. All present voting “Aye”. MOTION PASSED**

25546 ACTION TO ALLOW THE REMAINING HOT-MIX TONNAGE ON CONTRACT 2008-B13 BE APPLIED TO WINDY HILL ROAD [T1-2578]

RPTP Director Jerry Borcharding spoke of need for resurfacing on Windy Hill. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to allow the remaining hot-mix tonnage on contract 2008-B13 be applied to Windy Hill Road to correct problems on that roadway. All present voting “Aye”. MOTION PASSED**

25547 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY R-O-W FOR BELTERRA SUBDIVISION PHASE 3 SECTION 11A [T1-2770]

RPTP Director Jerry Borcharding gave staff recommendation to release maintenance bond and acceptance for county maintenance all roads and drainage improvements for Belterra Phase 3 Section 11A. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to release the maintenance bond and accept for maintenance all road and drainage improvements within county right-of-way for Belterra Subdivision Phase 3 Section 11A. All present voting “Aye”. MOTION PASSED**

25548 APPROVE THE PURCHASE OF TWO EXTENDED CAB CHEVROLET COLORADO PICK-UP TRUCKS FOR THE RESOURCE PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT FROM THE STATE BID [T1-2792]

RPTP Director Jerry Borcharding advised that the trucks will be used by the Senior Planner and Construction Manager. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the purchase of two (2) extended cab Chevrolet Colorado pick-up trucks for the Resource Protection, Transportation and Planning Department from State bid. All present voting “Aye”. MOTION PASSED**



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25549 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON BEBACK INN ROAD [T1-2854]

Commissioner Ingalsbe declared the public hearing open. No public input was received and the public meeting was closed. RPTP Director, Jerry Borcharding gave staff recommendation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to establish traffic regulation of 40 MPH speed limit on Beback Inn Road. All present voting "Aye". MOTION PASSED**

25550 AUTHORIZE THE COUNTY JUDGE TO SIGN WORK AUTHORIZATION FOR KLOTZ ASSOCIATES, INC. TO CONTINUE WORK ON FM 1626 [T1-2875]

Commissioner Barton spoke of continuing work on FM1626 southern segment – the \$908,100 proposed here would be well within the \$2 million that Prime Strategies Inc. has recommended be reserved for FM1626. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to sign Work Authorization for Klotz Associates, Inc. to continue work on FM 1626. All present voting "Aye". MOTION PASSED**

Clerk's Note: Judge Sumter came to the meeting at this time and presided over the remainder of the meeting.

FINAL PUBLIC HEARING ON THE PROPOSED DEVELOPMENT REGULATIONS [T2-48]

Grant Jackson (Naismith Engineering) explained the process that has taken place for creation of the proposed development regulations. Judge Sumter declared the public hearing open. Public comment was made by David H. Glenn - retired Geological Engineer & Wimberley resident, Terry Tull - resident of Goldenwood and was on the stakeholder committee, Winton Porterfield - San Marcos resident, Henry Brooks – Rancher and resident of Dripping Springs, Charles O'Dell – stakeholder on the committee, John Dupnik – representative of Barton Springs Edwards Aquifer Conservation District, and Kyle DeHart, registered sanitarian. Judge Sumter closed the public hearing. Grant Jackson spoke of comments that have been received (approximately 40 pages) by his office. He spoke of the charette scenarios. Court agreed to hold a workshop on October 7th with presentation on results of charette, OSSF review, etc.

25551 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT [T2-3273]

The court convened into closed executive session at 4:45 P.M. and reconvened into open court at 5:20 PM

A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt Resolution to exercise enforcement power authorized by Chapter 26 Subchapter H of the Texas Water Code and conforms with the requirements of Section 7.352 of the Texas Water Code. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the expenditures of up to \$50,000 in invoices from Lowerre and Frederick, those invoices representing the remaining payments for outside legal counsel related to the Ranches at Hamilton Pool and Lowerre and Frederick's other work from Fiscal Year 2008 and come out of line item #014-145340. All present voting "Aye". MOTION PASSED



DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS IN EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE. ACTION MAY FOLLOW IN OPEN COURT

The court convened into closed executive session at 5:35 P.M. and recessed at 6:30 P.M. and reconvened into executive session at 9:00 A.M. on September 10, 2008 and reconvened into open court at 9:20 A.M. No action was taken.

Court was adjourned.

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 SEPTEMBER 9, 2008.



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

