



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 23RD DAY OF SEPTEMBER , 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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|------------------------|----------------------|
| ELIZABETH "LIZ" SUMTER | COUNTY JUDGE |
| JEFFERSON W. BARTON | COMMISSIONER, PCT. 2 |
| WILL CONLEY | COMMISSIONER, PCT. 3 |
| KAREN FORD | COMMISSIONER, PCT. 4 |
| GINA ISLAS MENDOZA | DEPUTY COUNTY CLERK |

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Randy Bryan, Fellowship of San Marcos Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENTS

Charlie Johnson made a public comment.

25573 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 \$276,264.60 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

25574 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 3, 2008; SEPTEMBER 9, 2008; SEPTEMBER 10, 2008; AND SEPTEMBER 16, 2008

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Commissioner Court Minutes of September 3, 2008; September 9, 2008; September 10, 2008; and September 16, 2008 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

25575 APPROVE A COMMERCIAL ON SITE SEWAGE FACILITY PERMIT FOR ANDY THOMPSON (FS DEVELOPMENT) FOR AN OFFICE/WAREHOUSE LOCATED AT 241 WELDON JOHNSTON WAY IN KYLE

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve a commercial on-site sewage facility permit for Andy Thompson (FS Development) for an office/warehouse located at 241 Weldon Johnston Way in Kyle. All present voting "Aye". MOTION PASSED

25576 APPROVE UTILITY PERMIT #01975

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Utility Permit #01975 on CR136/Stagecoach Road issued to Westar Construction Inc. All present voting "Aye". MOTION PASSED

25577 APPROVE BUDGET AMENDMENT 08-23 FOR GENERAL FUND

Budget Amendment 08-23 increases the budgets of Indigent Care (\$87,000), Transfer Station (\$30,000), Civic Center (\$18,000), Jail (\$135,500), and Animal Control (\$66,875) for items unable to balance within those department from the countywide insurance and maintenance line items. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Budget Amendment 08-23 for General Fund. All present voting "Aye". MOTION PASSED

25578 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR A REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE; AND TO ACKNOWLEDGE THE DISTRICT ATTORNEY'S AUTHORITY TO EXECUTE THE "SPECIAL CONDITION-DISTRICT ATTORNEY CONTRACT" AS PART OF THE AGREEMENT

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute an interlocal assistance agreement for a Regional Auto Theft Enforcement Task Force; and th acknowledge the District Attorney's authority to execute the "Special Condition=District Attorney Contract" as part of the agreement. All present voting "Aye". MOTION PASSED



25579 APPROVE AN INTERLOCAL COOPERATION AGREEMENT FOR ASSESSMENT AND COLLECTION OF TAXES WITH THE SUNFIELD MUNICIPAL UTILITY DISTRICT NUMBERS 2 & 3

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve an Interlocal Cooperation Agreement for Assessment and Collection of Taxes with the Sunfield Municipal Utility District Numbers 2 & 3. All present voting "Aye". MOTION PASSED

25580 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON VESPER LANE [T1-63]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borchering gave staff recommendation to establish a stop sign on Vesper Lane at Clear Lake Drive and a speed limit of 20 MPH. **A motion was made by Commissioner Conley, seconded by Judge Sumter to establish traffic regulations of a STOP sign on Vesper Lane at Clear Lake Drive and a speed limit of 20 mph on Vesper Lane. All present voting "Aye". MOTION PASSED**

25581 [#08-4-14] DEER CREEK RANCH SECTION 1 BLOCK A RESUBDIVISION OF LOT 11A-R – PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-76]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. This is a 6.3 acre tract that is being resubdivided into 2 tracts (4.1 acres & 2.2 acres). Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of Deer Creek Ranch Section 1 Block A Resubdivision of Lot 11A-R. All present voting "Aye". MOTION PASSED**

25582 [#08-3-34, 2 LOTS] RESUBDIVISION OF LOT 48 BRIDLE WOOD RANCHES SECTION 3 –APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON OCTOBER 14, 2008 [T1-94]

This is a 43.18 acre lot which will be divided into 2 lots (20.005 acres and 23.160 acres). There is a variance request to eliminate the need for a benchmark limiting the owner to no development in the floodplain and a request to eliminate need to establish base flood elevation. Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley seconded by Commissioner Ford to approve preliminary plan on Resubdivision of Lot 48 Bridle Wood Ranches Section 3 and call for a public hearing on October 14, 2008 All present voting "Aye". MOTION PASSED**

25583 [#08-3-46, 2 LOTS] RESUBDIVISION OF LOT 2 HYDE SUBDIVISION – APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON OCTOBER 14, 2008

[T1 – 153] This is a 9.92 acre lot being divided in to 2 lots (4.92 acres & 5.00 acres) – both lots are to have water service from LCRA. Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan on Resubdivision of Lot 2 Hyde Subdivision and call for a public hearing on October 14, 2008 All present voting "Aye". MOTION PASSED**

25584 AUTHORIZE THE COUNTY JUDGE TO SIGN A RESOLUTION CERTIFYING THAT HAYS COUNTY HAS MADE A GRANT TO COMBINED COMMUNITY ACTION, INC. AND HAS APPROVED THE ORGANIZATION'S ACCOUNTING SYSTEM, AS REQUIRED FOR COMBINED COMMUNITY ACTION TO APPLY FOR GRANT FUNDS FROM THE TEXAS DEPARTMENT OF AGRICULTURE, HOME-DELIVERED MEAL GRANT PROGRAM [T1 – 170]

Grants Administrator Jeff Hauff , Special Counsel Mark Kennedy, and County Auditor Bill Herzog spoke. Commissioner Barton asked that the record reflect that court approval is based on the judgment of the court, not the County Auditor, and the courts interaction with CCA Inc., their program and their outside audits. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to sign a resolution certifying that Hays County has made a grant to Combined Community Action, Inc. and has approved the Organization's accounting system, as required for Combined Community Action to apply for Grant Funds from the Texas Department of Agriculture, Home-Delivered Meal Grant Program. All present voting "Aye". MOTION PASSED**



25585 RATIFY THE COUNTY JUDGE TO EXECUTE A HAYS COUNTY PURCHASE CONTRACT TO JJJN PARTNERSHIP, LTD BY ITS MEMBER, NYM BARKER FOR RIGHT-OF-WAY ACQUISITION ON MCCARTY LANE [T1- 256]

A motion was made by Judge Sumter, seconded by Commissioner Barton to ratify the County Judge to execute a Hays County Purchase Contract to JJJN Partnership, Ltd by its member, Nym Barker for Right-of-Way acquisition on McCarty Lane. All present voting "Aye". MOTION PASSED

25586 AWARD A CONTRACT TO BEVIS PEST CONTROL FOR \$9,000.00 TO PROVIDE TERMITE PEST CONTROL AT THE ANNEX BUILDING [T1-288]

A motion was made by Judge Sumter, seconded by Commissioner Barton to award a contract to Bevis Pest Control for \$9,000.00 to provide termite pest control at the Annex Building. All present voting "Aye". MOTION PASSED

25587 APPROVE AN EXPENDITURE OF \$5,650.00 TO TED BREIHAN ELECTRIC COMPANY [T1-385]

No purchase order was obtained for this expenditure (work done at new IT Dept. location) and it exceeded the amount authorized by the Court. County Auditor recommends amending the budget and transfer funds from the Precinct 2 relocation line item. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve an expenditure of \$5,650.00 to Ted Breihan Electric Company. All present voting "Aye". MOTION PASSED

25588 APPROVE A RESOLUTION REGARDING APPROVAL OF BONDS FOR SAN MARCOS HEALTH CARE PROPERTIES, INC. PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE [T1-514]

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a resolution regarding approval of Bonds for San Marcos Health Care Properties, Inc. pursuant to Section 147 (f) of the Internal Revenue Code. All present voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE PURCHASE OR VALUE OF REAL PROPERTY CURRENTLY OWNED BY MR. IRV WOOLSEY AT 1671 RANCH ROAD 3237, WIMBERLEY, TEXAS 78676. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS THE POSSIBLE ACQUISITION OF THE DAHLSTROM RANCH AND FUNDING OPTIONS. DISCUSSION AND ACTION IN OPEN COURT MAY FOLLOW. BARTON

[T1-562] Court convened into closed executive sessions at 9:34 A.M. and reconvened into open court at 10:50 P.M. No discussion and no action was taken in open court.

25589 ACTION REGARDING APPROVAL OF CONTENT/DELIVERY SYSTEMS FOR HAYS COUNTY'S PUBLIC INFORMATION EFFORT FOR NOVEMBER 2008 ROAD BOND

[T1-564] The court reviewed the latest version of informational materials. [T1-1543] A Motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Commissioner Ford to give approval for final product that will be mailed out for Hays County's public information effort for the November 2008 Road Bond. All present voting "Aye". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCH, 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 23, 2008.



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

