



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 30TH DAY OF SEPTEMBER 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:

Pastor Mike Schlimgen of Solid Rock Church gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

25590 APPROVE A PROCLAMATION DECLARING OCTOBER 7TH AS NATIONAL NIGHT OUT [T1-50]

Deputy Sheriff Pam Robinson spoke of events being held. A motion was made by Judge Sumter, seconded by Commissioner Conley to approve a Proclamation declaring October 7th as National Night Out. All voting "Aye". MOTION PASSED

25591 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 585,147.52 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25592 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 23, 2008

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of September 23, 2008. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25593 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Utility Permits #01980 on Mt. Oliver Road and Red Sky Road issued to PEC, #01981 on Francis Harris Lane issued to PEC, and #01983 on Old Bastrop Highway issued to Crystal Clear Water Supply. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25594 APPROVE BUDGET AMENDMENT #08-24 FOR THE GENERAL FUND, PARK FUND, LAW LIBRARY & HAYS COUNTY I & S

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Budget Amendment #08-24 for the General Fund, Park Fund, Law Library Fund and Hays County I&S as proposed by the Auditor's office. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25595 AUTHORIZE A COMMERCIAL ON SITE SEWAGE FACILITY PERMIT FOR KEN CHRISTOPHER FOR AN OFFICE BUILDING LOCATED AT 3975 EAST HWY 290, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe authorize a Commercial on Site Sewage Facility Permit for Ken Christopher for an office building located at 3975 East Hwy. 290, Dripping Springs, in Precinct 4. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED



25596 APPROVE A DRIVEWAY VARIANCE AT 350 JENNIFER LANE IN ROLLING OAKS SUBDIVISION [T1-128]

RPTP Director Jerry Borcharding gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a driveway variance at 350 Jennifer Lane in Rolling Oaks. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25597 ACCEPT FISCAL SURETY IN THE AMOUNT OF THIRTY-FIVE THOUSAND, ONE HUNDRED AND ELEVEN DOLLARS IN UNITED STATES CURRENCY (\$35,111.00 USD) FOR CONSTRUCTION OF A SEWER FORCE MAIN IN SAWYER RANCH ROAD IN HAYS COUNTY, WHICH IS RELATED TO COMMERCIAL DEVELOPMENT AT THE SHOPS AT HIGHPOINTE [T1-150]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept fiscal surety in the amount of 35,111 for construction of a sewer force main in Sawyer Ranch Road in Hays County, which is related to commercial development at the Shops at Highpointe. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25598 AUTHORIZE THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE FLU SHOTS TO HAYS COUNTY EMPLOYEES, INSURED RETIREES, AND DEPENDENTS WHO ARE COVERED BY HAYS COUNTY HEALTH INSURANCE AT NO COST [T1-160]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the Hays County Personal Health Department to provide flu shots to Hays County Employees, Insured retirees, and dependents who are covered by Hays County Health Insurance at no cost. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25599 AUTHORIZE THE COUNTY JUDGE TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF BUDA RELATING TO THE REGULATION OF SUBDIVISION PLATS AND RELATED PERMITS IN THE CITY'S ETJ AS REQUIRED BY HB 1445, 77TH LEGISLATURE (2001), CODIFIED AT CHAPTER 242 OF THE LOCAL GOVERNMENT CODE [T1-215]

Special Counsel Mark Kennedy spoke of agreements with cities relating to subdivision plats – they will collect fees for the county. Changes will need to be made when the new county regulations are adopted. He spoke of Article 3 (pg 4) and Section K. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to sign an Interlocal Agreement with the City of Buda relating to the regulation of Subdivision plats and related permits in the City's ETJ as required by HB 1445, 77th Legislature (2001), codified at Chapter 242 of the Local Government Code. All voting "Aye". MOTION PASSED

25600 AUTHORIZE PRIME STRATEGIES, INC. AND COMMISSIONER BARTON TO WORK WITH SPECIAL COUNSEL'S OFFICE TO PREPARE CONTRACTS WITH A TEAM LED BY LOPEZGARCIA GROUP/URS, AND A TEAM LED BY CP&Y, INC., FOR PROFESSIONAL ENGINEERING SERVICES ON THOSE PORTIONS OF THE PASS THROUGH FINANCING PARTNERSHIP ROADS KNOWN AS INTERSTATE 35 PHASE 2A AND PHASE 2B [T1-352]

Commissioner Barton advised that 17 responses were received from the RFQ. The committee recommends dividing it into at least two projects: Phase 2A (FM150 realignment) – Professional Team led by LopezGarcia Group and Phase 2B (Southbound frontage roads and related work) – Professional Team led by CP&Y. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Prime Strategies, Inc. and Commissioner Barton to work with Special Counsel's office to prepare contracts with a team led by LopezGarcia Group/URS, and a team led by CPY, Inc. for professional engineering services on those portions of the Pass Through Financing partnership roads known as Interstate 35 Phase 2A and Phase 2B and accept the committee's recommendation. All voting "Aye". MOTION PASSED



25601 AUTHORIZE COMMISSIONER FORD TO APPROVE MINOR CHANGE ORDERS REGARDING CONSTRUCTION OF THE NEW PCT. 4 BUILDING [T 1-650]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Commissioner Ford to approve minor change orders regarding construction of the new Pct. 4 building not to exceed a total amount of \$10,000. All voting "Aye". MOTION PASSED

25602 APPROVE UNBUDGETED, OWNER-RELATED COSTS FOR NEW PCT. 4 OFFICE BUILDING [T1-973]

Commissioner Ford requested the following: Knox Box (equipment only) - \$418, B Alert Security Systems = \$1347, and E. R. Floyd Telephone = \$2324. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve unbudgeted, owner-related costs for new Pct. 4 office building as requested. All voting "Aye". MOTION PASSED

25603 ACTION TO SUBMIT HAYS COUNTY PASS-THROUGH AND PRIORITY ROAD PROJECTS AS STIPULATED IN THE '08 ROAD BOND PROPOSITION FOR INCLUSION IN THE CAPITAL AREA METROPOLITAN TRANSPORTATION ORGANIZATION'S (CAMPO) 2010 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) [T1-1068]

A motion was made by Commissioner Ford, seconded by Judge Sumter to submit Hays County Pass Through and priority road projects as stipulated in the '08 Road Bond proposition for inclusion in the Capital Area Metropolitan Transportation Organization's (CAMPO) 2010 Transportation Improvement program (TIP). All voting "Aye". MOTION PASSED

25604 ADOPT RESOLUTION REGARDING APPROVAL OF BONDS FOR ADVENTIST HEALTH SYSTEM/SUNBELT PURSUANT TO SECTION 147 (F) OF THE INTERNAL REVENUE CODE [T1-1140]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt Resolution approval of Bonds for Adventist Health System/Sunbelt pursuant to Section 147(f) of the Internal Revenue Code. All voting "Aye". MOTION PASSED

DISCUSSION TO ALLOW DRIPPING SPRINGS YOUTH SPORTS ASSOCIATION (DSYSA) TO COME BEFORE CPAT AND/OR COURT TO HAVE ITS URGENT NEEDS REQUEST HEARD AND CONSIDERED [T1-1150]

Clint Giles spoke representing the Dripping Springs Youth Sports spoke of improvements needed to Founders Park in Dripping Springs. Request is for \$266,919 to complete construction and sod establishment. James Murray, Dripping Springs Youth Sports Association Treasurer, spoke. Discussion was had to have this request go through CPAT before court action. Commissioner Ford advised that she will continue to advocate that this organization receive funds. No action was taken.

25605 EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS THE POSSIBLE ACQUISITION OF THE DAHLSTROM RANCH AND FUNDING OPTIONS. RESOLUTION ADOPTED IN OPEN COURT [T1-2488]

Clerk's Note: Closed executive session was not held. The following discussion was had in open court: Commissioner Barton spoke of this item coming before the court last fall. The Barton Springs Edwards Aquifer Conservation District has concluded that the ranch is a premier uplands recharge area with water quality features and educational value. Hill Country Conservancy and the City of Austin have agreed to contribute more than \$5 million. LCRA donated park planning and designed a prospective trails plan, estimated at \$375,000, for the portion of the ranch that will be open to public access. Funding partners now include the Dahlstrom family (approx. \$10 million), Hill Country Conservancy (\$4 million), and the City of Austin (\$1 million plus staff time, scientists, and appraisal). This leaves \$4.9 million for the County, plus an additional \$375,000 for trails. The family plans to donate materials for a parking lot and trails. CPAT has since reviewed the details and given their recommendation with a high score. There is also support from a number of local government and civic organizations. A powerpoint presentation was given by representative of Braun & Associates. Julie Jenkins and George Cofer (Exec. Director of Hill Country Conservancy) spoke in support of this project. [T2-222] A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt resolution declaring the county's interest and intent to co-purchase and co-hold a conservation easement on the Dahlstrom Ranch, negotiate a final contract with the partners based on the proposed terms and conditions, including \$4.9 million from the county's park bond fund for the purchase of the easement and at least \$350,000 for trails planning and enhancement. All voting "Aye". MOTION PASSED



25606 WORKSHOP REGARDING APPOINTMENT OF A CITIZENS COMMITTEE TO REVIEW PAY FOR ELECTED OFFICIALS, TO IDENTIFY SCOPE OF REVIEW, SCHEDULE AND DUTIES AND DISCUSS OTHER RELATED ISSUES OF A COMMUNICATIONS OFFICER - WITH ACTION [T2-452]

Human Resources Director Dee Dee Baen spoke of creating a citizens committee to review pay for elected officials and she presented a Letter of Agreement for professional services to develop elected official compensation plan was submitted by Ray Associates Inc. Committee members would be selected from school districts, cities, chamber of commerce, and employees from various local employers throughout the county. Discussion was had regarding process for selecting members of the committee. [T1-1346] **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the Human Resource Director to assemble an advisory committee of citizens to study and make recommendation on elected official pay in Hays County said committee to consist of 2 people drawn at random from the Hays County Grand Jury Pool, 1 person from school districts, and 1 person from the 5 largest cities in the county and 1 from Texas State University, 1 from the larger employers in Hays County – to be determined by Human Resources in consultation with 5 members of court, and 1 person from small business to be designated from Chamber of Commerce drawn at random. Committee to be submitted to consultant for independent review to make sure it is balanced across demographic and geographic lines. The seven member committee will have no more than three members of the committee to be from any one precinct. All voting “Aye”. MOTION PASSED**

[T2-1453] **A motion was made by Commissioner Barton, seconded by Judge Sumter to ask Human Resources and Special Counsel Mark Kennedy to prepare a contract based on RFQ presented today and ask Ray Associates to appear before the court next week and post an agenda item so that we can hire them for professional services if the court decides after interviewing them.**

Human Resources Director Dee Dee Baen spoke regarding the PIO/Communications Director. She provided a copy of the “Communications Manager” position at the City of San Marcos, “Public Information Specialist” at Texas State University, “Public Information Officer” position at Williamson County, and “Public Information Specialist” at the City of Austin. Commissioner Conley and Judge Sumter left the meeting during this discussion.

DISCUSSION OF REQUEST FROM COMMUNICARE TO CO-LOCATE WITH HAYS COUNTY HEALTH DEPARTMENT [T2-2218]

Herb Dyer (VP-Seton Medical Center) spoke to the court and presented a copy of the agenda and minutes from the Hays County ICC Committee meeting held August 20, 2008. Bobbi Ryder (CEO National Center for Farmworkers Health) spoke of original plans to co-locate in the Hays County Health Department space – she withdrew that request because they have located another space near the hospital (CTMC). Debbora Thompson (CEO – Communicare Health Centers) spoke. Erica Swanholm, Texas Association of Community Health Centers Spoke. Nick Iccospentarhos made public comment. Priscilla Hargraves (Hays County Interim Health Director) spoke of concerns at the health department – request for services have increased – she welcomed the opportunity to refer services to Communicare and in turn receive referrals to the county health department from them. Herb Dyer spoke of demand for services in Hays County – he advised the county health department employees that were present that there was no intent to take over the county clinic. Margie Rodriguez (Indigent Health Care) spoke of indigents that will be served (Hays, Guadalupe, Comal & Caldwell counties). Debbora Thompson spoke of funding and services to be provided – they will be serving medicare patients. Discussion was had between health department employees and Communicare representatives. Commissioner Barton spoke of health study (by Seton) taking place at this time in Hays County and need for health care services. Commissioner Ford spoke of open lines of communication that have started. Dr. Ray Jacobson spoke. Bobbi Ryder spoke of original plan was for two clinics (San Marcos and Kyle) – numbers were not strong enough in Kyle – plan was then to open the second location in northern Hays County within one year. Gary Jepson (CTMC) spoke of number of uninsured citizens (25%) in the county and the state and he spoke of number of people who are going to the emergency room for non-emergency services. He spoke of primary care physicians being in favor of incoming services and he spoke of expansion at the hospital.

25607 APPROVE CHANGE ORDER REQUEST FOR VARIOUS ITEMS (CREDITS AND DEBITS) FOR PRECINCT 4 NEW OFFICE BUILDING [T1-732]

Change Order: Eliminate restroom hand dryers in 4 restrooms - \$1406; revise restroom wall & floor tile manufacturer - \$203; revised electrical work in accordance with CODS Code Reviewer + \$1308; add alarm system to exterior condensing units (watchdog warning system) + \$1576; eliminate the unnecessary fire dampers and associated electrical work - \$1154; add wiring, boxes, conduits, supports for six future ceiling fans + \$2041; relocation of window “J” from Sheriff to Constable’s office + \$1308; and add fire alarm system +\$21,628. [T3-585] Commissioner Ford advised that she spoke with Fire Marshal Mark Chambers regarding the fire alarm system. She advised that she will remove the watchdog warning system at this time (\$1576) and will take a second look at the fire alarm system. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve change order request for various items (credits and debits) for precinct 4 new office building in the amount of \$23,522. All present voting “Aye”. MOTION PASSED**



25608 AMEND CONTRACT WITH SANDRA TASSEL/TPL WITH REGARD TO DEVELOPMENT OF POLICIES AND PROCEDURES TO FURTHER GUIDE THE PARKS AND OPEN SPACE BOND INVESTMENT AND TO UPDATE OR REVISE THE HAYS COUNTY PARKS AND OPEN SPACE MASTER PLAN [T3-673]

Commissioner Ford spoke of next steps: (1) Choosing a local landmark project. (2) Development of ranking criteria for recreation projects. (3) Refinement of CPAT roles and responsibilities, committee work. Review and develop BMPs for citizens groups and may include revisions/updates to county's Master Plan. (4) Explore examples and strategies for county to own, manage, steward parks and open space. (5) Develop guidelines for small grants program for park bond funds. Recommends paying Sandra Tassel a consultant fee at the rate of \$80 per hour not to exceed \$10,000 (125 hours) plus travel expenses, if any. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to amend contract with Sandra Tassel/TPL with regard to development of policies and procedures to further guide the parks and open space bond investment and to update or revise the Hays County Parks and Open Space Master Plan in an amount not to exceed \$10,000 to be paid out of 2007 park bond funds. All present voting "Aye". MOTION PASSED**

[T3 - 823] Court convened into closed executive session at 5:03 P.M. and reconvened into open court at 7:00 P.M.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C. VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

EXECUTIVE SESSION PURSUANT TO 551.074, OF THE TEXAS GOVERNMENT CODE, TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION OF INDIVIDUAL DEPARTMENT HEADS

No action was taken.

Court was adjourned.

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 SEPTEMBER 30, 2008.



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

