



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 7TH DAY OF OCTOBER 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
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

WITH COMMISSIONER PRECINCT 3 WILL CONLEY ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton led the court in a moment of silence/recognition and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF THE TAC GOLD STAR SAFETY AWARD [T1-27]

Human Resources Director Dee Dee Baen introduced Larry Boccacio and Victor Uballe from the Texas Association of Counties and they presented the county with a TAC Gold Star Safety Award. They spoke of savings of \$250,000 for the county. County Safety Officer Abel Velasquez spoke.

25609 PRESENTATION BY RAY ASSOCIATES, INC. TO INTRODUCE FIRM AND REVIEW SCOPE OF PROJECT FOR EVALUATION OF ELECTED OFFICIAL PAY [T1-117]

Kathryn Ray (Ray Associates Inc.) spoke of professional services they provide to develop elected officials compensation plans. She spoke of methodology, schedule, products, and cost. Working with the Human Resource's Office will keep the cost to \$10,000 for professional service hours. Discussion was had regarding inclusion of a citizens committee in the process. This service would be funded out of the consultant line item and salaries would be a consideration for FY2010 budget. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to select Ray Associates to work with Human Resources Department and a citizens committee to evaluate and make recommendation on elected official pay and based on qualifications that we waive any requirement for multiple quotes based on a one time bases and authorize the County Judge to sign a contract with Ray Associates based on today's presentation. All present voting "Aye". MOTION PASSED**

PUBLIC COMMENT

[T1-396] Charlie Johnson made public comment.

25610 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$1,646,710.78 as presented by the County Auditor. All present voting "Aye". **MOTION PASSED**

25611 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 30, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of September 30, 2008. All present voting "Aye". **MOTION PASSED**

25612 APPROVE RESOLUTION TO AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR \$67,100.00

This is a formula grant available annually to the County to assist in the implementation of the provisions of the Fair Defense Act and the improvement of indigent criminal defense services. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve resolution to authorize the County Judge to submit a grant application to the Texas Task Force on Indigent Defense for \$67,100.00. All present voting "Aye". MOTION PASSED**



25613 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT WITH LANGFORD COMMUNITY MANAGEMENT SERVICES IN THE AMOUNT OF \$30,000 FOR PROJECT MANAGEMENT FOR THE CEDAR OAKS MESA WATER SYSTEM IMPROVEMENT PROJECT, FUNDED UNDER A GRANT FROM THE OFFICE OF RURAL COMMUNITY AFFAIRS, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

On July 29, 2008 the Commissioners Court accepted a grant of \$250,000 from the Office of Rural Community Affairs, Texas Community Development Block Grant program for water system improvements for the Cedar Oaks Mesa Water Supply Corp (WSC), serving approximately 300 lots in the Campfire No. 2 subdivision near Wimberley. Matching funds of \$25,000 are provided through the Cedar Oak Mesa WSC. Management services were awarded to Langford Community Management Services on September 16, 2008 and action is needed to formally execute the contract for this grant project. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute contract with Langford Community Management Services in the amount of \$30,000 for Project Management for the Cedar Oaks Mesa Water System Improvement Project, funded under a grant from the office of Rural Community Affairs, Texas Community Development Block Grant Program. All present voting "Aye". MOTION PASSED**

25614 APPROVE OUT OF STATE TRAVEL FOR SERGEANT ON SWAT TEAM

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve out of state travel for Sheriff's Department Sergeant on SWAT Team to attend training in Tennessee. All present voting "Aye". MOTION PASSED

25615 APPROVE BUDGET AMENDMENT #08-25 FOR GENERAL FUND

\$100,000 budget transfer from County-wide Operations for Court appointed Attorneys in the County Court (\$25,000) and District Court (\$75,000). **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #08-25 for General Fund. All present voting "Aye". MOTION PASSED**

25616 APPROVE UTILITY PERMITS #01979 & #01982

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Utility Permits #01979 on Canyon Wren and Longspur issued to P.E.C. and #01982 on Chaparral Road issued to Crane Homebuilders as submitted by the Road Department. All present voting "Aye". MOTION PASSED

25617 APPROVE RENEWAL OF CONTRACT FOR DR. SARAH RODRIGUEZ, M.D. TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC PRO BONO (WITHOUT PAY)

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Sarah Rodriguez M.D. to provide services for the Hays County Personal Health Department Family Clinic Pro Bond (without pay) for services to be provided from September 1, 2008 through August 31, 2009. All present voting "Aye". MOTION PASSED

25618 APPROVE CONTRACT FOR MR. JOHN CARSON, R.PH TO PROVIDE PHARMACY SERVICES TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT

The current Pharmacist had to resign his contractual position due to health issues. John Carson will provide services from the date of approval of this contract through August 31,2009. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve contract for John Carson R.PH to the Hays County Personal Health Department. All present voting "Aye". MOTION PASSED**

25619 APPROVE PURCHASE OF TWO RADAR SIGNS FOR THE ROAD & BRIDGE DEPT. FROM SPEEDMINDER RADAR TECHNOLOGY, LLC IN THE AMOUNT OF \$4,546
[T1-448]

RPTP Director Jerry Borcharding spoke of previous approval of this item in FY08 – he needs to get approval from FY09 budget. These are mobile units that can be transported throughout the county and data can be exported for traffic studies. **A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the purchase of two radar signs for the Road & Bridge Department from Speedminder Radar Technology LLC in the amount of \$4,546 to be paid out of line item 03-438-5714 (road equipment line item) . All present voting "Aye". MOTION PASSED**



25620 [#03-4-089, 123 LOTS] – **RIM ROCK PHASE 3 SECTION 3 – APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF \$41,490.19 FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS** [T 1-499]

There are 122 single family residential lots and 1 Commercial Park – total acreage is 174 acres with 159 lot acreage. Water utility services will be provided by the Greenhawe WCID #2 and all lots are limited to the use of Class I OSSFs. Dripping Springs City Council approved the final plat on June 12, 2007. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat and accept fiscal surety in the amount of \$41,490.19 for re-vegetation of the street and drainage improvements for Rim Rock Phase 3 Section 3. All present voting “Aye”. MOTION PASSED**

25621 **CALL FOR A PUBLIC HEARING ON OCTOBER 21, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON WREN HAVEN DRIVE** [T1-536]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on October 21, 2008 to establish traffic regulations of “No Parking” signs on Wren Haven Drive. All present voting “Aye”. MOTION PASSED

25622 **ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR RIM ROCK SUBDIVISION, PHASE 3, SECTION 3** [T1-548]

RPTP Director Jerry Borcharding gave staff recommendation for acceptance. The Road Department has inspected and approved the improvements. Maintenance bond is in the amount of \$237,428.99 for a period of two years. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction and drainage improvements and accept maintenance bond for two years for “Rim Rock Subdivision Phase 3 Section 3”. All present voting “Aye”. MOTION PASSED**

25623 [#08-3-34, 14 LOTS] – **CONSTELLATION SUBDIVISION – APPROVE PRELIMINARY PLAN AND GRANT VARIANCE FROM HAYS COUNTY ROAD STANDARDS** [T1-567]

This is a 14 lot subdivision (12 residential lots and 2 common areas). Lots will be served by individual rainwater collection systems and individual OSSFs. Variance request is to allow a country lane (50' R-O-W) instead of a local street (60' R-O-W). Diego Alcazar, Managing Director of Constellation Development LLC spoke. EMC Jeff Turner spoke of concerns regarding water availability in this area. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan and grant variance to Hays County road standards for “Constellation Subdivision”. All present voting “Aye”. MOTION PASSED**

25624 **ACTION TO ACTIVATE BURN BAN** [T1-869]

Carroll Czichos appeared on behalf of Fire Marshal Mark Chambers and spoke in support of activating the burn ban. He advised that the KBI goes from 680 to 746 and the main is 549. **A motion was made by Judge Sumter, seconded by Commissioner Ford to activate the Burn Ban based on possibility of eminent threat of wildfire. All present voting “Aye”. MOTION PASSED**

25625 **APPROVE THE RESALE OF PROPERTY KNOWN AS LOT 9 BLOCK 34 SECOND SECTION OF VICTORY GARDENS, HELD IN TRUST** [T1-912]

Tax Assessor/Collector Luanne Caraway advised that the San Marcos CISD and City of San Marcos have approved the resale of this lot being held in trust. Action is needed to put this property back on the tax roll. Adjudged value is \$2,340 with a bid offer of \$1,000. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the resale of property known as Lot 9 Block 34 Second Section of Victory Gardens held in trust. All present voting “Aye”. MOTION PASSED**

25626 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH MUSCO SPORTS LIGHTING, LLC FOR THE MANUFACTURE AND INSTALLATION OF SOCCER FIELD LIGHTING AT FIVE MILE DAM PARK** [T1-932]

Grants Administrator Jeff Hauff spoke of Five Mile Dam Park complex. Two of the 10 soccer fields will be lighted under the current phase of the work. MUSCO will manufacture and install six light poles with controls and Westar will provide electrical service to the poles and control devices. Total cost is \$137,855 with a grant from the U.S. Soccer Foundation of \$50,000 for a total due to MUSCO of \$87,855. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to execute an Agreement with Musco Sports Lighting LLC for the Manufacture and installation of soccer field lighting at Five Mile Dam Park. All present voting “Aye”. MOTION PASSED**



25627 AUTHORIZE COUNTY JUDGE TO EXECUTE AGREEMENT WITH FUGRO IN THE AMOUNT OF \$5,000 FOR THE MATERIALS TESTING SERVICES FOR 5-MILE DAM PARK [T1-994]

Grants Administrator Jeff Hauff explained. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute an agreement with Fugro in the amount of \$5,000 for the materials testing services for Five Mile Dam Park. All present voting "Aye". MOTION PASSED

25628 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$4,500 TO THE TEXAS SECRETARY OF STATE UNDER THE HELP AMERICA VOTE ACT PROGRAM [T1-1016]

Grant funds of up to \$4500 are to be requested from the Texas Secretary of State under the HAVA program to provide interpreter services for the visually impaired to provide assistance during the early voting period. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application for up to \$4,500 to the Texas Secretary of State under the Help America Vote Act Program. All present voting "Aye". MOTION PASSED

25629 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DEVELOPMENT AGREEMENT WITH 2428 PARTNERS, L.P. REGARDING THE REALIGNMENT OF CR 118 AND MATTERS RELATED THERETO [T1-1028]

Commissioner Barton spoke of this being in the Sunfield MUD area. Developer requested consideration of realignment and improvement of CR118 as part of its overall site plan. Proposal is to abandon the old segment of CR118 and convey that property to developer who will construct and dedicate a new segment of CR118 that is proposed to be called Fire Cracker Drive. [T1-1096] Mike Boswell explained the proposal. Special Counsel Mark Kennedy spoke of change in date of interlocal agreement with City of Buda (1445 agreement) which is changed to October 7, 2008. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute a Development Agreement with 2428 Partners LP regarding the realignment of CR 118 and matters related thereto. All present voting "Aye". MOTION PASSED

25630 AUTHORIZE THE COUNTY JUDGE TO SIGN A NOTICE OF RATE CHANGE AGREEMENT WITH THE CITY OF BUDA RELATING TO THE MONTHLY AMOUNT DUE FOR LAW ENFORCEMENT SERVICES PROVIDED BY THE SHERIFF'S OFFICE TO THE CITY OF BUDA PURSUANT TO A PRIOR INTERLOCAL AGREEMENT [T1-1283]

In 2007, the City of Buda and the Hays County Sheriff's Dept. entered into an interlocal agreement whereby the City of Buda agreed to pay a monthly rate to Hays County for certain law enforcement services provided by the Sheriff's Department. Commissioner Barton spoke of amendment to that agreement that was discussed during the budget process. Deputy Sheriff Capt. Bo Kidd spoke of additional cost of services: from \$31,300 to \$35,373. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to sign a Notice of Rate Change Agreement with the City of Buda raising to the monthly amount due for Law Enforcement services provided by the Sheriff's Office to the City of Buda pursuant to a prior Interlocal Agreement. All present voting "Aye". MOTION PASSED

25631 PROVIDE GRANT FUNDS TO DRIPPING SPRINGS YOUTH SPORTS ASSOCIATION (DSYSA) FOR THE TIMELY COMPLETION OF GAME QUALITY BALL FIELDS AT FOUNDERS PARK IN DRIPPING SPRINGS [T1-1369]

Carl Owens (Swimberley Inc.) spoke. Commissioner Ford spoke of DSYSA taking this matter before CPAT and CPAT recommended that DSYSA should bring this matter before the Court. CPAT is still honoring the moratorium. Commissioner Barton spoke of why he will oppose approval at this time. It was stated by Commissioner Barton and Commissioner Ingalsbe that this consideration is outside of the process and moratorium at this time. It was felt that this is a worthy project. Commissioner Barton spoke of projects in his precinct that he has delayed because of the moratorium. A motion was made by Commissioner Ford, seconded by Judge Sumter to provide grant funds to Dripping Springs Youth Sports Association (DSYSA) for the timely completion of game quality ball fields at Founders Park in Dripping Springs in the amount of \$266,919 to be paid out of 2007 Bonds for Parks and Open Space. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED



25632 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HRM CONSULTANTS, INC. FOR RIGHT-OF-WAY SERVICES ON IH 35 [T1-1947]

On July 22, 2008 the Court authorized Commissioner Barton and Commissioner Ingalsbe to negotiate with one of the pre-selected ROW firms on the State Pass Through list and prepare a contract for ROW work on IH35 and related projects. Judge Sumter requested that she be allowed to also sign off on the invoices or receive a monthly report. She would like to receive notices (Page 10 Section E) and receive a copy of work authorizations (Pg 5 Section B). County Auditor Bill Herzog spoke of need to have an auditing clause. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Professional Services Agreement with HRM Consultants, Inc. for R-O-W services on IH 35 provided that Special Counsel add a paragraph giving the County audit ability on timesheets and add requirement for notice to the County Judge's Office and that the County Judge receive copies of changes as discussed this date. All present voting "Aye". MOTION PASSED**

25633 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CIVIC CENTER LEASE AGREEMENT WITH TEXAS STATE RALLY, INC. THAT MODIFIES THE STANDARD LEASE FORM FOR THE CIVIC CENTER; AND TO PERMANENTLY MODIFYING THE LEASE FORM FOR FUTURE EVENTS AT THE CIVIC CENTER [T1-2566]

Special Counsel Mark Kennedy spoke of replacing the unilateral indemnity clause for all liability with a mutual indemnity clause limited to negligence. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Civic Center Lease Agreement with Texas State Rally, Inc. that modifies the standard lease form for the Civic Center; and to permanently modify the lease form for future events at the Civic Center. All voting "Aye". MOTION PASSED**

25634 ACTION TO WAIVE OSSF PERMIT FEES FOR THE PACTO CON DIOS MINISTRIES

[T1-2663] The amount to be waived is the \$650 fee [\$500 for permit + \$150 review fee] – the State fee of \$10 will be paid. Pacto Con Dios Ministries is a non-profit 501c# organization/church. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to waive OSSF permit fees for The Pacto Con Dios Ministries. All present voting "Aye". MOTION PASSED**

25635 ADOPT A RESOLUTION IN SUPPORT OF THE TEXAS RAIL RELOCATION AND IMPROVEMENT FUND [T1-2689]

Commissioner Ingalsbe spoke of train traffic through Hays County. The resolution calls for pass-through freight traffic to be relocated outside heavily-populated areas of urban Texas, whereby relieving traffic congestion, improving freight movement mobility and removing hazardous materials from these areas, thus improving the economy and quality of life in Texas. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a resolution in support of the Texas Rail Relocation and Improvement Fund. All present voting "Aye". MOTION PASSED**

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

[T1-2959] Court convened into closed executive session at 11:50 a.m. and ended that session at 12:05 p.m. No action was taken. Court recessed for lunch and reconvened into open meeting at 1:30 p.m.

PRESENTATION OF ARCHITECTS ON THE JAIL FACILITIES [T1-2981]

Presentation was given by Winginton Hooker Jeffry Architects regarding their goals, team overview, consultant team, and cost factors. The following appeared and/or spoke: Don Greer, Jim Winginton, Don Olson, and Steve Ramsay.

Presentation was given by Wayne Gondeck, Registered Architect and President of DRG Architects, PLLC and Gary Adams of Adams & Associates, Planner & Consultant, regarding their jail experience, renovation/addition design, similar projects, special projects, multiple building systems, construction delivery methods, budgets/cost controls, Hays County site/plan, and ability to meet Hays County's needs.

[T2-1438] Presentation was given by Terry Julian and Kenneth C. Burns of **Burns Architecture Inc.** regarding their experience, Texas projects, and what they will do for Hays County.

[T2-2297] Presentation was given by Armand Fisher of **AF Architects** regarding their experience, Montgomery County Jail, Adair County Oklahoma Jail, Parker County Jail, Hays County site and plan study.

[T2-3187] Committee made some site visits: Bell County Facility (WHJ) – looked at a DRG facility, Aransas County (Burns facility), Parker County (AF). Deputy Sheriff Brad Robbins advised that they liked the Bell County facility the best.



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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 OCTOBER 7, 2008.



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

