



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 21ST 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
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Commissioner Ingalsbe was not present at this time.

25659 ADOPT A PROCLAMATION DECLARING OCTOBER 26, 2008 AS LIVESTRONG CHALLENGE DAY IN HAYS COUNTY

A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a Proclamation declaring October 26, 2008 as Livestrong Challenge Day in Hays County. All present voting "Aye". **MOTION PASSED**

Commissioner Ingalsbe came to the meeting at this time.

PARK/TRANSFER STATION DEPARTMENTAL PRESENTATION TO THE COURT BY JERRY PINNIX

Parks Director Jerry Pinnix spoke of property that was purchased for parkland next to the Dudley Johnson Park and Randall Vetter Park. The City of San Marcos is a partner in the project which will provide soccer fields. Phase 1 is currently 60% completed. Jerry Pinnix spoke of recycling throughout the county. He spoke of household hazardous waste disposal event that was held along with the City of San Marcos.

25660 AUTHORIZE THE ELECTIONS OFFICE TO INCREASE THE PAY OF ELECTION WORKERS [T1-340]

Elections Administrator Joyce Cowan requested increase in pay for election workers. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the Election Office to increase the pay of election workers as follows: \$10 per hour for Early Voting Clerks, Central Count Workers and Election Day Judges, \$900 per hour for Alternate Judges, and \$8.00 per hour for Election Clerks. All voting "Aye". **MOTION PASSED**

Clerk's Note: Agenda Item #14 RE: {08-3-51 - 18 LOTS} MUSTANG VALLEY SUBDIVISION SECTION 1 APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY IN THE AMOUNT OF \$301,424.01, FOR STREET AND DRAINAGE IMPROVEMENTS was PULLED.

Clerk's Note: Agenda Item #15 RE: {08-3-52 - 4 LOTS} MUSTANG VALLEY SUBDIVISION SECTION 3 - APPROVE FINAL PLAT was PULLED.

PUBLIC COMMENTS

[T1-445] David Glenn and Jim McMeans made public comment regarding water availability in the Mustang Valley Subdivision. Jack Hollon (Hays Trinity Groundwater Conservation District) and David Baker (Executive Director of the Wimberley Valley Watershed Association) made public comment regarding water availability study for the Mustang Valley Subdivision. Commissioner Conley spoke of reasons for pulling Mustang Valley Subdivision action this date. A process is needed when there is a difference of opinion between scientists.

25661 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested the addition of invoice in the amount of \$266,919 for the Dripping Springs Youth Sports Association. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve county invoices in the amount of \$659,105.14 plus additional invoice in the amount of \$266,919 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". **MOTION PASSED**



25662 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 14, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of October 14, 2008 as presented by the County Clerk Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25663 APPROVE SPECIFICATIONS FOR BID #2009-B04 "METAL PIPE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for Bid #2009-B04 "Metal Pipe" and authorize purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25664 APPROVE UTILITY PERMITS ON TOM GREEN SCHOOL ROAD, GREEN MEADOWS DRIVE, AND OLD GOFORTH ROAD

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve utility permit #01989 on Tom Green School Road to Verizon Wimberley; permit #01990 on Green Meadows Drive to Verizon Wimberley; permit #01986 on Old Goforth Road to Verizon Wimberley. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25665 APPROVE CANCELLATION OF COMMISSIONERS COURT ON NOVEMBER 11, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve cancellation of Commissioners Court on November 11, 2008. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25666 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A QUIT CLAIM DEED FOR PROPERTY ON WAYSIDE DRIVE

During the early 90's a bond road program acquired property along Wayside Drive. One parcel seems to have never changed ownership. Action by the Court to accept this Quit Claim Deed will properly assign ownership of this property to the County and will remove the parcel from the tax roles. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute a Quit Claim Deed for property on Wayside Drive. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25667 APPROVE PURCHASE OF COURTROOM FURNITURE USING FUNDS FROM COUNTY-WIDE OFFICE EQUIPMENT

Purchase of courtroom chairs was intended from FY 2008 funds; however, delivery of chairs was not made until after fiscal year end 9/30/08. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve purchase of courtroom furniture using funds from county-wide office equipment. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

Clerk's Note: Agenda Item #6 RE: APPROVE SPECIFICATIONS FOR RFQ #2009-P01 "ENGINEERING SERVICES FOR CONSTRUCTION OF TURN LANES ON BEEBEE ROAD AND DACY LANE" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE was PULLED.

25668 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON WREN HAVEN DRIVE [T1-807]

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 Borcharding gave staff recommendation for "No Parking" signs on either side of Wren Haven Drive. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of "No Parking" signs on either side of Wren Haven Drive. All voting "Aye". MOTION PASSED



25669 {00-4-071 - 68 LOTS} **RIM ROCK PHASE 1 SECTION 4 – APPROVE FINAL PLAT ACCEPT FISCAL SURETY IN THE AMOUNT OF \$16,782.70 FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS** [T1-827]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. Phase 1 Section 4 consists of 68 single family residential lots. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat and accept fiscal surety in the amount of \$16,782.70 for re-vegetation of the street and drainage improvements for Rim Rock Phase 1 Section 4. All voting "Aye". **MOTION PASSED**

25670 **ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR RIM ROCK SUBDIVISION PHASE 1 SECTION 4** [T1-870]

Resource Protection and Transportation Planning Director Jerry Borcharding gave staff recommendation. A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction and drainage improvements and acceptance of the maintenance bond in the amount of \$141,894.30 for two years for Rim Rock Subdivision Phase 1 Section 4. All voting "Aye". **MOTION PASSED**

25671 **ALLOW OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND A CENTER FOR DOMESTIC PREPAREDNESS COURSE IN ANISTON, ALABAMA** [T1-908]

Emergency Management Coordinator Jeff Turner spoke of there being no cost to the county for this training. A motion was made by Judge Sumter, seconded by Commissioner Conley to allow out of state travel for Jeff Turner Emergency Management Coordinator to attend a Center for Domestic Preparedness Course in Aniston, Alabama. All voting "Aye". **MOTION PASSED**

25672 **ALLOW OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND EMERGENCY MANAGEMENT INSTITUTE COURSE E915: IEMC: HOMELAND SECURITY PREP. & RESP.** [T1-1006]

Emergency Management Coordinator Jeff Turner spoke of changes in the date from March 23-26, 2009 to March 2-5, 2009 and location from Emmitsburg Maryland to Aniston Alabama. A motion was made by Judge Sumter, seconded by Commissioner Ford to allow out of state travel for Jeff Turner Emergency Management Coordinator to attend Emergency Management Institute Course E915: IEMC: Homeland Security Prep. & Resp. on March 2-5, 2009 in Anniston Alabama. All voting "Aye". **MOTION PASSED**

25673 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AND MAINTENANCE AGREEMENT WITH PITNEY BOWES FOR A 3-STATION D1380 LETTER FOLDER/INSERTER FOR USE IN THE HAYS COUNTY TAX ASSESSOR/COLLECTOR'S OFFICE** [T1-1103]

A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute a Lease and Maintenance Agreement with Pitney Bowes for a 3-Station D1380 letter folder/inserters for use in the Hays County Tax Assessor/Collector's Office. All voting "Aye". **MOTION PASSED**

25674 **RATIFY THE EXECUTION OF A NOTICE OF INTENT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER TPDES GENERAL PERMIT BY JERRY PINNIX, AS HAYS COUNTY PARKS ADMINISTRATOR** [T1-1120]

Parks Administrator Jerry Pinnix spoke of 5-Mile Dam Park Project and need for him to have permission to sign the notice and makes him the contact person. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to ratify the execution of a Notice of Intent for storm water discharges associated with construction activity under TPDES general permit by Jerry Pinnix as Hays County Parks Administrator. All voting "Aye". **MOTION PASSED**



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25675 {08-4-50 – 1 LOT} **HURLBUT RANCH WEST TRACT 23 - APPROVE CONVEYANCE OF A PORTION OF TRACT 23 VIA A METES AND BOUNDS DESCRIPTION WITHOUT REVISION OF THE PLAT, AS A VARIANCE TO PLATTING, PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE** [T1-1200]

Subdivision Coordinator Clint Garza gave history of illegal division of this property. Commissioner Ford spoke of current owners not being aware of the illegal subdivision and their request to approve conveyance of a portion of Tract 23 via a metes and bounds description without revision of the plat. Commissioner Conley and Commissioner Ingalsbe spoke of issues like this in their precincts. Sally Staudt spoke of Hurlbut Ranch West being conveyed by metes and bounds and there being no bearings on the recorded plat. Commissioner Ingalsbe and Commissioner Barton spoke of court requiring platting of Martinez property. Commissioner Ingalsbe spoke of need for consistency in these situations. Judge Sumter spoke of need for more information to see if there is a way to get these subdivisions in compliance. Special Counsel Mark Kennedy spoke of adding language to the motion to allow any additional permits to be granted. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve conveyance of a portion of Tract 23 via a metes and bounds description without revision of the plat, as a variance to platting, pursuant to Section 232.010 of the Texas Local Government Code and to treat this property as a legal tract for future permitting. Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Commissioner Ingalsbe and Judge Sumter voting "No". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 21, 2008.



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

