



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 28<sup>TH</sup> 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. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

**Clerk's Note: Agenda Item #1 RE: ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2008 HOME CARE AND HOSPICE MONTH was PULLED.**

**25676 APPROVE PAYMENTS OF COUNTY INVOICES**

County Auditor Bill Herzog requested addition of invoice in the amount of \$6,000 to AMG Printing for postage for tax statements and \$89,440.97 to SAM Inc. for surveying work on FM1626. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 899,408.54, with the addition of \$6,000 to AMG Printing and \$89,440.97 to SAM Inc., as recommended by the County Auditor. All present voting "Aye". MOTION PASSED**

**25677 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 21, 2008**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of October 21, 2008 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

**25678 APPROVE RENEWAL OF BID #2007-B01 A/C AND HEATING SERVICES COUNTYWIDE WITH AVATT SERVICES INC. FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN ORIGINAL BID**

All terms and conditions remain unchanged and in full force and effect as provided in the original bid. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of Bid #2007-B01 A/C and heating services countywide with Avatt Services Inc. for one (1) additional year as provided in original bid. All present voting "Aye". MOTION PASSED**

**25679 APPROVE RENEWAL OF BID #2007-B08 BRUSH CUTTING AND OTHER SERVICES WITH ASPLUNDH TREE EXPERT COMPANY FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID**

All terms and conditions remain unchanged and in full force and effect as provided in the original bid. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of Bid #2007-B08 Brush Cutting and Other Services" with Asplundh Tree Expert Company for one (1) additional year as provided in the original bid. All present voting "Aye". MOTION PASSED**

**25680 APPROVAL TO PURCHASE REPLACEMENT OF 20' FLOOR MACHINE IN THE AMOUNT OF \$995.00 AND AMEND BUDGET ACCORDINGLY**

Requires a budget amendment to transfer \$995 from line item 17-473-5241 to 17-473-5719. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve purchase replacement of 20" floor machine in the amount of \$995.00 and amend the budget accordingly. All present voting "Aye". MOTION PASSED**



**25681 APPROVE PURCHASE OF A ROLL-A-WAY TABLE WITH BENCHES FOR THE JUVENILE DETENTION CENTER IN THE AMOUNT OF \$3,945.00 AND AMEND THE BUDGET ACCORDINGLY**

Requires a budget amendment to transfer \$3,945 from line item 17-473-5232 to line item 17-473-5719. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve purchase of a roll-a-way table with benches for the Juvenile Detention Center in the amount of \$3,945.00 and amend the budget accordingly. All present voting "Aye". MOTION PASSED

**25682 APPROVE PURCHASE OF A CAGE FOR TRANSPORT VAN FOR JUVENILE DETENTION CENTER IN THE AMOUNT OF \$600.00 AND AMEND THE BUDGET ACCORDINGLY**

Requires a budget amendment to transfer \$600 from line item 17-473-5412 to line item 17-473-5719. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve purchase of a cage for transport van for Juvenile Detention Center in the amount of \$600.00 and amend the budget accordingly. All present voting "Aye". MOTION PASSED

**25683 APPROVE SPECIFICATIONS FOR BID #2009-B05 "LIGHTBARS/SHERIFF DEPARTMENT POLICE VEHICLES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for bid #2009-B05 "Lightbars/Sheriff Department Police Vehicles" and authorize purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

**25684 AUTHORIZE COUNTY JUDGE TO SIGN THE RENEWAL CONTRACT BETWEEN HAYS COUNTY AND INDIGENT HEALTHCARE SOLUTIONS (IHS)**

This contract is renewed every two years for software to bill, process claims, and maintain records on current and prior clients. Contract period is December 1, 2008 through December 1, 2010. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize County Judge to sign the renewal contract between Hays County and Indigent Healthcare Solutions (IHS). All present voting "Aye". MOTION PASSED

**25685 APPROVE AND AUTHORIZE COUNTY JUDGE TO EXECUTE A COPIER CONTRACT WITH IKON OFFICE SOLUTIONS**

This contract is for the copier located in the County Court at Law office. A non-appropriation form is being added to the contract. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve and authorize the County Judge to execute a copier contract, with addition of Non-appropriation form, with IKON Office Solutions. All present voting "Aye". MOTION PASSED

**25686 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON CR 158 [T1-66]**

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 to lower the speed limit from 45 mph to 35 mph on this narrow 2 lane road with no shoulders. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to establish traffic regulation lowering the speed limit from 45 MPH to 35 MPH on CR 158. All present voting "Aye". MOTION PASSED

Commissioner Conley came to the meeting at this time.

**25687 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION PHASE 3 SECTION 3 [T1-77]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection & Transportation Planning Director Jerry Borcharding gave staff recommendation for stop signs and speed limits in Rim Rock Subdivision Phase 3 Section 3. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish traffic regulations in Rim Rock Subdivision Phase 3 Section 3 of a 4-way stop on Towering Cedar Drive at Flint Rock Loop; stop signs on Southern Sunset Cove at Flint Rock Loop, on Serrato Cove at Flint Rock Loop, on Rodgers Ravine Cove at Flint Rock Loop; and set a speed limit of 35 MPH on Towering Cedar Drive and 25 MPH on Flint Rock Loop, Southern Sunset Cove, Serrato Cove and Rodgers Ravine Cove. All voting "Aye". MOTION PASSED



**25688** [08-2-36 – 6 Lots] **CARL DIETZ SUBDIVISION REPLAT OF LOT 1 - APPROVE FINAL PLAT** [T1-94]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. This is a 20.01 acre one lot recorded plat being re-subdivided into six lots located off Engelke Road in the Niederwald ETJ. No public notice is required because there is only one owner/developer of the subdivision. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Final Plat of "Carl Dietz Subdivision Replat of Lot 1". All voting "Aye". MOTION PASSED**

**25689** **AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH CTMC FOR REMOVAL OF DIRT AND DEBRIS TO ASSIST IN THE RELOCATION OF THE WALKING TRAIL** [T1-113]

Special Counsel Mark Kennedy explained the agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to direct Special Counsel to draft an agreement and authorize the County Judge to execute that Agreement with CTMC for removal of dirt and debris to assist in the relocation of the walking trail. All voting "Aye". MOTION PASSED**

**DISCUSSION REGARDING SETTING ASIDE THE REMAINING \$8.7 MILLION IN PARKS AND OPEN SPACE BOND FUNDS FOR HABITAT PROTECTION FOR THE GOLDEN-CHEEKED WARBLER AND/OR BLACK-CAPPED VIREO** [T1-313]

Carl Owens (Wimberley resident/Swimberley Inc.), Bill Johnson (Wimberley resident), Chuck Tise (Wimberley resident), and Gina Fulkerson (Wimberley resident) made public comment. Judge Sumter spoke of previous discussion by the court regarding \$13 million that was set aside and how it would be spent. She spoke of the moratorium and remaining funds. Discussion was had regarding process being followed. [T1-559] **A motion was made by Commissioner Conley to not allocate any further park funds until the conditions of the moratorium are met including scoring criteria for recreational use. MOTION WAS WITHDRAWN.** [T1-1120] Judge Sumter spoke of agreement that there continue to be a moratorium on \$1.82 million for recreational projects until the scoring is completed then when the scoring is completed between January and March that those dollars stay in a moratorium status provided there are no special circumstances that come forward and to have a commitment from the Commissioners that there aren't going to be any special circumstances on those funds coming forward until that is done and \$6.5 million stays in the open space category and it does not have a moratorium on it, in case we need to move forward with habitat land that may come available or any other open space that may become available. Commissioner Ford spoke of recreational projects to be considered by CPAT.

**25690** **PRESENTATIONS BY THE TWO HIGHEST RANKED ENGINEERING FIRMS FOR THE HAYS COUNTY WATER/WASTEWATER FACILITIES PLANNING STUDY AND ACTION TO HIRE HDR** [T1-1215]

A review committee evaluated qualification statements and ranked seven firms according to the RFQ criteria and the two highest ranked firms (HDR and K. Friese & Associates) were asked to make a presentation to the court. HDR - Neil Graff (PE & Project Principal), Brandon Neal (PE & Project Manager), Herb Grubb (PhD, PE - Population Projection), John Marler (PE - Water/Wastewater Planning and Infrastructure), and Tony Bagwell (Financial Planning & Funding) gave a powerpoint presentation. K. Friese & Associates - President Karen Friese, Lead Engineer/PE Tom Owens, Groundwater Analysis/PG James Bene, Sr. Technical Advisor Joseph Beal (PBS&J), gave a powerpoint presentation. [T2-166] Grants Administrator Jeff Hauff advised that the committee's recommendation is for HDR. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to hire the firm of HDR for the Hays County Water/Wastewater Facilities Planning study. All voting "Aye". MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE POSSIBLE PURCHASE, LEASE, OR VALUE OF REAL PROPERTY IN HAYS COUNTY FOR THE PURPOSES OF ENDANGERED SPECIES HABITAT PROTECTION** [T2-301]

Court convened into closed executive session at 11:40 a.m. and reconvened into open meeting at 1:45 p.m. No action was taken in open court.

Commissioner Conley left the meeting at this time.



- 25691      AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A JOINT FUNDING AGREEMENT WITH THE US GEOLOGICAL SURVEY FOR SUPPLEMENTAL WATER QUALITY MONITORING ON CERTAIN CONTRIBUTING ZONE CREEKS AND WATER WELLS IN THE BARTON SEGMENT OF THE EDWARDS AQUIFER [T2-307]**

LCRA, BSEACD, the City of Austin, City of Dripping Springs and possibly other entities intend to fund supplemental research within a USGS study commissioned by the TCEQ. Funding of \$10,000-15,000 is available in the LCRA service fee fund (25-457-5301). **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to enter into a Joint Funding Agreement with the US Geological Survey for supplemental water quality monitoring on certain contributing zone creeks and water wells in the Barton Segment of the Edwards Aquifer in an amount not to exceed \$15,000.00. All present voting "Aye". MOTION PASSED**

- 25692      AUTHORIZE PURCHASING TO ACCEPT BIDS FOR THE SALE OF THE COURTHOUSE GENERATOR [T2-406]**

This generator was previously auctioned off, however, the buyer backed out of the purchase because he did not want to disassemble it for removal from the courthouse. There is currently someone interested in buying the generator knowing that it must be disassembled. Recommendation is that the county accept bids with a minimum bid of \$2,000.00. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Purchasing to accept bids for the sale of the Courthouse generator with a minimum bid of \$2,000.00. All present voting "Aye". MOTION PASSED**

- 25693      AUTHORIZE COUNTY JUDGE TO SIGN CONTRACT AMENDMENT WITH TRUST FOR PUBLIC LAND (TPL) FOR SERVICES WITH SANDRA TASSELL AS APPROVED BY COURT ON 9/30/08 FOR AN AMOUNT NOT TO EXCEED \$10,000, PLUS REIMBURSEMENT FOR TRAVEL EXPENSES [T2-432]**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to sign contract amendment with Trust for Public Land (TPL) for services with Sandra Tassell as approved by the Court on September 30, 2008 for an amount not to exceed \$10,000 plus reimbursement for travel expenses. All present voting "Aye". **MOTION PASSED**

- 25694      APPROVE CHANGE ORDER REQUESTS FOR ADDITIONAL, UNBUDGETED ITEMS RELATING TO SPECIAL NEEDS IN TAX ASSESSOR/COLLECTOR AND JUSTICE OF THE PEACE OFFICES FOR PCT 4 NEW OFFICE BUILDING [T2-456]**

CPR#28 – Add electrical outlets/circuits in Tax Office and JP Office = \$5,189 CPR#29 – Tax Office and JP Office millwork revisions, transaction window revisions and speaker systems at transaction windows = \$18,102. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve change order requests for additional, unbudgeted items relating to special needs in Tax Assessor/Collector and Justice of the Peace Offices for Pct 4 new office building in the amount of \$23,291.00. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

- 25695      ADOPT A RESOLUTION REQUESTING TCEQ TO CONSIDER THE PETITION FOR RULEMAKING AS SUBMITTED BY THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT AND THE CITY OF AUSTIN REGARDING PROHIBITION OF EFFLUENT DISCHARGE IN THE CONTRIBUTING ZONE OF THE BARTON SPRINGS SEGMENT OF THE EDWARDS AQUIFER [T2-732]**

A Rulemaking Petition was filed by the Barton Springs/Edwards Aquifer Conservation District and the City of Austin with TCEQ with proposed all new text to be added to Chapter 311. Resolution will request prohibition of direct discharge to the Barton Creek and Onion Creek Watersheds in the Contributing Zone of the Barton Springs segment of the Edwards Aquifer. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt a Resolution urging TCEQ to consider the petition for rulemaking as submitted by the Barton Springs/Edwards Aquifer Conservation District and the City of Austin regarding prohibition of effluent discharge in the contributing zone of the Barton Springs segment of the Edwards Aquifer. All present voting "Aye". MOTION PASSED**



**25696      DECLARE A "DISCRETIONARY EXEMPTION" UNDER SECTION 262.024 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE PURPOSE OF MAKING DIRECT PAYMENT TO SAM INC., A SUBCONTRACTOR OF JACOBS CARTER BURGESS ON THE FM 1626 IMPROVEMENT PROJECT [T2-980]**

Special Counsel Mark Kennedy explained the discretionary exemption being considered. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to declare a "Discretionary Exemption" under Section 262.024 of the Texas Local Government Code for the purpose of making direct payment to SAM Inc., a subcontractor of Jacobs Carter Burgess on the FM 1626 improvement project. All voting "Aye". MOTION PASSED

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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 28, 2008.



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

