



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 25<sup>TH</sup> DAY OF NOVEMBER 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
ELIZABETH Q. GONZALEZ	DEPUTY COUNTY CLERK

KAREN FORD, COMMISSIONER PCT. 4 WAS ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

District Judge Bill Henry swore in new Deputy Constable Pct. 1, Sandy Riojas.

#### PUBLIC COMMENTS

[T1-80] City of San Marcos Mayor Susan Narviaz made public comment about the election results & process.

#### FIRE MARSHAL PRESENTATION TO THE COURT BY MARK CHAMBERS

[T1-104] Hays County Fire Marshal, Mark Chambers gave a power-point presentation and a brief overview of duties performed in his office. He spoke of additional codes needed to be performed for the health and safety of the citizens of Hays County. He spoke of Juvenile Setter Program designed to help juveniles with fire setting tendencies.

#### 25737 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$683,793.29 as recommended by the County Auditor. All voting "Aye". MOTION PASSED

#### 25738 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 17<sup>TH</sup> & 18<sup>TH</sup>, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of November 17<sup>th</sup> & 18<sup>th</sup>, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

#### 25739 AUTHORIZE COMMERCIAL OSSF PERMIT FOR ST. MARK'S EPISCOPAL CHURCH OF SAN MARCOS FOR A CHAPEL AND SANCTUARY LOCATED AT 3039 RANCH ROAD 12, SAN MARCOS, IN PRECINCT 3

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Commercial OSSF Permit for St. Mark's Episcopal Church of San Marcos for a Chapel and Sanctuary Located at 3039 Ranch Road 12, San Marcos, in Precinct 3. All voting "Aye". MOTION PASSED

#### 25740 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AVOCA LTD. FOR A DEER PROCESSING FACILITY LOCATED AT 1310 OLD MARTINDALE ROAD IN PRECINCT 1

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Institutional OSSF Permit for Avoca Ltd. For a Deer Processing Facility Located at 1310 Old Martindale Road in Precinct 1. All voting "Aye". MOTION PASSED



**25741 APPROVE AWARD OF CONTRACT TO PSI FOR GEOTECHNICAL SERVICES FOR THE HAYS COUNTY GOVERNMENT OFFICE COMPLEX AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award of contract to PSI for Geotechnical Services for the Hays County Government Office Complex and authorize County Judge to execute same. All voting "Aye". MOTION PASSED

**25742 CALL FOR A PUBLIC HEARING ON DECEMBER 9, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN MOUNT OLIVE RANCH SUBDIVISION**

[T1-370] A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on December 9, 2008 to establish traffic regulations in Mount Olive Ranch Subdivision consisting of a stop sign on Red Sky Road at Mount Olive School Road, and set a speed limit of 25 MPH on Red Sky Road. All voting "Aye". MOTION PASSED

**25743 CALL FOR A PUBLIC HEARING ON DECEMBER 9, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON FISCHER STORE RD., CR 181**

[T1-376] A motion was made by Commissioner Conley, seconded by Judge Sumter to call for a public hearing on December 9, 2008 to establish traffic regulations on Fischer Store Rd., CR 181 consisting of raising the speed limit to 45 MPH on Fischer Store Road between Sachtleben Road and the eastern approach to Blanco River Bridge. All voting "Aye". MOTION PASSED

**25744 APPROVE PURCHASE OF A BACKHOE, PREVIOUSLY OWNED BY THE COUNTY, FROM THE INSURANCE COMPANY FOR NOT MORE THAN \$4,999.00**

[T1-380] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of a backhoe, previously owned by the County, from the Insurance Company for not more than \$4,999.00. All voting "Aye". MOTION PASSED

**25745 CALL FOR A PUBLIC HEARING ON DECEMBER 9, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION, PHASE 1, SECTION 4**

[T1-393] A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on December 9, 2008 to establish traffic regulations in Rim Rock Subdivision Phase 1, Section 4 consisting of setting speed limits and placing of stop signs. All voting "Aye". MOTION PASSED

**25746 [08-3-48 - 1 LOT] THE RIDGE AT WIMBERLEY SPRINGS SECTION 1 APPROVE PRELIMINARY PLAN**

[T1-399] Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. Section 1 is 19.2 acres in size and is designated for a future Wimberley ISD elementary school. A motion was made by Commissioner Conley, seconded by Judge Sumter, to approve preliminary plan of the Ridge at Wimberley Springs Section 1. All voting "Aye". MOTION PASSED

**25747 ACCEPT THE PROPOSAL FROM DEMOSS PLUMBING CO., INC. FOR PLUMBING SERVICES AT THE JUVENILE DETENTION CENTER AND AMEND THE BUDGET IF NECESSARY**

[T1-418] A motion was made by Judge Sumter, seconded by Commissioner Barton to accept the proposal from Demoss Plumbing Co., Inc. for plumbing services at the Juvenile Detention Center and amend the budget if necessary. All voting "Aye". MOTION PASSED

**25748 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HALFF ASSOCIATES, INC. TO PREPARE AND SUBMIT A GRANT APPLICATION FOR UP TO \$300,000 TO THE TEXAS WATER DEVELOPMENT BOARD FOR A FLOOD PROTECTION PLANNING STUDY OF THAT PORTION OF THE COUNTY DRAINED BY THE GUADALUPE/BLANCO RIVER BASIN**

[T1-441] Grants Administrator, Jeff Hauff, gave a brief overview of grant. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with Halff Associates Inc. to prepare and submit a grant application for up to \$300,000 to the Texas Water Development Board for a flood protection planning study of that portion of the county drained by the Guadalupe/Blanco River Basin. All voting "Aye". MOTION PASSED



**25749            AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE TO PARTICIPATE IN IH 35 & 210 PROJECT (HOME DEPOT OVERPASS)**

[T1-558] A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of Kyle to participate in IH 35 & 210 project. (Home Depot Overpass) All voting "Aye". MOTION PASSED

**DISCUSSION TO AUTHORIZE THE PURCHASING DEPARTMENT TO ADVERTISE A REQUEST FOR PROPOSAL FOR THE HAYS COUNTY ROAD BOND PROGRAM PROJECT MANAGER**

[T1-604] Discussion was had about whether there should be more than one Project Manager.

**25750            AUTHORIZE UNIFORM RENTALS FOR THE HAYS COUNTY CIVIC CENTER**

[T1-900] Barry Nelson, Civic Center Manager spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize uniform rentals for the Hays County Civic Center. All voting "Aye". MOTION PASSED

**25751            TRANSFER FUNDS FROM STAFF SALARIES AND FICA TO MISC. EQUIPMENT IN THE HAYS COUNTY CIVIC CENTER BUDGET**

[T1-940] Barry Nelson, Civic Center Manager spoke. He needs to use the money from the staff salary savings to purchase additional needed equipment, such as roping boxes, chute extensions, rough stock panels, and gates. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to transfer funds from staff salaries and FICA to misc. equipment in the Hays County Civic Center Budget. All voting "Aye". MOTION PASSED

**Clerk's Note: Agenda Item #19 RE: AUTHORIZE THE PURCHASING DEPARTMENT TO ADVERTISE A REQUEST FOR QUALIFICATION FOR THE DESIGN OF FM 110/SAN MARCOS LOOP – was pulled.**

**25752            CLARIFY AND APPROVE SALARY ADMINISTRATION PRACTICES**

[T1-1050] Human Resources Director Dee Dee Baen spoke of a couple of issues. #1: Authorize the Treasurer to pay salary as approved by HR and the Auditor up to the 25<sup>th</sup> percentile. #2: For employees receiving lump sum merit to be paid out in two equal installments in October and April. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the Treasurer to pay salary as approve by HR and the Auditor up the 25<sup>th</sup> percentile; and for County Employees receiving lump sum merit to be paid out in two equal installments in October and April. All voting "Aye". MOTION PASSED

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

[1-1160] Court convened into closed executive session at 10:30 a.m. and reconvened into open meeting at 11:10 a.m. No discussion and no action taken.

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

[T1-1174] Court convened into closed executive session at 11:10 a.m. and reconvened into open meeting at 11:25 a.m. No discussion and no action taken.



**25753      TRANSFER OR LEASE OF APPROXIMATELY 1,300 SQ. FT. AT THE INTERSECTION OF LBJ AND MLK DRIVES TO THE CITY OF SAN MARCOS FOR THE PLACEMENT OF A COMMEMORATIVE MARKER AND TO AUTHORIZE COMMISSIONER INGALSBE AND SPECIAL COUNSEL, MARK KENNEDY TO NEGOTIATE AND PREPARE AN INTERLOCAL AGREEMENT FOR SAME**

[T1-1190] Christopher Jones, Deputy Mayor Pro Tem./Place 4 Councilman from the City of San Marcos spoke of erecting a Commemorative Marker at the corner of LBJ and MLK. Diane McCabe of Texas State University and Rodney Cobb of the City of San Marcos spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to transfer or Lease approximately 1,300 sq. ft. at the intersection of LBJ and MLK Drives to the City of San Marcos for the placement of a commemorative marker and to authorize Commissioner Ingalsbe and Special Counsel Mark Kennedy to negotiate and prepare an Interlocal Agreement for same. All voting "Aye". MOTION PASSED**

**WORKSHOP – PRESENTATION AND DISCUSSION OF HAYS COUNTY HEALTH ASSESSMENT BY JIM WALKER**

[T1-1483] Jim Walker gave a power-point presentation. Summary: *As part of their relationship in establishing the new Seton Medical Center Hays facility, the Hays County Commissioners Court and the Seton Family of Hospitals commissioned this assessment to better understand the health needs of the current population, where gaps in the system of services exist, as well as anticipating the effects of population growth in the coming years. The assessment is intended to be shared for public benefit in the community's deliberations in creating a safe, effective, patient-centered, timely, efficient and equitable system of healthcare for all residents of Hays County. Seton and Hays County mutually agreed to retain the non-profit Central Texas Sustainability Indicators Project (CTSIP) to conduct the Assessment because of the CTSIP's history of integrating both quantitative and qualitative data to discern key trends on local and regional issues.*

**EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO**

[T2-256] Court convened into closed executive session at 2:55 p.m. and reconvened into open meeting at 4:15 p.m. No discussion and no action taken.

**25754      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH THERESA SCHWARTZ FOR CONSULTING SERVICES ASSOCIATED WITH PASS THROUGH TOLL AGREEMENT IMPROVEMENTS IN PRECINCT 2 AND/OR THE SURROUNDING INTERSTATE 35 CORRIDOR AREA**

[T2-269] A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Consulting Services Agreement with Theresa Schwartz for consulting services associated with Pass Through Toll Agreement Improvements in Precinct 2 and/or the surrounding Interstate 35 corridor area, not to exceed 10 months, and to become effective December 1, 2008. All voting "Aye". MOTION PASSED

**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 NOVEMBER 25, 2008.**



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

