



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 21<sup>ST</sup> DAY OF APRIL A.D., 2009, 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. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford led the court in a moment of silence and remembrance, and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**PARKS AND TRANSFER STATION DEPARTMENT PRESENTATION**

Parks Director Jerry Pinnix spoke of rebound in recycling and ability to store more products with the additional building from the CAPCOG grant. He spoke of recycling cardboard, aluminum, and plastics. He gave an update on progress at the five mile dam park. We are getting close to finishing Phase I and plans for Phase II are almost completed.

**26069 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$1,295,682.52 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**26070 APPROVE COMMISSIONER COURT MINUTES OF APRIL 14, 2009**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of April 14, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**26071 AUTHORIZE COUNTY JUDGE TO APPROVE THE PERSONAL HEALTH DEPARTMENT'S REQUEST FOR ADDITIONAL FUNDS IN THE AMOUNT OF \$4,224.00 FROM TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) EMERGENCY PREPAREDNESS PROGRAM FOR FY 2009**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize County Judge to approve the personal Health Departments request for additional funds in the amount of \$4,224.00 from Texas Department of State Health Services (DSHS) Emergency Preparedness Program for FY 2009. All voting "Aye". MOTION PASSED

**26072 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT OF THE CONSTABLE PCT 4 OFFICE**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept the delivery of the internal examination report of the Constable Pct 4 Office. All voting "Aye". MOTION PASSED

**26073 APPROVE SPECIFICATIONS FOR BID #2009-B09 ROAD IMPROVEMENTS/HOT-MIX OVERLAY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

RPTP Director Jerry Borcharding requested changes in the bid specs and addition of two roads. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications for bid #2009-B09 road improvements/hot-mix overlay and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

**26074 APPROVE UTILITY PERMIT**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve utility permit #02012 on Cedar Oaks Mesa Subdivision issued to Hejl, Lee and Associates, Inc; permit #02013 on Goforth Road issued to PEC, Inc. as presented by the Road Department. All voting "Aye". MOTION PASSED

**26075 CALL FOR A PUBLIC HEARING ON MAY 5, 2009 TO ESTABLISH TRAFFIC REGULATIONS ON SUMMIT PASS AT THE INTERSECTION WITH HIGH ROAD (CR 256) [T1-156]**

The proposed traffic regulation is a stop sign on Summit Pass at High Road (CR 256) in the Highlands Subdivision. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 5, 2009 to establish traffic regulations on Summit Pass at the intersection with High Road (CR 256). All voting "Aye". MOTION PASSED

**26076 [09-3-03 – 2 Lots] RESUBDIVISION OF LOT 7 BURNETT RANCH SUBDIVISION – HOLD PUBLIC HEARING AND APPROVE FINAL PLAT [T1-162]**

Judge Sumter opened the public hearing. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "Resubddivision of Lot 7 Burnett Ranch" subdivision. All voting "Aye". MOTION PASSED

**26077 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR FUNDING TO SUPPORT A CRIME ANALYST POSITION IN THE SHERIFF'S OFFICE [T1-181]**

Sheriff Ratliff explained the grant which will seek two years of funding for a Crime Analyst. A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to submit a grant application to the U.S. Department of Justice, Bureau of Justice Assistance for funding to support a Crime Analyst position in the Sheriff's Office. All voting "Aye". MOTION PASSED

**26078 SELECT CLAYTONLEVYLITTLE FOR RFQ #2009-P07 HISTORIC PRESERVATION ARCHITECT FOR RESTORATION OF THE OLD HAYS COUNTY JAIL AND AUTHORIZE THE COMMITTEE TO NEGOTIATE A CONTRACT [T1-297]**

Kate Johnson gave committee recommendation to select ClaytonLevyLittle firm as architect. A motion was made by Commissioner Conley, seconded by Commissioner Barton to select ClaytonLevyLittle for RFQ #2009-P07 Historic Preservation Architect for restoration of the Old Hays County Jail and authorize the committee to negotiate a contract. All voting "Aye". MOTION PASSED

**26079 DISCUSSION AND ACTION REGARDING THE HAYS COUNTY LICENSE AGREEMENT FOR TEMPORARY USE OF COUNTY PROPERTY [T1-348]**

Commissioner Conley spoke of need to clarify the county policy as it relates to courthouse permits. Special Counsel Mark Kennedy spoke of government liability. Discussion was had regarding insurance requirement. Commissioner Barton spoke of distinction between a special event and a gathering related to freedom of speech. A motion was made by Commissioner Conley, seconded by Judge Sumter to instruct Special Counsel within a two week period of time to come back to the court with some specific language addressing political speech and First Amendment association as it pertains to use on the Courthouse grounds and address some other circumstances and come up with some language (1) political speech and First Amendment association events wouldn't drop the insurance requirements (2) on other events we would need to develop language that one of the court members could sponsor to be placed on the Agenda and be approved by the court. All voting "Aye". MOTION PASSED

**26080 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH S&B INFRASTRUCTURE, LTD. FOR ENGINEERING SERVICES ON THE FM 110 PASS THROUGH FINANCE PROJECT (3545-02-001) [T1-916]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Professional Services Agreement with S&B Infrastructure, LTD. For engineering services on the FM 110 Pass Through Finance Project (3545-02-001). All voting "Aye". MOTION PASSED



**26081** [08-4-63 – 3 Lots] **RESUBDIVISION OF LOT 69D RIVER MOUNTAIN RANCH, SECTION ONE - HOLD PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-978]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "River Mountain Ranch Section One Resubdivision of Lot 69D". All voting "Aye". MOTION PASSED**

**26082** **APPROVE AND ADOPT A COUNTY ROADWAY PROGRAM IN PCT 4 AND ANY OTHER PRECINCT WISHING TO BEGIN SUCH A PROGRAM** [T1-1000]

Commissioner Ford spoke of proposed "Adopt a County Roadway" program. She will provide start up costs out of special project funds in Precinct 4 (roadside signage, vests, and trash bags). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve and Adopt a County Roadway Program beginning in Pct 4 and any other precinct wishing to begin such a program. All voting "Aye". MOTION PASSED**

**DISCUSSION REGARDING THE BYLAWS OF THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD AS ADOPTED BY THAT BOARD ON MARCH 31, 2009** [T1-1147]

Discussion was had regarding various section and changes were recommended. Article III Section 1 – delete sentence: County staff assigned to the committee shall be allotted (3) nominees to the court for approval and appointment to the Board. Discussion was had regarding Article V Section 12 "conflict of interest" – needs to be clarified. Court agreed to send ByLaws back to the board for amendment.

**26083** **ALLOW COMMISSIONER FORD AND JERRY BORCHERDING TO NEGOTIATE A CONTRACT WITH ROGERS DESIGN SERVICES FOR DESIGN AND PROJECT MANAGEMENT OF THE 2001 BOND ROAD MT. GAINOR** [T1-1502]

A motion was made by Commissioner Ford, seconded by Judge Sumter to allow Commissioner Ford and Jerry Borcharding to negotiate a contract with Rogers Design Services for Design and Project Management of the 2001 Bond Road project for Mt. Gainor, not to exceed \$500,000 out of the 2001 Road Bond funds. All voting "Aye". **MOTION PASSED**

**26084** **APPOINT MELINDA MALLIA TO SERVE ON THE PARKS AND OPEN SPACE BOARD**

[T1-1539] **A motion was made by Commissioner Ford, seconded by Judge Sumter to appoint Melinda Mallia to serve on the Parks and Open Space Board. All voting "Aye". MOTION PASSED**

**26085** **ADOPT A RESOLUTION SUPPORTING THE CREATION OF SUB-COMMITTEES OF THE COMPLETE COUNT COMMITTEE REGARDING THE DECENNIAL CENSUS IN 2010** [T1-1567]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Resolution supporting the creation of sub-committees of the Complete Count Committee regarding the Decennial Census in 2010 and setting a training date. All voting "Aye". **MOTION PASSED**

**26086** **AMEND THE BUDGET TO TRANSFER \$2,914.63 FROM LINE ITEM 440-5353 (SPECIAL PROJECTS) TO LINE ITEM 440-5021 & 440-5101(STAFF SALARIES)**

[T1-1618] **A motion was made by Commissioner Barton, seconded by Judge Sumter to amend the budget to transfer \$2,914.63 from line item 440-5353 (Special Projects) to line item 440-5021 & 440-5101 (Staff Salaries) and clarify that future movement of special project funds within the same department budget can be handled by the auditor's office administratively. All voting "Aye". MOTION PASSED**

**Clerk's Note: Agenda Item Re: APPROVE FUNDING THE CRIMINAL INVESTIGATIONS DIVISION LIEUTENANT POSITION ABOVE 25% OF THE RANGE was PULLED.**

**Clerk's Note: Agenda Item RE: WORKSHOP TO DISCUSS ADDITIONS TO ROAD DEPARTMENT BUILDING ON YARRINGTON ROAD was PULLED.**



Court was adjourned.

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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 APRIL 21, 2009.



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

