STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF SEPTEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT,

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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mark Newton of First Baptist Church San Marcos gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26446 APPROVE AN APPLICATION BY THE PERSONAL HEALTH DEPARTMENT (PHD) FOR ADDITIONAL FUNDING FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR PHASE 1 AND 2 OF H1N1 RESPONSE. THE ADDITIONAL FUNDING AMOUNT WILL BE UP TO $145,449.00 [T1-38]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve an application by the Personal Health Department (PHD) for additional funding from the Texas Department of State Health Services (DSHS) for Phase 1 and 2 of H1N1 Response. The additional funding amount will be up to $145,449.00. All voting "Aye". MOTION PASSED

26447 ADOPT A PROCLAMATION DECLARING SEPTEMBER 15 THROUGH OCTOBER 15, 2009 AS HISPANIC HERITAGE MONTH IN SAN MARCOS

Commissioner Ingalsbe recognized the decedents of Jose Policarpio "Polly" Rodriguez that were present: Becky Sierra, Ronnie Mendez, Katina Mendez, Ernest Vargas, Celia Williams, Robert Williams, and Debbie Smith. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation declaring September 15 through October 15, 2009 as Hispanic Heritage Month in San Marcos. All voting "Aye". MOTION PASSED**

26448 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payments of county invoices in the amount of $664,305.84 for week ending September 8, 2009 and in the amount of $435,652.72 for week ending September 15, 2009 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26449 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 1, 2 & 9, 2009

Commissioner Ford requested correction on item #26437. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of September 1, 2 & 9, 2009 as presented by the County Clerk with correction to resolution #26437. All voting "Aye". MOTION PASSED**

26450 APPROVE THE CONTRACT RENEWAL FOR DR. ALBERTO SANTOS III. DO TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the Contract Renewal for Dr. Alberto Santos III, D.O. to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED

26451 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH FUGRO CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED $6300.00 FOR MATERIALS TESTING ASSOCIATED WITH PHASE II CONSTRUCTION AT FIVE MILE DAM PARK

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an Agreement with Fugro Consultants, Inc. in an amount not to exceed $6,300.00 for materials testing associated with Phase II construction Five Mile Dam Park. All voting "Aye". MOTION PASSED

26452 CALL FOR A PUBLIC HEARING ON SEPTEMBER 29, 2009 REGARDING RENAMING OF A PRIVATE ROAD IN THE HERMOSA PALOMA OVERLOOK SUBDIVISION FROM ITS CURRENT NAME, HERMOSA PALOMA OVERLOOK TO HERMOSA PALOMA [T1-205]

Ten landowners are requesting renaming of the road – drop "Overlook". **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a Public Hearing on September 29, 2009 regarding renaming of a private road in the Hermosa Paloma Overlook Subdivision from its current name, Hermosa Paloma Overlook to Hermosa Paloma. All voting "Aye". MOTION PASSED**

26453 CALL FOR A PUBLIC HEARING ON SEPTEMBER 29, 2009 TO CONSIDER 1) THE PROPOSED IMPROVEMENTS TO OWL HOLLOW ROAD AND EAST OWL HOLLOW ROAD WITHIN THE ROCKY RANCH I SUBDIVISION IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, *PRO RATA,* AGAINST THE RECORD OWNERS OF THE REAL PROPERTY OF THE ROCKY RANCH I SUBDIVISION [T1-244]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a Public Hearing on September 29, 2009 to consider 1) the proposed improvements to Owl Hollow Road and East Owl Hollow Road within the Rocky Ranch I Subdivision in Hays County to cause the roadway to comply with Hays County Road Standards, and 2) the assessment of all or part of the costs of the improvement, Pro Rata, against the record owners of the Real Property of the Rocky Ranch I Subdivision. All voting "Aye". MOTION PASSED

26454 GATLIN PRAIRIE SUBDIVISION [09-4-13 – 2 LOTS] **- APPROVE FINAL PLAT** [T1-253]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Final Plat of Gatlin Prairie Subdivision. All voting "Aye". MOTION PASSED**

26455 ROBERTS CORNER SUBDIVISION [09-4-27 – 3 LOTS] **– APPROVE FINAL PLAT** [T1-266]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Final Plat of Roberts Corner Subdivision. All voting "Aye". MOTION PASSED**

26456 READ SUBDIVISION [09-4-26 – 2 LOTS] **- APPROVE FINAL PLAT** [T1-306]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Final Plat of Read Subdivision. All voting "Aye". MOTION PASSED**

26457 OAK RUN ESTATES [09-3-22 – 2 LOTS] **- APPROVE FINAL PLAT** [T1-318]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Final Plat of Oak Run Estates. All voting "Aye". MOTION PASSED**

26458 PURCHASE TWO (2) C3 MAESTRO CONSOLES/IMC EQUIPMENT, TWO (2) ZETRON MODEL 25 PROGRAMMABLE ENCODER, AND CIRCUITS FROM LCRA FOR THE HAYS COUNTY SHERIFF'S OFFICE 9-1-1 EMERGENCY COMMUNICATIONS DIVISION [T1-336]

Clay Huckaby, Buda Fire Chief/Hays County Fire Chiefs Association, spoke in support of the equipment being requested. **A motion was made by Commissioner Conley, seconded by Commissioner Barton, to purchase two (2) C3 Maestro Consoles/IMC Equipment, two (2) Zetron Model 25 Programmable Encoder, and Circuits from LCRA for the Hays County Sheriff's Office 9-1-1 Emergency Communications in the amount of $136,190 to be paid out of reserve funds and exempt from bid process due to sole source. All voting "Aye". MOTION PASSED**

26459 ACCEPT A GRANT AWARD FROM THE GOVERNOR'S OFFICE, CRIMINAL JUSTICE DIVISION FOR THE SHERIFF'S SCHOOL RESOURCE OFFICER IN THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT FOR $10,139.00 [T1-525]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept a grant award from the Governor's Office, Criminal Justice Division for the Sheriff's School Resource Officer in the Wimberley Independent School District for $10,139.00. All voting "Aye". MOTION PASSED

26460 AUTHORIZE THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE FLU SHOTS TO HAYS COUNTY EMPLOYEES/DEPENDENTS AND RETIREES AT NO COST [T1-548]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the Hays County Personal Health Department to provide Flu Shots to Hays County Employees/Dependents and Retirees at no cost. All voting "Aye". MOTION PASSED

26461 APPROVE A RESOLUTION ADOPTING PROVISIONS OF SUBCHAPTER F OF CHAPTER 233 OF THE LOCAL GOVERNMENT CODE REQUIRING INSPECTION OF RESIDENTIAL CONSTRUCTION IN UNINCORPORATED AREAS OF THE COUNTY [T1-602]

Hank Smith (Texas Engineering Solutions and Vice President of Austin Area Home Builders Association) spoke in support of the resolution. The Texas Residential Construction Commission was "sunsetted" or dissolved by the Texas Legislature and ceased operations on September 1, 2009. HB2833 provides counties with authority to continue residential inspections and authority for enforcement. For clarification: this will apply only to dwelling units that will be occupied. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a Resolution Adopting Provisions of Subchapter F of Chapter 233 of the Local Government Code requiring inspection of residential construction in unincorporated areas of the County. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

26462 ADOPT A RESOLUTION IN SUPPORT OF THE HILL COUNTRY CONSERVANCY AND THE CITY OF AUSTIN'S APPLICATION FOR FUNDING UNDER THE TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) DISCRETIONARY GRANT PROGRAM FOR THE "WALK FOR A DAY" TRAIL SYSTEM [T1-988]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt a Resolution in support of the Hill Country Conservancy and the City of Austin's Application for funding under the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant Program for the "Walk for a Day" Trail System. All voting "Aye". MOTION PASSED

26463 ADOPT A RESOLUTION IN SUPPORT OF FM 110 AND THE APPROVAL OF THE ENVIRONMENTAL DOCUMENT BY THE TEXAS DEPARTMENT OF TRANSPORTATION [T1-1088]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Resolution in support of FM 110 and the approval of the Environmental Document by the Texas Department of Transportation. All voting "Aye". MOTION PASSED

26464 APPOINT JOE SEGOVIA TO FILL A VACANCY ON THE HAYS COUNTY ESD BOARD #8 [T1-1113]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Joe Segovia to fill a vacancy on the Hays County ESD Board #8 replacing James Mike Huckaby and term effective immediately to expire December 31, 2009. All voting "Aye". MOTION PASSED

26465 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCED FUNDING AGREEMENTS FOR CSJ #0016-02-120, IH-35 AT CEMENT PLANT ROAD OVERPASS; CSJ #0471-02-064, SH21 AT FM2001; AND CSJ#0471-02-063, SH21 AT RHODE LANE WITH THE TEXAS DEPARTMENT OF TRANSPORTATION [T1-1200]

Commissioner Barton spoke of possible changes that could be made in the future to these projects. He spoke of FHWA funding. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Advanced Funding Agreements for CSJ #0016-02-120, IH-35 at Cement Plant Road Overpass, CSJ #0471-02-064, SH21 at FM2001; and CSJ #0471-02-063, SH21 At Rhode Lane with the Texas Department of Transportation court discussed the potential need in the future to amend these contracts and any final work on Rhode Lane at SH21 would be contingent upon an Interlocal Agreement with Caldwell County work would not commence until we have an Agreement with Caldwell County. All voting "Aye". MOTION PASSED**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER (PRIME STRATEGIES) AND JEFF CURREN (HDR) [T1-1548]

Jeff Curren (HDR) gave an update regarding US290 (RM12 to McGregor), RM12 @ Sports Park Drive, RM1826 @ Nutty Brown Road, RM1826 @ Crystal Hill Drive, RM2826 @ Darden Hill Road/CR162, RM1826 @ RM967, RM 2325 (Fischer Store Rd to Carney Lane), RM12 @ old Kyle Road, RM 12 & RM32 junction, RM12 Parkway Development, RM12 @ Hugo Road/CR214, RM12 @ Sink Creek, RM12 @ Wonder World Drive, Old Bastrop Hwy/CR266, SH21 @ High Road/CR127, SH21 @ FM2001, SH21 @ Rohde Road/CR126, Dacy Lane/CR205 (Bebee to Windy Hill), Lime Kiln Road @ Sink Creek, Post Road/CR140, Lakewood Drive @ FM1626, and RM967 @ Ruby Ranch Road. Jeff Watson (Prime Strategies) gave an update regarding FM1626 (from FM2270 to FM967), FM1626 (from FM967 to Brodie Lane), FM110 (from IH35 to SH123), US290 (from Nutty Brown Road to Trautwein Road), IH35 Phase I (from FM2001 to FM1626 & Kyle Crossing/CR210 Overpass), IH35 Phase IIA (RM150 realignment), IH35 Phase IIB (FM1626 to Yarrington), and FM2001 (Frontage Road Connector).

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING EXISTING OR CONTEMPLATED EMPLOYMENT CLAIMS INVOLVING HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 1:00 p.m. No action taken.

H1N1 UPDATE AND EXERCISE DISCUSSION PRESENTED BY PRISCILLA HARGRAVES [T1-2115)

Chuck Chapman, RN/Emergency Preparedness Coordinator, spoke of POD Exercise to be held in October. The exercise is scheduled to be a drive-thru flu clinic, with the seasonal flu vaccine as provided by the State of Texas. Health Department Director Priscilla Hargraves spoke of signage and staff that will be providing information to the public. The H1N1 flu is present in Hays County at this time and increasing in numbers.

HAYS COUNTY STRATEGIC COMMUNICATIONS PLAN WORKSHOP PRESENTED BY CHIEF HUCKABY [T1-3220]

Buda Fire Chief Clay Huckaby (Hays County Fire Chief Association) spoke of having created a committee of public safety professionals from each Fire and EMS Departments, as well as the Hays County Sheriff's Office Emergency Communications Center. The main purpose of this committee has been to address those issues which currently prevent the ultimate goal of a unified, co-located, countywide, shared 9-1-1 communications center. Current staffing at the Emergency Communications Center (ECC) is 13 fulltime Emergency Communication Officers (ECO), 1 part-time ECO, and 4 ECO supervisors [each working 12 hour shifts]. The center is only able to maintain minimal staff of 3 ECO's per shift. Hays County ECC only meets 53% of the requirement for the Insurance Services Office grading. The lack of available ECO's leads to public safety hazards. CAPCOG's upgrade to the 9-1-1 mapping system is in the final stages. The new Incident Management System (IMS) is provided at no cost to Hays County and can be used to run reports and track incidents. Two additional LCRA radio consoles were approved by Commissioners Court today and 10 new ECO's for Fire and EMS Dispatching (2 per shift) will improve the safety of citizens and first responders in Hays County. Impact on the 2009/2010 budget = $356,111. Chief Huckaby spoke of implementation timeline and creation of a Review Committee (consisting of one member each from HCFCA, Sheriff's Office, County Commissioner, Fire ESD Commissioner, EMS ESD Commissioner, CAPCOG representative, and one citizen of Hays County) which will oversee the implementation of the plan, evaluate and report on its progress, and measure overall effectiveness. ESD's will contribute funding as determined by their boards (possibly $80,000-$100,000). Sharon O'Brien advised that the ESD's will probably fund equipment rather than salaries. Deputy Sheriff Dennis Gutierrez spoke of training required for an ECO and retention of those officers.

26466 REVIEW BY GRANTS ADMINISTRATOR OF PROPOSED EVALUATION CRITERIA AND PROJECT SOLICITATION/SELECTION PROCESS FOR THE REMAINING 2007 PARK BOND FUNDS AS PROPOSED BY THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD WITH ACTION BY THE COURT [T2-753]

Grants Administrator Jeff Hauff spoke of criteria for review of future park bond projects developed by the Hays County Parks and Open Space Board. Before a project or property can be scored, it must be in an area identified as high value habitat for the Golden-cheeked Warbler or Black-capped Vireo by the Regional Habitat Conservation Plan or a qualified biologist. The property owner must be willing to sell the property, or an interest in the property such as a conservation easement, and must be able to convey clear title. Property must score at least 50 points - categories: secure public access to waterways, preserve water quality and quantity (especially in aquifer recharge areas), conserve wildlife habitat (in particular for endangered species), passive recreation and open space. Other considerations will be considered, although no points are awarded. Proposed date to call for projects is October 1, 2009 and close application period on November 16, 2009. Laurie Olson (Trust for Public Lands) spoke. Discussion was had regarding scoring of projects and types of project to be funded. Discussed Sports Shooting Complex as a possible project. **A motion was made by Judge Sumter, seconded by Commissioner Barton to utilize the scoring criteria with the changes that were made and put together a sub-committee of Commissioner Barton, Commissioner Ford, Todd Derkacz, Steven Marlow and Grants Director Jeff Hauff to revamp the letter that the five agree on and submit application for conservation. All voting "Aye". MOTION PASSED**

26467 DISCUSSION AND ACTION ON PROPOSED CAPITAL CONSTRUCTION PROJECT OF HAYS COUNTY GOVERNMENT CENTER – TO GO OUT FOR RFP'S FOR DESIGN BUILD SERVICES TO THE SHORT LIST OF FIVE FIRMS [T2-3314]

Brenda Jenkins spoke of RFP. She spoke of work done regarding the Wimberley/Pct. 3 Offices (project has been suspended by Commissioner Conley), R&B Addition, Jail, and Precinct 2 Offices. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to go out for RFP's for design build services to the short list of five firms for the Government Center. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY WITH POTENTIAL FOR PRIME ENDANGERED SPECIES HABITAT

Allen Glenn gave an update on the Regional Habitat Conservation Plan and discussed credits. Clift Ladd spoke. Court convened into closed executive session at 6:10 p.m. and reconvened into open meeting at 6:25 p.m. No action taken.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 SEPTEMBER 15, 2009.

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