



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 27TH DAY OF JANUARY 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
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

WITH COMMISSIONER PCT. 3 WILL CONLEY BEING ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Tim Darnell of Hill Country Church gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

HUMAN RESOURCE DEPARTMENT PRESENTATION TO THE COURT BY DEE DEE BAEN

Human Resources Director Dee Dee Baen gave a powerpoint presentation regarding the HR department mission, goals and staff experience.

25865 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of \$813,438.91 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED.

25866 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 15TH & 20TH, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of January 15 & 20, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED.

25867 APPROVE RE-APPOINTMENTS OF F.H. "BUDDY" MARTIN AND SHARON O'BREIN TO THE HAYS COUNTY ESD #3 FOR ADDITIONAL TWO YEAR TERMS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve re-appointments of F.H. "Buddy" Martin and Sharon O'Brein to the Hays County ESD #3 for additional two year terms. All present voting "Aye". MOTION PASSED.

25868 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AGREEMENT WITH HEJL, LEE & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE CEDAR OAKS MESA WATER SYSTEM IMPROVEMENT PROJECT

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a contract agreement with Hejl, Lee & Associates Inc. for professional engineering services for the Cedar Oaks Mesa Water System Improvement Project. All present voting "Aye". MOTION PASSED.

25869 APPROVE RE-APPOINTMENTS OF KEN DOWNING, RON SPANGENBERG AND EDDIE GUMBERT TO ESD #4

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve re-appointments of Ken Downing, Ron Spangenberg and Eddie Gumbert to ESD #4. All present voting "Aye". MOTION PASSED.

25870 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve utility permit # 02001 on Jerrys Lane issued to PEC Inc and permit #02002 on Old Black Colony Road issued to PEC Inc. All present voting "Aye". MOTION PASSED.



25871 AUTHORIZE COMMERCIAL OSSF PERMIT FOR STEVE HARPER FOR AN AUTOMOTIVE TOWING BUSINESS LOCATED AT 141 S. CANYONWOOD, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for Steve Harper for an automotive towing business located at 141 S. Canyonwood, Dripping Springs, in Precinct 4. All present voting "Aye". MOTION PASSED.

25872 APPROVE BUDGET AMENDMENT #09-04

Budgets being amended: Sheriff's Dept. = \$1,000 donation from Wal-Mart for SWAT program, Commissioner Pct. 4 \$600 transfer from special projects to office equipment line item for new Pct. 4 building art work. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Budget Amendment #09-04 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED.

25873 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR A WATER/WASTEWATER REGIONAL FACILITY PLANNING STUDY RELATED TO THE GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD FOR THIS PURPOSE [T1-272]

Special Counsel Mark Kennedy spoke of changes that were made in the agreement. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a Professional Services Agreement with HDR Engineering, Inc. for a Water/Wastewater Regional Facility Planning Study related to the grant from the Texas Water Development Board for this purpose. All present voting "Aye". MOTION PASSED.

25874 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AGREEMENT WITH ZARA ENVIRONMENTAL LLC FOR A KARST STUDY RELATED TO THE SECTION 6 GRANT FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT [T1-313]

Special Counsel Mark Kennedy spoke of changes that were made in the agreement. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract agreement with Zara Environmental LLC for a karst study related to the Section 6 Grant from the Texas Parks and Wildlife Department. All present voting "Aye". MOTION PASSED

25875 APPROVE THE PURCHASE OF FOUR SPEED CUSHIONS FROM CENTERLINE SUPPLY FOR THE ROAD DEPARTMENT FOR TRAFFIC CALMING MEASURES ON COUNTY ROADS IN THE AMOUNT OF \$5,250.00 [T1-367]

RPTP Director Jerry Borcharding spoke of intended use on County Road 266. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the purchase of four speed cushions from Centerline Supply for the Road Department for traffic calming measures on County roads in the amount of \$5,250.00. All present voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item # 12 RE: [08-3-77 - 1 lot] BURNETT RANCH SECTION 1 TRACT 3 - APPROVE THE CONVEYANCE OF A PORTION OF TRACT 3 VIA A METES AND BOUNDS DESCRIPTION WITHOUT REVISION OF THE PLAT, PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE was PULLED.

25876 ACCEPT ANNUAL RACIAL PROFILE REPORT FROM CONSTABLE PRECINCT 3

[T1-418] Constable Pct. 3 Darrell Ayres presented his annual Racial Profile Report. A motion was made by Commissioner Ford, seconded by Judge Sumter to accept the annual racial profile report from Constable Precinct 3. All present voting "Aye". MOTION PASSED

25877 ACCEPT EVIDENCE OF COMPLIANCE WITH LOCAL GOVERNMENT CODE 86.0021 FROM CONSTABLE PRECINCT 3

Constable Darrell Ayres spoke of requirement to provide evidence that he has been issued a Permanent Peace Officer License. A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept evidence of compliance with Local Government Code 86.0021 from Constable Precinct 3. All present voting "Aye". MOTION PASSED.


DISCUSSION REGARDING DIRECTION FOR HAYS COUNTY'S RECYCLING PROGRAM [T1-565]

Recycling/Parks Director Jerry Pinnix provided recycling figures for 2008 – the recycling market has taken a downturn. He recommends continuing with recycling and stockpiling until the market changes. Discussion was had regarding need for a location for recycling in Precinct 2.

25878 APPROVE A \$2,000.00 LOCAL CONTRIBUTION TO CAMPO'S FY2009 STP MM PROGRAMS AND PROJECTS [T1-1069]

Programs & Projects: Air Quality Emissions Analysis, Air Quality Education, Outreach and Voluntary Emissions Reduction Program, Commute Solutions, Digital Aerial Photographs, Modeling Best Practices, Model Improvements, and Public Outreach Program. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve a \$2,000.00 local contribution to CAMPO's FY2009 STP MM programs and projects from contingency funds. All present voting "Aye". MOTION PASSED**

25879 APPOINT A "SMALL CITY" REPRESENTATIVE AND AN ALTERNATE TO CAMPO

[T1-1185] Judge Sumter spoke of input received from various cities throughout the county. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to appoint Kyle Mayor Mike Gonzalez as a "Small City" representative and Village of Wimberley Mayor Pro-tem/Council Member Bob Flocke as Alternate to CAMPO for a one year term (to expire December 31, 2009) and for the court to consider thereafter a term of two years. All present voting "Aye". MOTION PASSED**

25880 AUTHORIZE FUNDING FOR ADDITIONAL APPLICANTS UNDER THE COUNTY COMMUNITY AND SOCIAL SERVICE AGENCY GRANT PROGRAM [T1-1253]

During an August 8, 2008 workshop, the Commissioners Court reviewed and allocated funding to Community and Social Service agencies based upon a formal application process for funding. Two additional agencies have recently requested funds through the grant application process set up for this program. A portion of the funds made available through the program was reserved during the budget process. A committee was established to review the initial applications and provide recommendations to the Court. Grants Administrator Jeff Hauff gave recommendations by the committee: \$5,000 for Big Brothers/Big Sisters and \$5,000 for PALS (Prevent a Litter). Discussion was had regarding the process and need for more information. Commissioner Ford suggested allocating \$2500 to each of these organizations and encourage them to come back for additional funds later in the year. Court will put out a call for other interested organizations. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize funding in the amount of \$2,500 each for additional applicants Big Brothers/Big Sisters and PALS under the county community and social service agency grant program. All present voting "Aye". MOTION PASSED**

25881 APPOINT GRANT SIBLEY TO THE HAYS COUNTY ESD #3 TO REPLACE OUTGOING MEMBER-AT-LARGE DOYLE KRUMREY [T1-1893]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to appoint Grant Sibley to the Hays County ESD #3 to replace outgoing member-at-large Doyle Krumrey. All present voting "Aye". MOTION PASSED

25882 RE-INSTATE THE CONTRACT WITH LAN AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 FOR CONTRACT ENGINEERING SERVICES WITH LAN FOR SH 21 [T1-1900]

Commissioner Ingalsbe spoke of additional services that were not in the original contract. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to re-instate the contract with LAN and authorize the County Judge to execute supplemental Agreement No. 1 for contract engineering services with LAN for SH 21. All present voting "Aye". MOTION PASSED**

25883 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATIONS #2 AND #3 WITH LAN FOR ENGINEERING SERVICES FOR SH 21 [T1-2053]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute work authorizations #2 and #3 with LAN for engineering services for SH 21. All present voting "Aye". MOTION PASSED



PRESENTATION AND REVIEW OF THE CITIZENS PARKS ADVISORY TEAM CHARGE AND FUTURE DIRECTION [T1-2070]

Grants Administrator Jeff Hauff gave a brief history of CPAT. On May 12, 2007 voters approved the issuance of \$30,000,000 of tax bonds for parks, natural areas, open space, and related projects, and the preservation of water quality, aquifer recharge areas, and wildlife habitat. A Citizens Parks Advisory Team (CPAT) was created and bylaws were approved on August 28, 2007. A Parks & Open Space Master Plan was developed and adopted on July 20, 2006. Project selection criteria were established and total funding commitments to date is \$21,156,836. He spoke of definition of "Open Space" – he feels like there is a variety of different projects out there now. Jeff Hauff spoke of current issues and direction that needs to be addressed. Several members of CPAT spoke. Suggested agenda item for the next CPAT meeting is to discuss development and delivery of items that were project priorities in June (recreation, endangered species habitat, or "landmark" project) and possibly reducing the number of members on CPAT. Commissioner Ford suggested looking at the current Master Plan.

25884 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #2 TO THE CONTRACT WITH WESTAR CONSTRUCTION, INC. FOR THE FIVE MILE DAM PROJECT, IN THE AMOUNT OF \$283,100.00 [T2-370]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute change order #2 to the contract with Westar Construction Inc. for the Five Mile Dam project, in the amount of \$283,100.00. All present voting "Aye". MOTION PASSED

25885 AUTHORIZE THE COUNTY JUDGE TO EXECUTE UTILITY EASEMENT DOCUMENTS AND PROVIDE PAYMENT TO PEDERNALES ELECTRIC COOPERATIVE (PEC), IN THE AMOUNT OF \$7,035.75, FOR THE INSTALLATION OF UNDERGROUND ELECTRICAL SERVICE AT FIVE MILE DAM PARK [T2-399]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute utility easement documents and provide payment to Pedernales Electric Cooperative (PEC), in the amount of \$7,035.75, for the installation of underground electrical service at Five Mile Dam Park. All present voting "Aye". MOTION PASSED

HAYS HISTORICAL COMMISSION PRESENTATION OF "JOURNEY TO CALIFORNIA" [T2-450]

Hays County Historical Commissioner Chair Kate Johnson spoke of their "Journey to California" and presented a video of the trip re-tracing Col. Jack C. Hays' journey from Hays County to San Francisco California where he became the first Sheriff and eventually became Surveyor General for the State of California.

PRESENTATION FROM GRANT JACKSON/NAISMITH ENGINEERING ON PROPOSED DEVELOPMENT REGULATIONS, INCLUDING (1) DISCUSSION ON CONSULTANT'S RESPONSES TO PUBLIC COMMENT AND (2) ECONOMIC CONSIDERATIONS SPECIFIC TO THE CHARRETTE EXERCISE [T2-1166]

Grant Jackson of Naismith Engineering spoke of changes made since July 2008. Grant Jackson spoke of consultants' responses to public comment and of economic considerations specific to the Charrette exercise. There was also talk of the water availability and ground withdrawal. Court agreed to continue discussion on this item next week.

25886 APPOINT A MEMBER TO SERVE ON THE BOARD OF DIRECTORS ON THE PLUM CREEK CONSERVATION DISTRICT [T3-2097]

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to appoint James Holt to serve on the Board of Directors on the Plum Creek Conservation District for a four year term. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING AN APPOINTMENT TO FILL A VACANCY FOR JUSTICE OF THE PEACE, PRECINCT 5 [T3-2120]

Commissioner Barton spoke of a short list of 10 candidates being considered. From that list there are four (4) possible candidates: Rick Norton, Connie Freeman, Scott Cary and Janette Sheldon. By next week the committee should come back with a recommendation.



Court was adjourned.

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 JANUARY 27, 2009.



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

