



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 10<sup>TH</sup> DAY OF AUGUST A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>ELIZABETH "LIZ" SUMTER</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>JEFFERSON W. BARTON</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILL CONLEY</b>	<b>COMMISSIONER, PCT. 3</b>
<b>KAREN FORD</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LIZ GONZALEZ</b>	<b>DEPUTY COUNTY CLERK</b>

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Dee Dee Baen, Human Resources Director introduced new county employees.

#### **PUBLIC COMMENTS**

Ray Whisenant, Jr. (Dripping Springs), Patrick Cox (Wimberley), and Rex Miller (Dripping Springs) spoke on Parks and Open Space funds. Jean McMeans (Wimberley) and Larry Calvert (Wimberley) spoke of AgriLife Extension 4-H position. Dripping Springs City Administrator Michelle Fischer spoke of Park Bond Funds for Harrison Ranch Park. Melodie Greider (Dripping Springs), David Edwards (Dripping Springs Chamber of Commerce), Cristina Chavez (Dripping Springs), Carlotta McLean (Dripping Springs) and June Baumeol (Dripping Springs) spoke of Harrison Ranch Park

#### **27293 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$2,339,007.57 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### **27294 APPROVE COMMISSIONER COURT MINUTES OF JULY 29 & AUGUST 3, 2010**

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of July 29 & August 3, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

#### **27295 APPROVE HEALTH SERVICES AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND COMMUNITY ACTION INC., OF HAYS, CALDWELL, & BLANCO COUNTIES FOR SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2011**

This is an agreement renewed annually between the PHD and Community Action, Inc., of Hays, Caldwell & Blanco Counties for the PHD to provide the annual physicals for the Head Start students. If the students have Medicaid or CHIP insurance, the PHD bills these entities for the services. Community Action reimburses the PHD for students without Medicaid or CHIP at the rate of \$25 per exam and \$15 for lead testing. A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve Health Services Agreement between Hays County Personal Health Department (PHD) and Community Action Inc., of Hays Caldwell & Blanco Counties for September 1, 2010 through August 31, 2011. All voting "Aye". MOTION PASSED

#### **27296 APPROVE RENEWAL OF CONTRACT FOR MR. JOHN CARSON, R.PH TO PROVIDE PHARMACY SERVICES TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT**

This is an annual contract for Mr. John Carson R.Ph to provide pharmacy consultation services and monthly audits to the Hays County personal Health Department. Retention of a professional Pharmacist-in-Charge (PIC) is required due to the Health Department's designation as a Class D Pharmacy. The Texas State Board of Pharmacy requires a monthly inspection and an annual inservice. These services will be provided from September 1, 2010 through August 31, 2011. A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of contract for Mr. John Carson R.PH to provide pharmacy services to Hays County Personal Health Department. All voting "Aye". MOTION PASSED



**27297 APPROVE RENEWAL OF CONTRACT FOR DR. CHARLES P. ANDERSON, M.D. TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC**

This is a contract for Dr. Charles Anderson to provide consultation and supervisory services to the Hays County Personal Health Department Women's Health clinic and its Family Nurse practitioner. Dr. Anderson will provide these services for the clinic's family planning clients. These services will be provided from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Charles P. Anderson, M.D. to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED**

**27298 APPROVE RENEWAL OF CONTRACT FOR DR. ALBERTO SANTOS III, D.O., TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC**

This is annual contract for Dr. Alberto Santos to provide consultation and supervisory services to the Hays County Personal Health Department Family Clinic and its Family Nurse Practitioner. Dr. Santos provides these services on a rotating schedule with the Medical Director/Health Authority. These services will be provided from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Alberto Santos III, D.O., to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED**

**27299 APPROVE CONTRACT FOR DR. CHARLES P. ANDERSON, M.D., TO PROVIDE CONSULTATION AND SUPERVISORY SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S' HEALTH CLINIC**

This is an annual renewal for Dr. Anderson to provide services as the Local Health Authority to Hays County and Hays County Personal Health Department Women's Health clinic and its Family Nurse Practitioner. Dr. Anderson will provide these services for the clinic's family planning clients. These services will be provided from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve contract for Dr. Charles P. Anderson, M.D., to provide consultation and supervisory services for the Hays County Personal Health Department Women's Health Clinic. All voting "Aye". MOTION PASSED**

**27300 APPROVE RENEWAL OF DOCTORS' ANNUAL CONTRACTS TO PROVIDE PHYSICIAN SERVICES AND SUPERVISION FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC AND ITS NURSE PRACTITIONER. THE COLLABORATING DOCTORS ARE: DR. BETH D. REID, MD, DR. BARRETT RANDALL BLAUE, M.D., AND DR. TERESA IRWIN, MD**

These are annual contracts fro Doctors' Reid, Blau, and Irwin to provide physician services, consultation, and supervision for maternity and post-partum clients of the Hays County Personal Health Department Women's Clinic. Under the Title V grant program they will also provide prenatal visits at their location for high risk clients and tubal ligations as they are able. These services will be provided from September 1, 2010 through August 31, 2010. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of Doctors' annual contracts to provide Physician Services and supervision for the Hays County Personal Health Department Women's Health Clinic and its Nurse Practitioner. The Collaborating Doctors are: Dr. Beth D. Reid, MD, Dr. Barrett Randall Blau, MD, and Dr. Teresa Irwin, MD. All voting "Aye". MOTION PASSED**

**27301 APPROVE RENEWAL OF CONTRACT RE-APPOINTING DR. CHARLES P. ANDERSON, MD AS THE LOCAL HEALTH AUTHORITY OF HAYS COUNTY PURSUANT TO CHAPTER 121, SUBCHAPTER B OF THE TEXAS HEALTH & SAFETY CODE**

This is an annual renewal for Dr. Anderson to provide services as the Local Health Authority to Hays County and Hays County personal Health Department. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of contract re-appointing Dr. Charles P. Anderson, MD as the Local Health Authority of Hays County Pursuant to Chapter 121, Subchapter B of the Texas Health & Safety Code. All voting "Aye". MOTION PASSED**



**27302 APPROVE AWARD OF BID #2010-B18 CONCRETE CONTRACTOR (ON AN AS NEEDED BASIS) TO MYERS CONCRETE CONSTRUCTION**

Three responses were received with Myers Concrete Construction having the lowest bid. After review of the bids it is the recommendation to award to Myers Concrete Construction. Award of the bid was based on the lowest per man-hour rate, and the experience and ability to meet requirements. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve award of bid #2010-B18 Concrete Contractor (on an as needed basis) to Myers Concrete Construction. All voting "Aye". MOTION PASSED**

**27303 AMEND PERSONAL HEALTH, IMMUNIZATION BUDGET TO RECORD ADDITIONAL PROGRAM INCOME AND EXPENDITURES**

The Personal Health Department is contracted with the Department of State Health Services for the Immunization program. Per the contract, funds received as a result of services provided through the Immunization program must be rolled back into the program. This will be funded with program income received for immunization services. Budget Amendment - Program Income #120-675-99-018.4440 - \$20,000, Office Supplies #120-675-99-018.5211 + \$5,155, Medical Supplies #120-675-99-018.5231 + \$5,000, Telephone #120-675-99-018.5489 + \$2,200, Misc. Equipment #120-675-99-018.5719 + \$7,645. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to amend Personal Health, Immunization Budget to record additional program income and expenditures. All voting "Aye". MOTION PASSED**

**27304 APPROVE THE APRIL 2010 TREASURER'S REPORT**

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve the April 2010 Treasurer's Report as submitted by the County Treasurer. All voting "Aye". **MOTION PASSED**

**27305 APPROVE REDUCTION IN HAYS COUNTY EXCESS OR UMBRELLA LIABILITY INSURANCE COVERAGE FOR THE RTP FACILITY ADDITION TO NOT LESS THAN \$2,500,000 PER OCCURRENCE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CHANGE ORDER**

Considering the total construction cost and expected value of the existing building, Broaddus recommends reducing the requested Excess or Umbrella Liability insurance coverage to not less than \$2,500,000 per occurrence. This reduction in insurance coverage will be reimbursed to the Contractor's Contingency through the required change order procedures outlined in the Contract. Court considered this matter on July 20<sup>th</sup> and gave positive input toward reducing the coverage amount, however the Court needs to finalize that decision before action can be taken. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve reduction in Hays County excess or umbrella liability insurance coverage for the RTP Facility Addition to not less than \$2,500,000 per occurrence and authorize the County Judge to execute the change order. All voting "Aye". MOTION PASSED**

**27306 CALL FOR A PUBLIC HEARING ON AUGUST 24, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON CREEK RD, CR 190**

Traffic regulation to be considered at the public hearing is to establish a YIELD sign on Creek Road (CR 190) on the east side of the low-water crossing (for westbound traffic to yield) at Onion Creek, approximately one-half mile west of the City of Dripping Springs. **A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to call for a public hearing on August 2, 2010 to establish traffic regulations on Creek Road CR 190. Commissioner Conley not present for vote. All present voting "Aye". MOTION PASSED**

**27307 PARTIAL VACATE AND RE-PLAT OF LOT 3 & 4, F&W SUBDIVISION, SECTION 2 [10-16-4 - 2 LOTS] APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON SEPTEMBER 7, 2010**

Section 2 of the F&W Subdivision is a platted 2-lot division of approximately 8.32 acres of land located off of Fitzhugh Road in Precinct 4. The original plat was approved in 2004 and consisted of one 5.44 acre lot and one 2.88 acre lot. The original property owner still owns lot 3 and wishes to vacated/cancel 4.32 acres and add 1.12 acres to lot 4. The 4.32 acres will be added to their adjoining 125+ acres of raw land. The new configuration will leave 1 lot of 4 acres (lot 4A). The average lot size for this replat is 4.0 acres. Lot 4A will be served by an existing private well and individual on-site sewage facility. This is not an increase in density, the Texas Local Government code requires a public hearing prior to final plat approval. The subdivision is located outside of the limits of any cities ETJ. **A motion was made by Commissioner Ford seconded by Judge Sumter to approve preliminary plan and call for a public hearing on September 7, 2010 for a partial vacate and replat of lots 3 & 4 F&W Subdivision Section 2. All voting "Aye". MOTION PASSED**



**27308 OFFICIALLY SELECT A CONSERVATION PROPERTY AND DIRECT STAFF TO WORK WITH THE NATURE CONSERVANCY IN PERFORMING DUE DILIGENCE REQUIRED FOR ACQUISITION**

On February 9, 2009, the Commissioners Court voted to reserve about \$8 million of the park and open space bond funds for "habitat, open space, and water quality/quantity/access projects, including that amount necessary to initiate the recommendations of the Regional Habitat Conservation Plan." Since then, the process has included development of criteria and a scoring matrix by the Parks and Open Space Advisory Board (POSAB); a public call for projects in Oct 2009; review and scoring of the 15 responding proposals by POSAB; acceptance of top six scoring projects for further assessment by the County's selected real estate partner, TNC; biological assessment and habitat surveys by the County's environmental biology team, Loomis Partners; and review and recommendation from the local consulting agent of the US Fish & Wildlife Dept. Commissioner Ford is recommending Nicholson Ranch and asking to purchase 1,000 acres. The price is \$5,000 per acre for a total of \$5,000,000. Cliff Ladd of Loomis Partners and Rachel Ranft of the Nature Conservancy spoke. Bill Bryant of Austin and representing Lazy Oaks Ranch LP spoke. Dirk Johnston of Driftwood, and representing Lazy Oaks Ranch LP. Jim Camp of the Hays County Parks & Open Space Board spoke. J.B. Kolodzey of Buda and HCSSTF/TXSSC spoke. **A motion was made by Commissioner Ford seconded by Commissioner Conley to officially acknowledge ...and direct staff 722..... for acquisition of property of Nicholson Ranch and we need to get a commitment from the Nature Conservancy before we move forward. All voting "Aye". MOTION PASSED**

**DISCUSSION REGARDING CLARIFYING THE PROCESS FOR PARK AND OPEN SPACE GRANT-FUNDED PROJECTS THAT CHANGE IN SCOPE, PURPOSE OR PLACE [T1-1371]**

Carl Owens of Wimberley and representative of Swimberley spoke. Jim Camp of Hays County Parks & Open Space Board spoke. J.B. Kolodzey of Buda and HCSSTF/TXSSC spoke. Kerry Urbanowicz of City of Kyle Parks Department Director spoke. Nancy Gilkyson member of Parks and Open Space Advisory Board spoke. Jim Camp of the Parks and Open Space Advisory Board spoke. Jeff Hauff Director of Grants Administration spoke.

**27309 AMEND THE ROAD & BRIDGE BUDGET FOR MISCELLANEOUS CAPITAL IMPROVEMENTS FOR THE RPTP ADDITION [T2-3224]**

Additional funds are needed in the Misc. Capital Improvements line item for fencing (\$2,671), relocate sewer lines (\$3,013) and wheel stops (\$1,080) due to the expansion. **A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to amend the Road & Bridge budget for Miscellaneous Capital Improvements for the RPTP Addition. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

**27310 AMEND THE ROAD & BRIDGE BUDGET FOR THE PURCHASE OF A CONCRETE CUT-OFF SAW [T2-3236]**

Additional funds are needed in the Misc. Equipment line item to purchase a replacement concrete cut-off saw. Take \$1,214.99 from line item #020-710-00.5441 Legal Services to line item #020-710-00.5719 Misc Equipment. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to amend the Road & Bridge budget for the purchase of a concrete cut-off saw. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

**27311 APPOINT COMMISSIONER FORD AS A REPRESENTATIVE TO THE CAPCOG GENERAL ASSEMBLY [T2-3246]**

Hays County has a general assembly representative vacancy. It is important that this position be filled so that we vote our full strength on budget and officer appointment issues. **A motion was made by Judge Sumter seconded by Commissioner Conley to appoint Commissioner Ford as a Representative to the CAPCOG General Assembly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**



**27312 AMEND THE BUILDING MAINTENANCE BUDGET TO PURCHASE A VEHICLE WITH FY10 SALARY/FRINGE BENEFITS SAVINGS [T2-3263]**

The Building Maintenance Department is in need of an additional vehicle. This would be replacing a vehicle with 160,000 miles that is in need of a new transmission. The cost of this repair exceeds the current blue book value of the truck. Due to vacancies in some custodian positions throughout the year, there is enough salary/fringe benefit savings to cover the cost of this vehicle with FY10 funds and will remove the request from the FY11 budget. Budget Amendment – 001-695-00.5021 -\$5,161, 001-695-00.5101 - \$769, 001-695-00.5160 - \$8,306, 001-695-00.5713 + \$14,236. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to amend the Building Maintenance Budget to purchase a vehicle with FY10 salary/fringe benefits savings. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting “Aye”. Commissioner Ford not present to vote. MOTION PASSED**

**27313 AMEND THE JAIL FACILITY BUDGET FOR OVERTIME COMPENSATION [T2-3222]**

The Jail Facility is in need of additional funding for overtime compensation. Due to corrections training academy and coverage for staff absences, military leave, etc., an additional \$20,000 is the projected need for the remainder of FY10. Budget Amendment – 001-618-03.5160 - \$20,000, 001-618-03.5031 + \$20,000. **A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to amend the Jail Facility Budget for overtime compensation. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting “Aye”. Commissioner Ford not present to vote. MOTION PASSED**

**27314 INCREASE VETERANS SERVICES BUDGET FOR ADDITIONAL STAFF SALARY AND AMEND THE BUDGET ACCORDINGLY [T2-3410]**

Additional funds are needed in staff salary due to the recent staffing of a transport driver and the payout of vacation hours for the previous administrator. This will be funded with insurance savings. Budget Amendment : 001-720-00.5160 Insurance Benefits - \$5,800, 001-720-00.5021 Staff Salary + \$5,800. **A motion was made by Commissioner Conley seconded by Commissioner Barton to increase Veterans Services Budget for additional staff salary and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting “Aye”. Commissioner Ford not present to vote. MOTION PASSED**

**27315 AMEND THE CIVIC CENTER BUDGET TO INCREASE HOURS FOR PART-TIME STAFF [T2-3426]**

The Civic Center has exceeded their budget for staff salaries. Due to the increased number of arena activities booked this year, additional man hours are needed to prepare for these. Savings in miscellaneous equipment can be used to fund 128 hours at \$12 per hour. As of July 30<sup>th</sup> payroll they are 30 hours over budget. This will leave a total of 98 hours available for August & September. Budget Amendment – 001-646-00.5719 - \$1,810, 001-646-00.5021 + 1,536, 001-646-00.5101 + 274. Additional hours may be needed pending the Courts decision on level of service for the remainder of this fiscal year. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to amend the Civic Center budget to increase hours for part-time staff. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting “Aye”. Commissioner Ford not present to vote. MOTION PASSED**

**27316 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 1 TO THE CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD TO INCREASE THE GRANT AWARD BY \$175,000 FOR A FLOOD PROTECTION PLANNING STUDY IN NORTHERN HAYS COUNTY [T2-3480]**

This additional funding has been awarded by the TWDB, and is in the form of an Amendment to the Original Contract that will increase the total contract amount to \$389,225. Matching funds of \$130,000 have been already allocated for FY10, and an additional \$259,225 is needed to meet the required match for the grant. There is additional work associated with the drainage studies that the USACE cannot match but it is anticipated that local communities will partner with additional funds. **A motion was made by Judge Sumter seconded by Commissioner Barton to authorize the County Judge to execute Amendment 1 to the Contract with the Texas Water Development Board to increase the Grant Award by \$175,000 for a Flood Protection Planning Study in northern Hays County out of the 2001 Budget and the rest out of Reserves. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting “Aye”. Commissioner Ford not present to vote. MOTION PASSED**



**27317      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROPERTY ACQUISITION AGREEMENT BETWEEN HAYS COUNTY AND THE NATURE CONSERVANCY, FOR 50.199 ACRES OF REAL PROPERTY** [T1- 1949]

Carl Owens of Wimberley and representative of Swimberley spoke. Eric Eskelund Mayor of Woodcreek spoke. Lucy Johnson Mayor of Kyle spoke. Jim Camp of Hays County Parks and Open Space Board spoke. Jimmy Skipton of Dripping Springs spoke. Jack Hollon of Wimberley and of the Wimberley Valley Watershed Association spoke. Mark Key of Austin spoke. Charles O'Dell of Austin and Hays CAN spoke. [T2-1990] **A motion was made by Commissioner Conley seconded by Commissioner Ford to authorize the County Judge to execute a Property Acquisition Agreement between Hays County and the Nature Conservancy to 50.199 acres of real property. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

**27318      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT AND MODIFICATION TO THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND WIMBERLEY VALLEY WATERSHED ASSOCIATION REGARDING COMMITMENT OF PARK BONDS FUNDS TO THE JACOB'S WELL PROJECT**

[T1-2052] David Baker gave a powerpoint presentation on Jacob's Well Natural Area. June Baumel of Dripping Springs spoke. [T2-1990] **A motion was made by Commissioner Conley seconded by Commissioner Ford to execute an Amendment and Modification to the Memorandum of Understanding between Hays County and the Wimberley Valley Watershed Association regarding commitment of Park Bond Funds to the Jacob's Well Project the commitment being that the County is making a \$1.7 Million commitment over a three year period of time and for \$850,000 to come out of the 2007 Park Bond Funds to meet the equity needed to under the terms and conditions needed for the Nature Conservancy loan to the County and the money being set aside today for Jacob's Well will not interfere with other projects that were discussed today and to instruct staff to place an item on the agenda next week to dedicate/reserve funding for the Kyle Parks Project and the Harrison Ranch Park. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

**Clerk's Note: Court recessed until 9:00 am October 11, 2010.**

**27319      AUTHORIZE THE COUNTY JUDGE TO EXECUTE LETTER AMENDMENTS TO INTERLOCAL AGREEMENTS FOR THE MAINTENANCE OF ROADWAYS BETWEEN HAYS COUNTY AND PARTICIPATING MUNICIPALITIES** [T3-29]

Summary: The Interlocal Agreements Hays County has entered with many municipalities across the county need to be amended. The sections of the agreements that pertain to CITY ROADS are working well for Pct 3 and the rest of the County. The sections in relation to the COUNTY ROAD SYSTEM have limited the ability of the County and it's EX-OFFICIO Road Commissioners to provide appropriate service to our road system. Commissioner Conley would like to amend the Interlocal Agreements to simply follow the rule of law as it exists in the State of Texas and is consistent with Hays County Policy. Under state law an EX-OFFICIO Road Commissioner authority given to us by the State and LONG standing policy of Hays County clearly states County Commissioners may maintain a section of roadway in the city's jurisdiction if that roadway is part of the COUNTY ROAD SYSTEM. The only requirement under State Law is that the Commissioner MUST notify the City of this request and must have CONSENT from the City before moving forward with the work. In our current Interlocal Agreement it states the City must pay for these road materials. Although we should always try to get assistance from municipalities on our road system, it is simply not practical for most of these municipalities to contribute what is needed to maintain a safe road system. This is why the County for many years has functioned in the traditional manner and should continue to function in this manner in order for us to maintain an appropriate County Road System. [T3-415] Residents of Wimberley Charlie Johnson, Cynthia Marion, Roberta Shoemaker Beal, Larry Fick, and Jimmie Robinson made public comment. Commissioner Barton and Special Counsel Mark Kennedy spoke of small cities in the county that need assistance in road improvements, etc. RPTP Director Jerry Borcharding spoke of recent drainage work and improvements to Flite Acres Road. Mark Kennedy spoke of requested changes: delete words "still & ongoing" in paragraph b and delete "TO EXHIBIT B" in paragraph beginning with EXCEPT FOR ..... Commissioner Ford suggested a cap on how much the county can do in a city without coming back to the court for approval. A lengthy discussion was had. [T3-1730] [T3-3120] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Letter Amendments to Interlocal Agreements for the Maintenance of roadways between Hays County and participating municipalities with revisions made today – craft language that the court will scrutinize carefully and we look for cities to contribute. Motion was withdrawn. Special Counsel Mark Kennedy spoke of additional changes to be made to the First Amendment. [T4-422] A motion was made by Commissioner Conley, seconded by Commissioner Barton to Amend Interlocal Agreements for roadway maintenance and repairs with the amended language between Hays County and participating Municipalities. Commissioner Barton, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Ingalsbe not present to vote. MOTION PASSED**



**EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO RECEIVE INFORMATION ONLY ON PROJECT SUNBURST AND PROJECT MACH [T3-1978]**

Court convened into closed executive session at 10:45 a.m. and reconvened into open meeting at 11:13 a.m. No action was taken.

**Clerk's Note Agenda Item #30 RE:** *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS. POSSIBLE ACTION MAY FOLLOW - was pulled*

**Clerk's Note Agenda Item #31 RE:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW - was pulled*

**Clerk's Note Agenda Item #32 RE:** *DISCUSSION OF DEPARTMENTAL BUDGET. POSSIBLE ACTION MAY FOLLOW - was pulled*

Court was adjourned.

---

I, LINDA C. FRITSCHÉ, 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 AUGUST 10, 2010.



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

