



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15TH DAY OF DECEMBER 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. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION BY THE SCHEIB CHRISTMAS CHORUS

Judge Sumter introduced the Scheib Christmas Chorus and they sang several Christmas songs for the court.

PRESENTATION OF SAFETY LEADERSHIP CERTIFICATES

Safety Specialist Abel Velasquez presented Safety Leadership Certificates to Ron Knott, Daniel Villegas, Skip Casteel, Charles Chapman, Darrell Austin, and William Crites.

26688 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payments of county invoices in the amount of \$1,386,792.20 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26689 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 8, 2009

Commissioner Ford spoke of sentence in the minutes (Resolution # 26773) that was incomplete and she requested the following be added: "*on Hilliard Road. It was suggested that this property owner may be exempted from financial participation after review of the primary access to their property.*" A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioner Court Minute of December 8, 2009 as presented by the County Clerk with amendment to Resolution #26773 as recommended by Commissioner Ford. All voting "Aye". MOTION PASSED

26690 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF NOVEMBER, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept report to Commissioners Court identifying Administrative approvals issued during the month of November 2009. All voting "Aye". MOTION PASSED

26691 APPROVE COMMERCIAL OSSF PERMIT FOR EDWARD TADDIA FOR AN AUTOMOTIVE REPAIR SHOP LOCATED AT 100 CANYONWOOD, DRIPPING SPRINGS IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commercial OSSF Permit for Edward Taddia for an automotive repair shop located at 100 Canyonwood, Dripping Springs in Precinct 4. All voting "Aye". MOTION PASSED

26692 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve utility permit #02042 issued to PEC on Pico Court; permit #02041 issued to LCRA on Hays Country Acres Road as submitted by the County Road Department. All voting "Aye". MOTION PASSED



26693 APPROVE CANCELLATION OF DECEMBER 29, 2009 COMMISSIONERS COURT MEETING

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve cancellation of December 29, 2009 Commissioners Court meeting. All voting "Aye". MOTION PASSED

26694 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT #3 TO THE GRANT PROJECT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE SAN MARCOS SPRINGS CONSERVATION PARK, EXTENDING THE AGREEMENT DATE TO JANUARY 31, 2011

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute amendment #3 to the Grant Project Agreement with the Texas Parks and Wildlife Department for the San Marcos Springs Conservation Park, extending the Agreement date to January 31, 2011. All voting "Aye". MOTION PASSED

26695 APPROVE AWARD OF BID#2010-B03 TRACTOR WITH SIDE MOUNTED MOWER FOR THE RPTP DEPARTMENT TO DIETZ TRACTOR COMPANY AND AUTHORIZE THE JUDGE TO SIGN CONTRACT

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve award of bid #2010-B03 tractor with side mounted mower for the RPTP Department to Dietz Tractor Company and authorize the Judge to sign a Contract. All voting "Aye". MOTION PASSED

26696 CALL FOR A PUBLIC HEARING ON JANUARY 12, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION [T1-257]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on January 12, 2010 to establish traffic regulations in Belterra Subdivision. All voting "Aye". MOTION PASSED

26697 REMOVE A SECTION OF GOFORTH RD, CR 157 NEAR THE INTERSECTION OF MATHIAS LANE, CR 123 FROM COUNTY MAINTENANCE AND RETURN ROW TO ADJACENT PROPERTY OWNERS [T1-270]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to remove a section of Goforth Road, CR 157 near the intersection of Mathias Lane, CR 123 from County Maintenance and return ROW to adjacent property owners. All voting "Aye". MOTION PASSED

26698 LOS ALTOS HILLS SUBDIVISION [08-2-61 – 203 LOTS] APPROVE A VARIANCE FROM SECTION 5.8 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS [T1-321]

Subdivision Coordinator Clint Garza gave staff recommendation. Developer is requesting a one year extension to the approved preliminary plan. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve a variance from Section 5.8 of the Hays County Development Regulations extending the period of plat for applicant based upon applicants committed willingness to follow through with a development agreement that will follow through with five points enumerated in the letter by Steven Ramsey of Baker-Aicklen & Associates and the 5 points to be achieved before final plat is approved. All voting "Aye". MOTION PASSED

26699 SHADOW CREEK SUBDIVISION, PHASE 4, SECTION 1 [09-2-34 – 66 LOTS] APPROVE FINAL PLAT [T1-420]

Subdivision Coordinator Clint Garza gave staff recommendation. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of Shadow Creek Subdivision Phase 4 Section 1. All voting "Aye". MOTION PASSED

26700 SHADOW CREEK SUBDIVISION, PHASE 4, SECTION 2 [09-2-35 – 60 LOTS] APPROVE FINAL PLAT [T1-441]

Subdivision Coordinator Clint Garza gave staff recommendation. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of Shadow Creek Subdivision Phase 4 Section 2. All voting "Aye". MOTION PASSED



26701 CAST VOTES BY RESOLUTION FOR DIRECTOR POSITIONS ON THE BOARD OF THE HAYS CENTRAL APPRAISAL DISTRICT [T1-900]

Tax Assessor-Collector Luanne Caraway spoke of votes that have already been cast. Hays County is entitled to 1536 votes. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to cast 1536 votes for Luanne Caraway by Resolution for Director position on the Board of the Hays Central Appraisal District. All voting "Aye". MOTION PASSED

26702 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HEJL, LEE & ASSOCIATES, INC., IN THE AMOUNT OF \$32,000.00, FOR ENGINEERING SERVICES ASSOCIATED WITH THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT, PHASE II [T1-581]

Grants Administrator Jeff Hauff spoke of various phases of the project and he gave staff recommendation for approval of the contract. A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute a Contract with Hejl, Lee & Associates Inc., in the amount of \$32,000.00 for engineering services associated with the Cedar Oak Mesa Water System Improvement Project Phase II. All voting "Aye". MOTION PASSED

26703 APPROVE RFQ #2010-P05 FOR REDISTRICTING OF COMMISSIONER PRECINCTS AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS [T1-956]

Discussion was had regarding creating a committee to make recommendations to the court [Joyce Cowan, Steve Floyd, Commissioner Ingalsbe and Commissioner Conley]. Need to correct date and time on Notice to Firms page [RFQ will be opened December January 7, 2010 no later earlier than 2:00 p.m. in the Hays County Purchasing Office]. A motion was made by Judge Sumter, seconded by Commissioner Conley to approve RFQ #2010-P05 for redistricting of Commissioner Precincts and authorize purchasing to solicit for bids. All voting "Aye". MOTION PASSED A motion was made by Judge Sumter, seconded by Commissioner Barton to create a committee of Joyce Cowan, Steve Floyd, Commissioner Ingalsbe, and Commissioner Conley to review and make recommendation to the court. All voting "Aye". MOTION PASSED

26704 APPROVE CONTRACT WITH CLAYTONLEVYLITTLE FOR THE RFQ#2009-P07 HISTORIC PRESERVATION ARCHITECT FOR RESTORATION OF THE OLD HAYS COUNTY JAIL AND AUTHORIZE THE COUNTY JUDGE TO SIGN CONTRACT [T1-2641]

Special Counsel Mark Kennedy spoke of contract changes that were made. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Contract with ClaytonLevyLittle for the RFQ #2009-P07 Historic Preservation Architect for restoration of the Old Hays County and authorize the County Judge to sign Contract. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING AN OPEN RECORDS POLICY AND GUIDELINES FOR PROPOSALS SUBMITTED TO HAYS COUNTY AS PART OF THE COUNTY'S OPEN SPACE AND HABITAT CONSERVATION "CALL FOR PROJECTS [T1-1111]

Commissioner Barton spoke of request for information regarding proposals that have been submitted. Grants Administrator Jeff Hauff spoke of expectation of some form of confidentiality by applicants. Special Counsel Mark Kennedy spoke of open meetings act. Commissioner Conley spoke in support of open records policy. Commissioner Ford and Commissioner Ingalsbe spoke of confidentiality issues. Mark Kennedy spoke of disclosing only the proposal accepted by the county. This item will come back to the court for consideration.

26705 PURCHASE OFFICE FURNITURE BY THE DEVELOPMENT SERVICES DIVISION OF THE RESOURCE PROTECTION, TRANSPORTATION, AND PLANNING (RPTP) DEPARTMENT [T1-814]

RPTP Director Jerry Borcharding spoke of need for furniture for the new development services division. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to purchase office furniture by the development services division of the Resource Protection, Transportation, and Planning (RPTP) Department to be paid out of RPTP Building Fund in an amount not to exceed \$1,362.40. All voting "Aye". MOTION PASSED



26706 ACCEPT THE DEDICATION OF THE NEWLY ALIGNED PORTION OF OAK BRANCH DRIVE; TO ABANDON A PORTION OF EXISTING OAK BRANCH DRIVE PURSUANT TO CHAPTER 251 OF TRANSPORTATION CODE; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A QUIT CLAIM DEED THAT CLARIFIES TITLE AFTER ABANDONMENT [T1-661]

Special Counsel Mark Kennedy presented a resolution and order closing, abandoning and vacating a portion of Oak Branch Drive. He spoke of appraisal that was done and need for authority to operate within the budget that was previously allocated. A motion was made by Commissioner Ford, seconded by Commissioner Conley to adopt Resolution and Order abandoning/vacating a portion of existing Oak Branch Drive in Precinct 4 – conditional upon receipt of closing of property and authorize the County Judge to execute a Quit Claim Deed that clarifies title after abandonment. All voting “Aye”. MOTION PASSED

26707 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO: (A) THE HAYS COUNTY CORRECTIONS FACILITY; (B) DAMAGE TO PERSON(S) CAUSED BY COUNTY ROAD CONSTRUCTION; AND (C) HAYS COUNTY’S ARCHITECTURAL SERVICES CONTRACT WITH PBS&J [T1-2612]

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 2:50 p.m. A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize special counsel to settle certain claims at his discretion involving actual damages up to a financial amount not to exceed \$5,000. All voting “Aye”. MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE EVALUATION OF DEPARTMENT HEADS [T1-2596]

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 2:50 p.m. No action was taken.

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 [T1-463]

Brenda Jenkins (Broaddus & Associates) spoke of responses to RFQ's for RPTP facility. Phil Buterbaugh gave a progress report regarding the law enforcement center. Brenda Jenkins spoke of security issues that will be presented regarding the government center next week.

Clerk’s Note: Agenda Item #26 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR was PULLED. No discussion and no action taken.

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 DECEMBER 15, 2009.



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