



STATE OF TEXAS *
COUNTY OF HAYS

ON THIS THE 19TH DAY OF MAY 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
LINDA C. FRITSCHKE	COUNTY CLERK

WITH COMMISSIONER PCT. 4 KAREN FORD ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Santiago Heredia of El Buen Pastor United Methodist Church in San Marcos 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 ON REDISTRICTING OF COMMISSIONER PRECINCTS BY ROLANDO RIOS OF ROLANDO RIOS AND ASSOCIATES, PLLC IN PREPARATION OF THE 2010 REDISTRICTING PROCESS

Rolando Rios (Rolando Rios and Associates PLLC) spoke of importance of the census count. His firm provided redistricting services for the county during the last census. Court will go out for proposals for this service. Mr. Rios spoke of his experience in providing this service.

26132 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payments of county invoices in the amount of \$421,812.84 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

26133 APPROVE COMMISSIONER COURT MINUTES OF MAY 12, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of May 12, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

26134 ACCEPT DONATED FUNDS IN THE AMOUNT OF \$900 TO THE HAYS COUNTY SHERIFF'S OFFICE FOR NATIONAL NIGHT OUT TO BE DEPOSITED IN LINE ITEM 28-467-5222 (CRIME PREVENTION PROGRAM) AND AMEND BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept donated funds in the amount of \$900 to the Hays County Sheriff's Office for National Night Out to be deposited in line item 28-467-5222 (Crime Prevention Program) and amend budget accordingly. All present voting "Aye". MOTION PASSED

26135 APPROVE THE CANCELLATION OF COMMISSIONER'S COURT ON JUNE 9, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the cancellation of Commissioner's Court on June 9, 2009. All present voting "Aye". MOTION PASSED

26136 APPROVE THE EXTENSION OF CONTRACT WITH PBS&J FROM JUNE 30, 2009 TO JUNE 30, 2010 FOR PROFESSIONAL SERVICES RELATING TO THE ENVIRONMENTAL ASSESSMENT DOCUMENT IN SUPPORT OF A FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR FM 110

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the extension of contract with PBS&J from June 30, 2009 to June 30, 2010 for professional services relating to the environmental assessment document in support of a Finding Of No Significant Impact (FONSI) for FM 110. All present voting "Aye". MOTION PASSED



26137 AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO ADVANCE FUNDING AGREEMENTS FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A LEFT TURN LANE AND ADDING SHOULDERS ON SH 21 AT THE CR 127 INTERSECTION AND ALSO ON SH 21 AT THE YARRINGTON INTERSECTION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve resolution and authorize the County Judge to execute two Advance Funding Agreements for voluntary local government contributions to transportation improvement projects with no required match with the State of Texas acting by and through the Texas Department of Transportation for the construction of a left turn lane and adding shoulders on SH 21 at the CR 127 intersection and also on SH 21 at the Yarrington intersection. All present voting "Aye". MOTION PASSED

26138 APPROVE AWARD OF BID #2009-B11 "CONSTRUCTION OF METAL BUILDING FOR THE CITIZENS COLLECTION STATION/ DRIFTWOOD" TO T&T CONSTRUCTION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award of bid #2009-B11 "Construction of Metal Building for the Citizens Collection Station /Driftwood" to T&T Construction. All present voting "Aye". MOTION PASSED

26139 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve utility permit no. 02014 on Trail Driver Road issued to LCRA; permit no. 02015 on Kemp Hills Drive issued to The Hills of Texas Estates POA; permit no. 02016 on Harris Hill Road issued to PEC, Inc. as presented by the Hays County Road Department. All present voting "Aye". MOTION PASSED

26140 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPT THE REVEGETATION BOND AND THE MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION PHASE 4, SECTION 12A [T1-226]

RPTP Director Jerry Borcharding gave staff recommendation. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept road construction and drainage improvements, release of the construction bond, and accept the revegetation bond and the maintenance bond for two years for Belterra Subdivision Phase 4 Section 12A. All present voting "Aye". MOTION PASSED

26141 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPT THE REVEGETATION BOND AND THE MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION, PHASE 4 SECTION 14 [T1-245]

RPTP Director Jerry Borcharding gave staff recommendation A motion was made by Commissioner Barton, seconded by Judge Sumter to accept road construction and drainage improvements, release of the construction bond, and accept the revegetation bond and the maintenance bond for two years for Belterra Subdivision Phase 4 Section 14. All voting "Aye". MOTION PASSED

26142 CANVASS ELECTION RESULTS FOR JUSTICE OF THE PEACE PRECINCT 3 LOCAL OPTION ELECTION HELD MAY 9, 2009 [T1-262]

Elections Administrator Joyce Cowan provided results of the election. The proposition: "The legal sale of all alcoholic beverages including mixed beverages" passed with a vote of 1,137 For and 235 Against. A motion was made by Judge Sumter, seconded by Commissioner Barton to canvass election results for Justice of the Peace Precinct 3 Local Option Election held May 9, 2009. All present voting "Aye". MOTION PASSED



26143 CANVASS ELECTION RESULTS FOR SPECIAL ELECTION (INCORPORATION OF JACOB'S WELL) HELD MAY 9, 2009 [T1-296]

Elections Administrator Joyce Cowan provided results of the election. The proposition: "The Incorporation of the Village of Jacobs Well as a Type A general-law municipality – commission form of government" failed with a vote of 241 Against and 155 For Incorporation. **A motion was made by Judge Sumter, seconded by Commissioner Conley to canvass election results for Special Election (Incorporation of Jacob's Well) held May 9, 2009. All present voting "Aye". MOTION PASSED**

26144 APPROVE OUT OF STATE TRAVEL FOR AN EMPLOYEE IN THE SHERIFF'S OFFICE FOR FORENSIC PROFESSIONAL TRAINING IN LAS VEGAS, NEVADA [T1-318]

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve out of state travel for an employee in the Sheriff's Office for Forensic Professional Training in Las Vegas, Nevada. All present voting "Aye". **MOTION PASSED**

26145 HIRE ROGERS CONSULTING TO DEVELOP PLANS AND SPECIFICATIONS FOR THE WIDENING OF FISCHER STORE ROAD FROM FM 2325 TO SACHTLEBEN ROAD AND TO ALLOW COMMISSIONER CONLEY TO NEGOTIATE RELATED CONTRACTS AND WORK AUTHORIZATIONS [T1-350]

Commissioner Conley spoke of work that has been done and work to be done. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hire Rogers Consulting to develop plans and specifications for the widening of Fischer Store Road from FM 2325 to Sachtleben Road and to allow Commissioner Conley to negotiate related contracts and work authorizations. All present voting "Aye". **MOTION PASSED**

26146 APPROVE PURCHASE OF A HAVEN TECHNOLOGY CORPORATION SPEAKER/MICROPHONE SYSTEM (2 UNITS) FOR USE IN THE TAX OFFICE AT PCT 4 BUILDING [T1-522]

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the purchase of a Haven Technology Corp. Speaker/Microphone System (2 units) for use in the Tax Office at Pct 4 Building in an amount not to exceed \$1,518.12. All present voting "Aye". **MOTION PASSED**

26147 APPROVE REVISED BY-LAWS OF THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD AS ADOPTED BY THAT BOARD ON MAY 6, 2009 [T1-550]

Jeff Hauff spoke of changes that were made. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the revised bylaws of the Hays County Parks and Open Space Advisory Board as adopted by that board on May 6, 2009 to include: "or" under Article V Section 12:(b) refrain from any discussion or voting on the matter; or. All present voting "Aye". **MOTION PASSED**

26148 AUTHORIZE A TEMPORARY POSITION IN THE VICTIM SERVICES SECTION OF THE DISTRICT ATTORNEY'S OFFICE TO PERFORM CLERICAL AND ENTRY LEVEL ADVOCATE DUTIES [T1-656]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize a temporary position in the Victim Services Section of The District Attorney's Office to perform clerical and entry level advocate duties. All present voting "Aye". **MOTION PASSED**

26149 APPROVE AND SIGN LETTERS TO ALL MAYORS IN HAYS COUNTY REGARDING THE BIG PUSH [T1-693]

Letter will request entities to join the county in efforts to achieve better air quality. The Commissioners Court adopted a resolution on May 12, 2009 in support of the Big Push Initiative which involves education and awareness for all county employees, notification to all staff of Ozone Action Days, fleets to gas up after 3pm daily, etc. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve and sign letters to all Mayors in Hays County regarding the Big Push. All voting "Aye". MOTION PASSED**



26150 HIRE TEMPORARY HELP FOR HUMAN RESOURCES AND AMEND THE BUDGET ACCORDINGLY [T1-807]

County Auditor Bill Herzog advised that funds will come from contract services line item. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to hire temporary help for Human Resources and amend the budget accordingly. All voting "Aye". MOTION PASSED

26151 APPOINT A GRIEVANCE COMMITTEE IN COMPLIANCE WITH SECTION 3.23 OF THE HAYS COUNTY EMPLOYEE HANDBOOK [T1-846]

A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint a grievance committee of Britney Richey, Yvette Johnson, Janice Weber, Cindy Maiorka, and Judge Rodriguez in compliance with Section 3.23 of the Hays County Employee Handbook. All present voting "Aye". MOTION PASSED

26152 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY, THE HILL COUNTRY CONSERVANCY AND THE CITY OF AUSTIN [T1-880]

On September 30, 2008 the Court adopted a resolution declaring the County's intent to co-purchase and hold a conservation easement on the Dahlstrom Ranch. The Court also requested that counsel negotiate a contract with the Dahlstrom family, the City of Austin, and the Hill Country Conservancy based on terms and conditions proposed by Commissioner Barton. Special Counsel Mark Kennedy explained the memorandum of understanding and he spoke of additional expenses being taken on by the other entities. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Understanding between Hays County, the Hill Country Conservancy and the City of Austin related to Dahlstrom Ranch property. All present voting "Aye". MOTION PASSED

26153 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN EARNEST MONEY CONTRACT FOR PURCHASE OF 1.564 ACRES OF LAND FROM PAUL AND MARY DUNN NEAR THE CORNER OF WINTERS MILL PARKWAY AND RM 3237 IN PRECINCT THREE AND TO AUTHORIZE THE JUDGE TO EXECUTE CLOSING DOCUMENTS [T1-1282]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to execute an earnest money contract for purchase of 1.564 acres of land from Paul and Mary Dunn near the corner of Winters Mill Parkway and RM 3237 in Precinct Three and to authorize the Judge to execute closing documents – to be funded from line item 01-414-5399 not to exceed \$24,000. All present voting "Aye". MOTION PASSED

26154 APPROVE THE PURCHASE OF ONE LAPTOP AND TWO DESKTOP COMPUTERS FOR RPTP AND AMEND THE BUDGET ACCORDINGLY [T1-1371]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the purchase of one laptop and two desktop computers for RPTP and amend the budget accordingly. All present voting "Aye". MOTION PASSED

26155 EXECUTIVE SESSION PURSUANT TO SECTION §551.072 OF THE TEXAS GOVERNMENT CODE TO CONSIDER LITIGATION CONCERNING CONDEMNATION PROCEEDINGS FOR ACQUIRING PROPERTY FOR RIGHT OF WAY AT 3070 DRY HOLE DR., KYLE, TEXAS, PART OF THE PASS THROUGH AGREEMENT BETWEEN HAYS COUNTY AND TXDOT FOR THE PROJECT IH 35 & CR 210

[T1-1518] Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 11:10 a.m. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the firm of Duvall, Grunig & Dietz to move forward with condemnation process to acquire right of way located at 3070 Dry Hole Drive in Kyle, Texas consisting of 0.090 acres of land owned by Hank A Elliott, related to pass through finance agreement between Hays County and TxDot for the project at IH35 and CR210. Commissioner Ingalsbe, Commissioner Barton and Judge Sumter voting "Aye". Commissioner Conley abstained. MOTION PASSED



EXECUTIVE SESSION PURSUANT TO §551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING EXISTING OR CONTEMPLATED EMPLOYMENT CLAIMS INVOLVING HAYS COUNTY

Court convened into closed executive session at 11:20 a.m. and reconvened into open meeting at 12:35 p.m. No action taken.

Clerk's Note: Agenda Item #12 RE: APPROVE THE LIST OF ENGINEERS FOR THE PROFESSIONAL AND ENGINEERING SERVICES REQUEST FOR QUALIFICATIONS #2009-P05 was PULLED

Clerk's Note: Agenda Item #15 RE: AUTHORIZE COUNTY JUDGE TO SIGN CONTRACT WITH ROGERS DESIGN SERVICES FOR MT. GAINOR ROAD IMPROVEMENTS AND TO AUTHORIZE COMMISSIONER FORD TO APPROVE WORK AUTHORIZATIONS AS PROJECT PROCEEDS FOR A TOTAL NOT TO EXCEED \$50,000 was PULLED.

Clerk's Note: Agenda Item #16 RE: ACCEPT DONATION OF ROW ALONG WAYSIDE DRIVE 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 MAY 19, 2009.



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

