



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 24TH DAY OF NOVEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LIZ GONZALEZ	DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBER NOT PRESENT: ELIZABETH "LIZ" SUMTER COUNTY JUDGE; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26641 PRESENTATION BY SEAN COMPTON, TBG PARTNERS, AND A REPRESENTATIVE FROM THE LADYBIRD JOHNSON WILDFLOWER CENTER REGARDING NATIVE PLANT RE-VEGETATION ON HAYS COUNTY AND TXDOT ROWS. PRESENTATION MAY INCLUDE A DISCUSSION OF A LANDSCAPE PARTNERSHIP BETWEEN HAYS COUNTY AND TXDOT ON CURRENT BOND PROJECTS WITH ACTION

Sean Compton and Emily Manderson of TBG Partners gave a powerpoint presentation regarding re-vegetation. Initial cost is more to get it started, but less maintenance in the long run. Some of the community benefits are: minimizing negative effects on biotic communities; reduced chemical requirements(through the use of native plants); reduced driver fatigue; managing wildlife habitat and connecting wildlife corridors; increasing landscape maintenance efficiency (saves time and money); BMP's stabilize soil, prevent erosion and protect roadway structures; community education and partnerships; ecosystem benefits such as filtering runoff and carbon sequestration; integrating corridor into the regional landscape. This would stabilize the soil. This is a pilot project that would apply sustainable practices to Hays County roadsides that are cost effective and tested to reduce long term maintenance; improve the safety and ecological performance, and restore a natural vernacular to the landscape. **A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the Court to move forward with amending the Prime Strategies Contract and the Pass Through Project at US HWY 290 to include TBG Partners and their partnership/collaboration with the Wildlife Center to address that stretch as a pilot project with native plant re-vegetation and pursuing a partnership with TXDOT for installation and maintenance. All present voting "Aye". MOTION PASSED**

PUBLIC COMMENTS

Gary Conner gave a public comment. Court recognized Tax Assessor/Collector Luanne Caraway for being named Tax Assessor/Collector of the Year.

26642 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 \$413,629.37 for FY08-09 and in the amount of \$332,965.79 for FY09-10 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

26643 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 16 AND 17, 2009

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Commissioner Court Minutes of November 16 and 17, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

26644 APPROVE UTILITY PERMIT

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve utility permit #02040 on Quail Run issued to the City of San Marcos as submitted by the Road Department. All present voting "Aye". MOTION PASSED



26645 APPROVE THE JUNE 2009 AMENDED, JULY & AUGUST 2009 TREASURER'S REPORT AND INVESTMENTS REPORTS

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve the June 2009 Amended July & August 2009 Treasurer's Report and Investments Reports. All present voting "Aye". MOTION PASSED

26646 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO HAYS COUNTY'S CONTRACT WITH BROADDUS AND ASSOCIATES FOR CONSULTING SERVICES RELATED TO CREATING AND MANAGING RFP 2010-P03 COUNTY WIDE COMMUNICATIONS INSTALLATION AND SERVICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to execute an Amendment to Hays County's Contract with Broaddus and Associates for consulting services related to creating and managing RFP 2010-P03 County Wide Communications Installation and Services. All present voting "Aye". MOTION PASSED

26647 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON MCCARTY LANE EAST/CR 233 [T1-2521]

Commissioner Ingalsbe opened the public hearing. No public input was received. Public hearing was closed. RTP Director Jerry Borcharding gave staff recommendation. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to establish traffic regulations of 35 MPH speed limit on McCarty Lane East/CR 233. All present voting "Aye". MOTION PASSED

26648 RE-PLAT OF LOT 9, MOUNTAIN OAKS SUBDIVISION - [09-4-28 4 LOTS] HOLD PUBLIC HEARING & APPROVE FINAL PLAT [T1-2516]

Commissioner Ingalsbe opened the public hearing. No public input was received. Public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation. A motion was made by Commissioner Ford seconded by Commissioner Conley to approve final plat on Replat of Lot 9 Mountain Oaks Subdivision. All present voting "Aye". MOTION PASSED

26649 ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE OF THE CONSTRUCTION BOND FOR HIGH POINTE SUBDIVISION, PHASE 4, SECTION 1A AND SECTION 1B [T2-380]

RTP Director Jerry Borcharding gave staff recommendation. High Pointe is a private subdivision, no maintenance bond is required. A motion was made by Commissioner Ford seconded by Commissioner Barton to accept road construction drainage improvements and Release of Construction Bond for High Pointe Subdivision, Phase 4 Section 1A and Section 1B. All present voting "Aye". MOTION PASSED

26650 APPROVE A \$500.00 DONATION TO CO-SPONSOR LUNCH FOR THE SAN MARCOS HIGH SCHOOL STUDENT GOVERNMENT DAY [T2-388]

A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to approve a \$500.00 donation to co-sponsor lunch for the San Marcos High School Student Government Day to be funded out of contingencies. All present voting "Aye". MOTION PASSED

26651 APPROVE THE PERSONAL HEALTH DEPARTMENT (PHD) HIRING PART TIME/TEMPORARY LVN'S AT \$20.00 PER HOUR T1-643

Personal Health Director Priscilla Hargraves spoke of paying for this out of the H1N1 Phase 3 Grant. A motion was made by Commissioner Ford seconded by Commissioner Barton to approve the Personal Health Department (PHD) hiring Part Time/Temporary LVN's at \$20.00 per hour. All present voting "Aye". MOTION PASSED

26652 APPOINT BRYAN HANNAH (PCT. 1 REPRESENTATIVE) TO THE VETERAN'S TASK FORCE FOR HAYS COUNTY [T2-408]

A motion was made by Commissioner Ford seconded by Commissioner Conley to appoint Bryan Hannah (Pct. 1 Representative) to the Veteran's Task Force for Hays County. All present voting "Aye". MOTION PASSED



- 26653 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LOOMIS PARTNERS, INC. IN AN AMOUNT NOT TO EXCEED \$4000.00 FOR ENDANGERED SPECIES STUDIES RELATED TO THE WINTERS MILL/BLUE HOLE LOOP TRAIL PROJECT AND AMEND THE BUDGET ACCORDINGLY [T2-680]**

A motion was made by Commissioner Conley seconded by Commissioner Barton to authorize the County Judge to execute a Contract with Loomis Partners Inc. in an amount not to exceed \$4,000.00 for endangered species studies related to the Winters Mill/Blue Hole Loop Trail Project and amend the Budget accordingly. All present voting "Aye". MOTION PASSED

- 26654 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH CH2M HILL FOR PROFESSIONAL ENGINEERING SERVICES AT RM 1826 AND THE INTERSECTION OF CRYSTAL HILL DRIVE AND THE INTERSECTION OF RM 1826 AND NUTTY BROWN ROAD, PRIORITY BOND PROJECTS [T1-2358]**

A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement (PSA) with CH2M Hill for Professional Engineering Services at RM 1826 and the intersection of Crystal Hill Drive and the intersection of RM 1826 and Nutty Brown Road, Priority Bond Projects. All present voting "Aye". MOTION PASSED

- 26655 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH ROGERS DESIGN SERVICES FOR PROFESSIONAL ENGINEERING SERVICES AT RM 1826 AND THE INTERSECTION OF DARDEN HILL ROAD (CR 163), AND RM 1826 AND THE INTERSECTION OF RM 967, PRIORITY ROAD BOND PROJECTS [T1-2501]**

A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement (PSA) with Rogers Design Services for Professional Engineering Services at RM 1826 and the intersection of Darden Hill Road (CR 163), and RM 1826 and the intersection of RM 967, Priority Road Bond Projects. All present voting "Aye". MOTION PASSED

- 26656 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HALFF ASSOCIATES, INC. TO PREPARE A GRANT APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FURTHER FLOOD PROTECTION PLANNING STUDIES IN NORTHERN HAYS COUNTY AND PROVIDE NECESSARY COORDINATION ACTIVITIES ASSOCIATED WITH FLOOD STUDIES [T1-2627]**

Grants Director Jeff Hauff spoke. A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Contract with Halff Associates, Inc. to prepare a Grant Application to the Texas Water Development Board for further Flood Protection Planning Studies in Northern Hays County and provide necessary coordination activities associated with flood studies in an amount not to exceed \$10,000. All present voting "Aye". MOTION PASSED

- 26657 MOVE FORWARD WITH PUTTING OUT AN RFP FOR AN ENTITY TO REPRESENT THE COUNTY'S INTERESTS IN REAL ESTATE NEGOTIATIONS AND TRANSACTIONS IN RELATION TO THIS CALL FOR PROJECT AND AVAILABILITY TO ASK FOR AN RFP AFTER THAT OR MOVE INTO NEGOTIATIONS WITH ONE OF THE RESPONDERS [T1-2731]**

Grants Director Jeff Hauff spoke. A motion was made by Commissioner Ford seconded by Commissioner Barton to authorize staff to move forward with putting out an RFQ for an entity to represent Hays County and real estate negotiations in relation to this call for project and availability to ask for an RFP after that or move into negotiations with one of the responders. All present voting "Aye". MOTION PASSED

- 26658 APPROVE PCT. 4 APPOINTMENTS TO THE VETERAN'S TASK FORCE, HIRE DR. JIM BELL FROM TSU TO MODERATE DISCUSSIONS, AND BRING INFORMATION AND RECOMMENDATIONS BACK TO THE COURT [T2-419]**

A motion was made by Commissioner Ford seconded by Commissioner Conley to approve Precinct 4 appointments to the Hays County Veteran's Task Force Joan Nesvold, and Gary Hale. All present voting "Aye". MOTION PASSED A motion was made by Commissioner Conley seconded by Commissioner Barton to hire Dr. Jim Bell from TSU to moderate discussions with the Task Force and to bring information and recommendations back to the Court in an amount not to exceed \$2,000 to be funded from countywide consulting line item. All present voting "Aye". MOTION PASSED



26659 APPOINT ROBERT ELDER OF BUDA AND DAVID WILSON OF KYLE AS PCT. 2 REPRESENTATIVES TO THE VETERAN SERVICES TASK FORCE [T2-422]

A motion was made by Commissioner Ford seconded by Commissioner Conley to appoint Robert Elder of Buda and David Wilson of Kyle as Pct 2 Representatives to the Veteran Services Task Force. All present voting "Aye". MOTION PASSED

26660 APPOINT RON RIGGINS TO THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD [T2-721]

A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to appoint Ron Riggins to the Hays County Parks and Open Space Advisory Board to replace Lee Perry. All present voting "Aye". MOTION PASSED

26661 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT BETWEEN HAYS COUNTY AND BURY & PARTNERS FOR SURVEY AND REPLAT OF THE GOVERNMENT CENTER PROJECT PROPERTY ON STAGECOACH TRAIL IN SAN MARCOS, TEXAS [T1-1641]

Bob Hinkle of Broaddus & Associates spoke. A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to authorize the County Judge to execute a Contract between Hays County and Bury & Partners for survey and replat of the Government Center Project Property on Stagecoach Trail in San Marcos, Texas contingent to negotiations and what has been presented by Counsel. All present voting "Aye". MOTION PASSED

26662 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR A CHECK PROCESSING SYSTEM BETWEEN HAYS COUNTY AND SAGE CAPITAL BANK [T1-614]

Tax Assessor/Collector Luanne Caraway spoke. A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Contract for a Check Processing System between Hays County and Sage Capital Bank. All present voting "Aye". MOTION PASSED

26663 ADOPT A RESOLUTION TO URGE THE TEXAS DEPARTMENT OF TRANSPORTATION TO REVIEW AND APPROVE PLANS AND ENVIRONMENTAL DOCUMENTS FOR FM 1626 (NORTHERN SEGMENT) IN A TIMELY MANNER SO THAT THE PROJECT MAY PROCEED TO CONSTRUCTION AS SOON AS POSSIBLE [T1-713]

Commissioner Barton gave an overview. Jeff Watson of HNTB spoke and displayed a map of FM 1626. Hays County is requesting the following change to the FM 1626 TxDOT Schematic: from RM 967 to end of Balcones Bank property line: lowering design speed to 45 mph; revising the roadway typical section to a 5-lane section with concrete curb & gutter (consisting of 15' outside lane, 12' inside lanes and a continuous 14' 2-way left turn lane; adding a right turn lane from SB FM 1626 onto WB RM 967; adding an 8' wide sidewalk along SB FM 1626; adding storm sewer system; revising the proposed right of way to vary from 180' (min) to 200' (max): From the end of Balcones Bank property line to the Jerry's Lane/Westway Drive intersection: lowering design speed to 45 mph; revising the roadway typical section to a 2537' curb & gutter section with a raised center median (consisting of 15' outside lanes, 12' inside lanes and a raised center median of varying widths (4'-16')); adding a left turn and right turn lanes at Maybrook Dr; adding a left turn and a right turn lanes at CR 143 (West Way/Jerry's Lane); adding an 8' wide sidewalk along SB FM 1626; adding storm sewer system; revising the proposed right of way to vary from 180' (min) to 200' (max): From the Jerry's Lane/Westway Drive intersection to the end of project at 600 feet south of the Brodie Lane intersection: no proposed change to the design speed of 60 mph per TxDOT schematic; no proposed change to the 5-lane rural section per TxDOT schematic; adding grading for a future 8' sidewalk up to the Manchaca Youth Optimist Baseball Complex; widened the proposed Little Bear Creek Bridge to accommodate an 8' wide sidewalk; adding a 550' long transition section to tie back to the existing pavement just south of the Bear Creek Bridge; revising the proposed right of way to vary from 180' (min) to 250' (max). A motion was made by Commissioner Barton seconded by Commissioner Conley to adopt a Resolution in support of FM 1626 urging expeditious review on the part of TXDOT and other partners and asking TXDOT to move quickly. All present voting "Aye". MOTION PASSED. A motion was made by Commissioner Barton seconded by Ingalsbe to adopt a Resolution that consists of neighborhood friendly designs and incorporates the recommendations that were heard by the community on the Pct 2 web-site and in the presentation today. All present voting "Aye". MOTION PASSED



26664 AMEND THE BUDGET RELATED TO TRANSACTIONAL COSTS ON THE DAHLSTROM RANCH PARKS AND OPEN SPACE PROJECT [T2-750]

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize Special Counsel Mark Kennedy to convey to Hill Country Conservancy our willingness to contribute another \$64,000 that totals \$100,000 for the additional closing costs and to incorporate into his negotiations for the final contract and MOU on the Dahlstrom Ranch Parks and Open Space Project in and furthermore the money would come out of Parks Bond Funds. All present voting "Aye". MOTION PASSED

26665 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LANGFORD COMMUNITY MANAGEMENT SERVICES FOR \$30,000 FOR PROJECT MANAGEMENT RELATED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT, PHASE II [T2-946]

A motion was made by Commissioner Conley seconded by Commissioner Ford to authorize the County Judge to execute a Contract with Langford Community Management Services for \$30,000 for Project Management related to the Community Development Block Grant for the Cedar Oak Mesa Water System Improvement Project, Phase II. All present voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE, TO DELIBERATE THE RESPONSIBILITIES AND/OR DUTIES OF THE POSITIONS OF SENIOR PLANNER AND SUBDIVISION COORDINATOR IN RESOURCE PROTECTION, TRANSPORTATION AND PLANNING [T1-2583]

Court convened into closed executive session at 1:40 p.m. and reconvened into open meeting at 3:00 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION RELATED TO THE HAYS COUNTY CORRECTIONS FACILITY. [T1-2570]

Court convened into closed executive session at 11:24 a.m. and reconvened into open meeting at 12:40 p.m. No action taken.

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS [T1-2595]

Court convened into closed executive session at 3:20 p.m. and reconvened into open meeting at 4:02 p.m. No action taken.

26666 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 WITH ACTION [T1-1641]

This item was discussed in concurrence with agenda item # 21 Commissioner Court Minutes Resolution #26641 A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to adopt as a policy of the Commissioners Court the Memorandum that has been presented in court by Broaddus & Associates and item #2 under Criteria to read as follows: Procurement procedures compliant with Hays County Purchasing Department. All present voting "Aye". MOTION PASSED Commissioner Conley spoke of cleaning of air ducts in the Jail while we are in the process of replacing heating/air conditioning. [T1-2182] A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to hire Broaddus & Associates to move forward and acquire quotes to have the air ducts cleaned at the Jail and authorize Broaddus & Associates to move forward to hire an environmental company and cleaning company to clean and disinfect the kitchen at the Jail. All present voting "Aye". MOTION PASSED



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Clerks Note: Agenda item #30 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

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 NOVEMBER 24, 2009.



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

