



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 13<sup>TH</sup> DAY OF OCTOBER A.D., 2009, 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>LINDA C. FRITSCH</b>	<b>COUNTY CLERK</b>

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. New employees were introduced

**26532 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 17 – 23, 2009 AS "RED RIBBON WEEK" IN HAYS COUNTY [T40]**

Sarah Cohen invited the court and public to various events being held to celebrate Red Ribbon Week. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a Proclamation declaring the week of October 17-23, 2009 as "Red Ribbon Week" in Hays County. All voting "Aye". MOTION PASSED

**26533 APPROVE PAYMENTS OF COUNTY INVOICES**

County Auditor Bill Herzog requested addition of two invoices: \$2,236.85 payable to The Majors Law Firm for work related to the Hays County Bail Bond Board and \$217,800 payable to Independence Title for additional property on Wonderland Drive. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$1,840,870.08 as submitted by the County Auditor with addition of \$220,036.85 as requested. All voting "Aye". MOTION PASSED

**26534 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 2<sup>ND</sup> & 6<sup>TH</sup>, 2009**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of October 2<sup>nd</sup> & 6<sup>th</sup>, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**26535 RATIFY COUNTY JUDGE'S AUTHORITY TO EXECUTE THE CONTRACT BETWEEN THE PERSONAL HEALTH DEPARTMENT (PHD) AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR FUNDING FOR PHASE 1 AND 2 OF H1N1 RESPONSE. THE FUNDING AMOUNT WILL BE UP TO \$145,449.00**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to ratify County Judge's Authority to execute the Contract between the Personal Health Department (PHD) and the Texas Department of State Health Services (DSHS) for funding for Phase 1 and 2 of H1N1 Response. The funding amount will be up to \$145,449.00. All voting "Aye". MOTION PASSED

**26536 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve utility permit #02035 issued to PEC on Turnerville Road; permit #02036 issued to PEC on Oak Wood Loop; permit #02037 issued to LCRA on Sawyer Ranch Road; permit #02038 issued to LCRA on Dardin Hill Road; permit #02039 issued to Time Warner Cable on Sunny Ridge as presented by the County Road Department. All voting "Aye". MOTION PASSED

**26537 ACCEPT REPORT FROM RPTP IDENTIFYING ADMINISTRATIVE APPROVALS FOR OSSFS ISSUED DURING THE MONTH OF SEPTEMBER, 2009**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept report from RPTP identifying administrative approvals for OSSF's issued during the month of September 2009. All voting "Aye". MOTION PASSED



**26538 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (SCHOOL ZONE) ON CENTER POINT ROAD [T1-163]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RTP Director Jerry Borcharding gave staff recommendation for approval. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to establish traffic regulations (School Zone) of 20 MPH speed limit and restricted cell phone use on Center Point Road at the Master's School. All voting "Aye". MOTION PASSED**

**26539 CALL FOR A PUBLIC HEARING ON NOVEMBER 10, 2009 TO CONSIDER THE PROPOSED IMPROVEMENT TO OWL HOLLOW ROAD [T1-179]**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on November 10, 2009 to consider the proposed improvement to Owl Hollow Road. All voting "Aye". MOTION PASSED

**26540 RE-SUBDIVISION OF LOT 6, LEGEND OAKS, SECTION 2 [09-4-24 - 3 LOTS] APPROVE FINAL PLAT [T-184]**

Donald Broussard and Robert Parks made public comment. Subdivision Coordinator Clint Garza spoke of additional plat notes and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of resubdivision of Lot 6 Legend Oaks Section 2. All voting "Aye". MOTION PASSED**

**26541 APPROVE THE PURCHASE OF TWO TRAFFIC COUNT/TRAFFIC STUDY DEVICES FOR THE ROAD & BRIDGE DEPT. FROM TIMEMARK, INC. INSTEAD OF TWO BUDGETED RADAR SIGNS WITH AN AMOUNT NOT TO EXCEED \$1,831.00 [T1-309]**

RTP Director Jerry Borcharding spoke of savings of \$5,743 by purchasing the traffic county/traffic study devices versus radar signs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the purchase of two traffic county/traffic study devices for the Road & Bridge Dept. from Timemark, Inc. instead of two budgeted radar signs with an amount not to exceed \$1,831.00. All voting "Aye". MOTION PASSED**

**26542 APPROVE THE AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (HCPHD) AND CENTRAL TEXAS MEDICAL CENTER (CTMC) [T1-348]**

HCPHD Director Priscilla Hargraves spoke of this agreement allowing the HCPHD to refer clients from the TB control program to CTMC for diagnostic chest X-rays. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the Agreement between Hays County Personal Health Department (HCPHD) and Central Texas Medical Center (CTMC). All voting "Aye". MOTION PASSED**

**26543 ADOPT THE FY2010 HOLIDAY CALENDAR [T1-931]**

Judge Sumter spoke of proposed holidays for calendar year 2010. Commissioner Ingalsbe spoke of adding Columbus Day. Discussed adding Monday December 27<sup>th</sup> to Christmas holiday. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt the FY2010 Holiday Calendar with addition of Monday December 27,2010. All voting "Aye". MOTION PASSED**

**26544 AUTHORIZE HAYS COUNTY JUSTICE OF THE PEACE COURTS TO USE THE TEXAS ONLINE EFILING SYSTEM THROUGH THE COUNTY'S EXISTING CONTRACT WITH BEARINGPOINT [T1-446]**

J.P. Pct. 2 Beth Smith spoke of justices of the peace wanting to use Texas Online system for electronic filing. The District Clerk's office has had a contract with Bearing Point to use this system. Special Counsel Mark Kennedy spoke of a new contract that will be considered next week for the District Clerk. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Hays County Justice of the Peace Courts to use the Texas On-Line E Filing System through the County's existing Contract with BearingPoint effective immediately. All voting "Aye". MOTION PASSED**



**26545 SELECT A DESIGN/BUILD FIRM FOR THE CONSTRUCTION OF THE NEW HAYS COUNTY GOVERNMENT CENTER [T1-991]**

Brenda Jenkins (Broaddus & Associates) spoke of three scenarios: #1 = 233,600 sq ft @ \$89.5m #2 = 181,300 sq ft @ \$73.8m #3 = 141,000sf @ \$59.6m. She discussed the program management timeline. Commissioner Ingalsbe spoke of projected savings from existing facility cost. District Attorney Sheri Tibbe (member of the Building Committee) explained the problems with the current facility and spoke in support of the new government center. County Auditor Bill Herzog (member of the Building Committee) spoke of this being the best time to move forward on this facility financially. RTP Director Jerry Borcharding (member of the Building Committee) spoke of time spent by the committee and he urged the court to proceed. Bill Herzog gave figures for funding – budgeted funds are sufficient to make payments. Constable Pct. 1 David Peterson spoke in support of the government center. Special Counsel Mark Kennedy (member of the Building Committee) spoke of feeling confident about the funding costs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to select Balfour Beatty as the design/build firm for the construction of the new Hays County Government Center and to authorize Commissioner Ingalsbe and Broaddus & Associates to negotiate a contract to be brought back to the court for consideration. All voting "Aye". MOTION PASSED**

**26546 AUTHORIZE UP TO \$1500.00 TO REPAIR THE INTERCOM SYSTEM IN THE HOLDING CELLS LOCATED IN THE JUSTICE CENTER [T1-559]**

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize up to \$1,500.00 to repair the intercom system in the holding cells located in the Justice Center to be funded out of contingencies. All voting "Aye". MOTION PASSED

**Clerk's Note: Agenda Item #16 RE: AUTHORIZE CIVIL DIVISION OF HAYS COUNTY DISTRICT ATTORNEY'S OFFICE TO FILE AN OFFICIAL RESPONSE IN RELATION TO REQUEST FOR ATTORNEY GENERAL'S OPINION #RQ-0822-GA RELATING TO THE ABILITY OF TYPE A GENERAL LAW MUNICIPALITIES TO IMPOSE AND ENFORCE NONPOINT SOURCE POLLUTION (NPS) ORDINANCES WITHIN THE ETJ was PULLED [T3-37]**

**26547 TO AUTHORIZE THE COUNTY JUDGE TO REQUEST THAT HAYS COUNTY BE INCLUDED WITHIN THE SERVICE AREA OF THE FOREIGN-TRADE ZONE NUMBER 183 [T1-608]**

A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to request that Hays County be included within the service area of the Foreign-Trade Zone Number 183. All voting "Aye". MOTION PASSED

**26548 AUTHORIZE COMMISSIONER FORD AND JERRY BORCHERDING TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS THAT WILL ADDRESS THE IMPROVEMENT OF A CHRONIC DRAINAGE PROBLEM ON NUTTY BROWN ROAD [T1-630 & T3-46]**

Jimmy Skipton made public comment. Commissioner Ford spoke of scope of work to be performed to determine source of flooding. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Commissioner Ford and Jerry Borcharding to finalize and negotiate a Professional Services Agreement with Freese & Nichols that will address the improvement of a chronic drainage problem on Nutty Brown Road and furthermore authorize the County Judge to execute the agreement, subject to approval by Special Counsel, not to exceed \$10,000; and approve budget amendment to move \$10,000 from R&B Dept. materials line item into consultants line item. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

**26549 AUTHORIZE MARK KENNEDY TO ENGAGE OUTSIDE COUNSEL TO ASSIST IN COMPLETION OF REAL ESTATE TRANSACTIONS IN ASSOCIATION WITH THE MCGREGOR ROAD BRIDGE PROJECT [T1-742]**

Special Counsel Mark Kennedy spoke in support of engaging outside counsel from Dripping Springs - Nelson Davidson, attorney and closing agent for Independent Title, has agreed to work with the county. To be paid out of R&B Right-of-Way legal funds. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Mark Kennedy to engage outside Counsel to assist in completion of Real Estate Transactions in association with McGregor Road Bridge Project. All voting "Aye". MOTION PASSED**



- 26550 APPROVE RESOLUTION AND AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS, REGIONAL SOLID WASTE GRANTS PROGRAM FOR UP TO \$30,000 FOR A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT IN PRECINCT 4 [T1-831]**

Grants Administrator Jeff Hauff explained the grant. This grant would fund a one-day event at the Driftwood citizens collection center for the collection of residential household hazardous waste items. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Resolution and authorize the County Judge to submit a Grant Application to the Capital Area Council of Governments, Regional Solid Waste Grants Program for up to \$30,000 for a Household Hazardous Waste Collection Event in Precinct 4. All voting "Aye". MOTION PASSED**

- 26551 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR ENGINEERING SERVICES ON THE OLD BASTROP HIGHWAY/CR 266 ROAD BOND PROJECT [T3-16]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Professional Services Agreement with Huitt-Zollars, Inc. for engineering services on the Old Bastrop Highway/CR 266 Road Bond Project. All voting "Aye". MOTION PASSED

- 26552 AMEND THE FEE SCHEDULE FOR PRIVATE PAY CLIENTS OF THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC [T1-372]**

Priscilla Hargraves spoke of serving a number of private pay clients in the Women's Health Clinic and need to increase charges because of increase for lab work and changes in recommendations for "best practices" for maternity and family planning care. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve an amended fee schedule for private pay clients of the Hays County Personal Health Department Women's Health Clinic as presented. All voting "Aye". MOTION PASSED**

- 26553 ROOF REPAIR TO HAYS COUNTY CORRECTIONS BUILDING INCLUDING BUT NOT LIMITED TO REVIEW OF SPECIFICATION FOR PHENOLIC REMEDIATION AND ROOF REPAIR [T2-315]**

Six Contractors submitted bids for roof repair at the Hays County Corrections Building (Law Enforcement Center). Phil Buterbaugh, Sr. Project Manager for Broaddus & Associates, explained the bid results. Special Counsel Mark Kennedy spoke of the bid results. County Auditor Bill Herzog spoke of funds that were budgeted. Sheriff's Department Col. Brad Robinson spoke. [T2-1215] **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize Broaddus & Associates to move forward with a short-term plan in the amount of \$1,455,388, then come back with all gaps filled with all the roofing contractors by next week and move forward with a long-term plan in the amount of \$246,400, and bring back numbers of amount to be paid with the understanding that these numbers are flexible and apt to change because of plumbing/catering and money to be paid out of the building fund and to include Broaddus be authorized to make the decision of the \$7,000 and ask Tyler Technologies to work with Bill Herzog before making a commitment. All voting "Aye". MOTION PASSED**

- PRESENTATION OF CAPTAIN JACK – THE STORY OF JOHN C HAYS DOCUMENTARY BY KATE JOHNSON, CHAIR, HISTORICAL COMMISSION [T1-1997]**

Hays County Historical Commission Chair Kate Johnson provided a showing of the documentary of the Story of John C. Hays and presented each member of the court with a photo of Jack C. Hays and a copy of the documentary film.

- PRESENTATION BY THE BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT ON THE STATUS OF THE BARTON SPRINGS AQUIFER [T1-2844]**

Robin Gary, Public Information and Education Coordinator for the Barton Spring Edwards Aquifer Conservation District, gave a powerpoint presentation regarding groundwater management areas, groundwater conservation districts, and an overview of the Barton Springs Edwards Aquifer Conservation District. Their mission is to preserve and protect the aquifers. Robin Gary spoke of governance of the district and the aquifer dynamics. She advised that up to 85% of the recharge occurs within the creeks and rivers and management is very important. The largest recharge features are along Onion Creek. We are in critical stage drought at this time. The districts regulate 100 permittees. They are asking people to use less than 3,000 per gallon per person per month. The Barton Springs Edwards Aquifer Conservation District website at [www.bseacd.org](http://www.bseacd.org). John Dupnik, Hays Trinity Groundwater Conservation District, spoke. Brenda Jenkins, Broaddus & Associates, spoke.


**2008 ROAD BOND WORKSHOP WITH POSSIBLE ACTION** [T2-1470]

Diane Wassenich made public comment regarding Sink Creek and Lime Kiln Road – urged the court to do something that does not widen the roadway – increasing development over the recharge zone will damage the environment. [T2-2250] Jeff Curren (HDR) gave a powerpoint presentation regarding the 2008 Priority Road Program. Project 1 – US 290 from RM12 to McGregor Lane (continuous left turn lane and improve shoulders) Project 2 – RM 12 @ Sports Park Drive (left turn lane on RM12 and other intersection improvements) Project 3A – RM1826 @ Nutty Brown Road (left turn lane on RM1826 and other intersection improvements) Project 3B – RM1826 @ Crystal Hills Drive (left turn lane on RM1826 and improvement to roadway approach and low water crossing on Crystal Hills Drive) Project 3C – RM1826 @ Darden Hill Road (left turn lane on RM1826 and other intersection improvements) Project 3D – RM 1826 @ RM 967 (left turn lane on RM967 and other intersection improvements) Project 4 – RM2325 from Fischer Store Road/CR181 to Carney Lane (safety improvements) Project 5 – RM12 @ Old Kyle Road/Wimberley Square (turn lanes, planters, and drainage improvements) Project 6 – RM12 @ RM32 (realignment to improve intersection geometry, dedicated right and left turn lanes) Project 7 – RM12 Parkway Development (preservation of r-o-w along RM12 corridor from San Marcos to Wimberley for the development of a divided parkway roadway section) Project 8 – RM12 @ Hugo Road/CR214 (left turn lane on RM12 and other intersection improvements) Project 9 – RM12 @ Sink Creek (replacement of box culvert with a bridge) Project 10 – RM12 @ Wonderworld Drive/FM3407 (left turn lane on RM12 and right turn lane on FM3407) Project 11 – Old Bastrop Hwy/CR266 from Centerpoint to Francis Harris Road (widen lanes and add shoulders, preserve ROW for future upgrades) Project 12A – SH21 @ High Road/CR127 (left turn lane and widen shoulders on SH21 and improvements to High Road/CR127 approaching pavement) Project 12b – SH21 @ FM2001 (left turn lane and widen shoulders on SH21 and other intersection improvements) Project 12c – SH21 @ Rohde Road/CR126 (reconstruct Rohde Road/CR126 approach to improve geometry and channelization) Project 13 – Dacy Lane/CR205 from Bebee Road/CR122 to Windy Hill Road/CR131 (engineering, environmental studies and ROW preservation) Project 14 – Lime Kiln Road @ Sink Creek (feasibility analysis and environmental studies for replacement of low water crossing over Sink Creek) Project 15 – Post Road/CR140 @ Blanco River (replacement of low water crossing over the Blanco River) Project 16 – Lakewood Drive @ FM1626 (improvement low water crossing on Lakewood Drive) Project 17 – RM 967 @ Ruby Ranch Road (left turn lane on RM\967 and other intersection improvements. Discussed Scope of Work with some flexibility (within 10% over total project cost or 20% under project cost). Dan Wegmiller, Bond Counsel, spoke of funding.

**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** [T2-1325]

[See resolutions #26545 & #26553 for action regarding the Government Center and County Jail] Brenda Jenkins, Broaddus & Associates, spoke of progress regarding the RPTP/Resources Protection Transportation & Planning Department facility. Total project cost is \$3 million with additional 12,400 sq ft of space - \$1.691 million was budgeted.

**DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR** [T2-1600]

Mike Weaver (Prime Strategies) spoke of Pass Through Finance Program. US 290 West (Trautwein Road to Nutty Brown Road) program estimate is \$8,230,040 with anticipated substantial completion by December 2009. IH-35 Phase 1 (northbound frontage road between Kyle Crossing/CR210 and Kyle Parkway/FM1626) program estimate is \$8,872,609 with anticipated completion by December 2010 (groundbreaking Oct. 21, 2009). IH-35 at FM 2001 (IH35 northbound frontage road to existing FM2001) program estimate is \$1,028,755 with project letting in October 2009. He spoke of potential project savings on all these programs. IH-35 Phase 2A – RM 150 (IH35 northbound frontage road at RM150 crossing to existing RM150) program estimate = \$8,220,820. IH-35 Phase 2B program estimate = \$15,289,447. FM110 (McCarty Lane to SH123 – 1 mile) program estimate = \$19,834,396. FM1626 A (Brodie Lane to FM 967) program estimate = \$43,248,414. FM 1626 B (FM 967 to FM 2770) program estimate = \$39,806,315. Total Pass Through Financing Program estimated budget summary = \$167,030,796 with potential program savings of \$10,109,353 based on 2009 project lettings only and additional funding sources contribution of \$23,600,000.

**Clerk's Note: Agenda Item #29 RE: DISCUSSION AND POSSIBLE ACTION TO EXECUTE A RESOLUTION DECLARING A BURN BAN IN HAYS COUNTY EFFECTIVE IMMEDIATELY was PULLED**



Court was adjourned.

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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 OCTOBER 13, 2009.



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

