



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 16<sup>TH</sup> DAY OF FEBRUARY 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 Conley gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**26839 APPROVE PROCLAMATION DECLARING FEBRUARY 22<sup>ND</sup> TO MARCH 1<sup>ST</sup>, 2010, SEVERE WEATHER AWARENESS WEEK [T1-24]**

Emergency Management Coordinator Jeff Turner spoke. A motion was made by Judge Sumter seconded by Commissioner Ford to approve Proclamation declaring February 22<sup>nd</sup> to March 1<sup>st</sup>, 2010, Severe Weather Awareness Week. All voting "Aye". MOTION PASSED

**PRESENTATION OF RETIREMENT GIFTS TO ROGER RAMOS, BALDO BAZALDUA, DEBBIE BROWN, TONY GONZALEZ, VIRGINIA IBARRA, ROSA GUERRERO, ELWANDA REXROAT, AND EUGENE PITTMAN [T1-92]**

Commissioner Ingalsbe presented Virginia Ibarra with a clock for her 25 years of service with Hays County. Other retirees not present are: Debbie Brown retired from the Sheriff's Dept with 15 years 11 months; Roger Ramos retired from the Road & Bridge Dept with 13 years 10 months; Tony Gonzalez retired from the Road & Bridge Dept with 13 years 6 months; Rosa Guerrero retired from the Sheriff's Office with 25 years; Elwanda Rexroat retired from the Sheriff's Office with 14 years 5 months; Baldo Bazaldua retired from the Building Maintenance Dept with 6 years 9 months; and Eugene Pittman retired from the Sheriff's Office in January with 20 years 9 months.

**26840 PRESENTATION AND ADOPTION OF RESOLUTION IN SUPPORT OF THE SAN MARCOS ECONOMIC DEVELOPMENT PARTNERS FOR PROGRESS PROJECT**

[T1-129] Amy Madison with the City of San Marcos Economic Development gave a handout "Partners for Progress" and did a powerpoint presentation. The Partners for Progress are: City of San Marcos, Economic Development San Marcos, San Marcos Chamber of Commerce, Central Texas Medical Center, Texas State University, Hays County, Gary Job Corps, San Marcos CISD, Caldwell County, Lockhart Economic Development Council, Luling Economic Development Council, and Prime Outlets. The objectives, benchmarks & performance measures for long-term success: Goal 1 – Workforce Excellence – Create a workforce development system that allows regional businesses to be globally competitive and enhances economic opportunity for workers. Goal 2 – Economic Diversification – Diversify area economy through enhanced programmatic, marketing, and infrastructure capacity. Goal 3 – Quality of Place – Aggressive and ongoing efforts continue to make the Greater San Marcos area one of Texas' most compelling destinations to live, work and visit. A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to adopt a Resolution in support of the San Marcos Economic Development Partners for Progress Project. All voting "Aye". MOTION PASSED

**26841 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve payments of county invoice in the amount of \$495,124.01 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**26842 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 9, 2010**

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve Commissioner Court Minutes of February 9, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**26843 APPROVE RENEWAL OF LEXISNEXIS (ACCURINT) CONTRACT**

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve renewal of LexisNexis (Accurint) Contract. All voting "Aye". MOTION PASSED

**26844 APPROVE THE CANCELLATION OF COMMISSIONERS COURT ON MARCH 2, 2010**

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve the cancellation of Commissioners Court on March 2, 2010. All voting "Aye". MOTION PASSED

**26845 APPROVE ADDITIONAL FUNDS FOR CONTINUING EDUCATION FOR INFORMATION TECHNOLOGY AND AMEND BUDGET ACCORDINGLY**

IT is requesting to transfer \$400 from Travel line item (001-680-00-5501) to Continuing Ed (001-680-00-5551). A motion was made by Commissioner Conley seconded by Commissioner Ford to approve additional funds for Continuing Education for Information Technology and amend the budget accordingly. All voting "Aye". MOTION PASSED

**26846 APPROVE ADDITIONAL FUNDS FOR CONTINUING EDUCATION FOR COMMISSIONER PCT 3 AND AMEND BUDGET ACCORDINGLY**

Commissioner Conley is requesting to transfer money of \$200 from Supplies/Services – Dues & Bonds (001-603-00-5302) and \$347 Supplies/Services – Community Services (001-603-00-5551) to Continuing Ed(001-603-00-5551). A motion was made by Commissioner Conley seconded by Commissioner Ford to approve additional funds for Continuing Education for Commissioner Pct 3 and amend the budget accordingly. All voting "Aye". MOTION PASSED

**26847 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve utility permit #800 located on Belterra Dr issued to Hays County WCID; Permit #804 located on McGregor Lane issued to PEC; Permit #805 located on Darden Hill Road (CR 162) issued to LCRA Water Supply Corp. as presented by the County Road Department. All voting "Aye". MOTION PASSED

**26848 AMEND THE BAKER-AKLIN CONTRACT TO INCLUDE ADMINISTRATION OF BRIDGE PROCUREMENT AND CONSTRUCTION PHASE SERVICES FOR THE GREEN ACRES BRIDGE REPLACEMENT PROJECT [T1-1040]**

RPTP Director Jerry Borcharding spoke. Steve Ramsey of Baker-Aklin spoke. Jerry Borcharding spoke of needing \$8,000 not \$15,000. A motion was made by Commissioner Conley seconded by Commissioner Barton to amend the Baker-Aklin Contract to include Administration of Bridge Procurement and Construction Phase Services for the Green Acres Bridge Replacement Project. All voting "Aye". MOTION PASSED

**26849 ORDER FROM CONTECH CONSTRUCTION PRODUCTS INC. AS SOLE SOURCE A PRE-FABRICATED BRIDGE AS DESIGNED BY BAKER-AKLIN ENGINEERING [T1-1050]**

RPTP Director Jerry Borcharding spoke. Steve Ramsey of Baker-Aklin spoke of this being a sole source of a pre-fabricated bridge. The total amount of \$170,269 (\$154,790 plus 10%) to come out of Contract Road Work item #438-5448. A motion was made by Commissioner Conley seconded by Judge Sumter to order from Contech Construction Products Inc. as sole source a pre-fabricated bridge as designed by Baker-Aklin Engineering. All voting "Aye". MOTION PASSED

**26850 AUTHORIZE COMMISSIONER FORD TO NEGOTIATE A CONTRACT WITH ROGERS DESIGN SERVICE FOR ADDITIONAL ENGINEERING ON MT. GAINOR ROAD TO INCLUDE SUBCONTRACTING WITH SAM FOR SURVEYING [T1-1450]**

RPTP Director Jerry Borcharding spoke of funds that had been set aside in the 2001 Bond Program. A motion was made by Commissioner Ford seconded by Commissioner Conley to approve an amount not to exceed \$60,000 with Rogers Design Services to finish construction that will include subcontracting with SAM for surveying for Mt. Gainor and to authorize Commissioner Ford to negotiate a contract. All voting "Aye". MOTION PASSED

**Clerk's Note – Agenda Item #13 RE: AUTHORIZE COMMISSIONER FORD TO NEGOTIATE A CONTRACT WITH ROGERS DESIGN SERVICE FOR ADDITIONAL ENGINEERING ON MT. GAINOR ROAD and Agenda Item #14 RE: AUTHORIZE COMMISSIONER FORD TO NEGOTIATE A CONTRACT WITH SAM FOR SURVEYING SERVICES ON MT. GAINOR ROAD [T1-1254] were combined and acted upon in one motion as shown above.**



**26851 ACCEPT PROPOSAL FROM LOWDEN EXCAVATING, INC., IN THE AMOUNT OF \$38,000, FOR REPLACEMENT OF TURF AREAS AT FIVE MILE DAM PARK [T1-2520]**

Jeff Hauff Grants Administrator spoke of replacing of turf areas (hydro-seeding of Common Bermuda) to be paid out of line item #145-757-97-041.5611. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to accept proposal from Lowden Excavating Inc. in the amount of \$38,000 for replacement of turf areas at Five Mile Dam Park. All voting "Aye". MOTION PASSED

**26852 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDERS #4, #5 AND #6 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. FOR THE FIVE MILE DAM PARK PHASE 2 (SITE) PROJECT [T1-2614]**

Jeff Hauff Grants Administrator spoke of Change Order #4 additional metal fencing at main entry gate (traffic barrier) - \$1,920; Change Order #5 installation of concrete riprap (facing) around culverts at service road entrance to concessions building \$5,815.15; Change Order #6 substitute asphalt paving for "grass-crete" pavers on concessions building service road deduct of \$8,945.45. A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to authorize the County Judge to execute Change Orders #4, #5, and #6 to the construction contract with Harris Road Company, Inc. for the Five Mile Dam park Phase 2 (site) Project. All voting "Aye". MOTION PASSED

**26853 ACCEPT A GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FROM THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT PROGRAM AND AMEND THE BUDGET ACCORDINGLY [T1-2675]**

Jeff Hauff Grants Administrator spoke. A motion was made by Commissioner Ford seconded by Commissioner Barton to accept a Grant Award from the Office of the Governor, Criminal Justice Division from the Recovery Act: Edward Byrne Memorial Justice Assistance Formula Grant Program and amend the budget accordingly. All voting "Aye". MOTION PASSED

**26854 AUTHORIZE THE COUNTY JUDGE TO SIGN A CONTRACT WITH M. J. HARDEN ASSOCIATES, INC. FOR THE COLLECTION OF IMAGERY DATA OF 1,030 ACRES OF LAND IN AND AROUND HAYS COUNTY [T1-2703]**

On February 9, 2010, the commissioners Court approved a budget amendment to collect imagery data for Hays County, that part of Guadalupe County served by San Marcos/Hays County EMS, and a two mile buffer around the rest of Hays County at a total cost of \$25,750. A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize the County Judge to sign a Contract with M. J. Harden Associates, Inc. for the collection of imagery data of 1,030 acres of land in and around Hays County contingent on review of Special Counsel. All voting "Aye". MOTION PASSED

**26855 AUTHORIZE THE PERSONAL HEALTH DEPT TO TRANSFER FUNDS WITHIN THE TITLE V MATERNAL AND CHILD HEALTH ACCOUNT IN THE AMOUNT OF \$500.00 FROM OFFICE SUPPLIES TO CONTINUING ED AND AMEND THE BUDGET ACCORDINGLY [T1-2795]**

Personal Health Department needs to transfer \$500 from Office Supplies (120-675-99-020.5211) to Continuing Ed (120-675-99-020.5551). A motion was made by Judge Sumter seconded by Commissioner Barton to authorize the Personal Health Dept to transfer funds within the Title V Maternal and Child Health Account in the amount of \$500 from Office Supplies to Continuing Ed and amend the budget accordingly. All voting "Aye". MOTION PASSED

**26856 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE NATURE CONSERVANCY FOR REAL ESTATE CONSULTATION SERVICES ASSOCIATED WITH THE COUNTY'S PARKS AND OPEN SPACE BOND PROGRAM [T1-2825]**

Pursuant to the Commissioners Court's action on or about February 3, 2010, staff has negotiated the terms of an agreement with the Nature Conservancy to assist with real estate acquisition for fulfillment of the County's Regional Habitat Conservation Plan and furtherance of the County's Parks and Open Space bond program. A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement with the Nature Conservancy for Real Estate consultation services associated with the County's Parks and Open Space Bond Program. All voting "Aye". MOTION PASSED



**26857 APPROVE LETTER TO BE SENT TO THE FIFTEEN ENTITIES/INDIVIDUALS AND STAKEHOLDERS WHO RESPONDED TO THE COUNTY'S CALL FOR PROJECTS RELATED TO PARKS AND OPEN SPACE NEEDS [T1-2936]**

Commissioner Ford spoke of letter sent out. J. B. Kolodzey made a public comment. A motion was made by Commissioner Ford seconded by Judge Sumter to approve Amended Letter to be sent to the fifteen entities/individuals and stakeholders who responded to the County's Call for Projects related to Parks and Open Space needs. All voting "Aye". MOTION PASSED

**26858 APPROVE THE PROPOSAL AND SCOPE OF WORK SUBMITTED BY BLACKMON MOORING FOR CLEANUP OF CERTAIN ELEMENTS IN THE HAYS COUNTY CORRECTIONS FACILITY; TO AUTHORIZE STAFF TO FINALIZE A CONTRACT WITH BLACKMON MOORING; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID CONTRACT [T1-1620]**

Phil Buterbaugh of Broaddus & Associates spoke. Blackmon Mooring performed the initial cleanup on the jail kitchen cooler during the month of December 2009. The scope of work in this new proposal is an extension of that work that was initially done. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve the Proposal and Scope of Work submitted by Blackmon Mooring for cleanup of certain elements in the Hays County Corrections Facility and authorize staff to finalize a Contract with Blackmon Mooring and authorize the County Judge to execute said Contract. All voting "Aye". MOTION PASSED

**26859 AUTHORIZE COMMISSIONER INGALSBE AND COMMISSIONER CONLEY TO CONTINUE TO WORK WITH ALL OF THE DOWNTOWN SAN MARCOS STAKEHOLDERS THAT ARE INVOLVED IN THE FUTURE DEVELOPMENT OF THE DOWNTOWN AREA TO CONTINUE TO WORK ON A PLAN THAT WILL PROVIDE FOR CONTINUED PROSPERITY OF THAT LOCATION ONCE HAYS COUNTY VACATES ITS PLACEMENT [T2-210]**

A motion was made by Judge Sumter seconded by Commissioner Conley to authorize Commissioner Ingalsbe and Commissioner Coley to continue to work with all of the Downtown San Marcos Stakeholders that are involved in the future development of the Downtown Area to continue to work on a plan that will provide for continued prosperity of that location once Hays County vacates its placement. All voting "Aye". MOTION PASSED

**Clerk's Note Agenda Item #24 RE: ACCEPT THE GASB 45 ACTUARIAL STUDY REGARDING POST-EMPLOYMENT BENEFITS AS PREPARED BY G.P. MONNIN CONSULTING, INC - was pulled**

**26860 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC., FOR DESIGN SERVICES ON LAKEWOOD DRIVE, A COUNTY ROAD BOND PROJECT [T2-230]**

Lakewood Drive is a county Priority road that connects several neighborhoods northwest of Buda to FM 1626 (a Pass Through Financing Bond Project). Commissioner Barton and our road consulting team selected Huitt-Zollars for the work some time ago. HDR has been negotiating the contract, which is now ready and agreed to by both parties. A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to execute a Professional Services Agreement with Huitt-Zollars, Inc. for Design Services on Lakewood Drive, a County Road Bond Project. All voting "Aye". MOTION PASSED

**DISCUSSION TO ADOPT A COUNTY RESPONSE TO THE EPA IN REGARD TO THE PROPOSED REVISION TO THE NAAQS (NATIONAL AMBIENT AIR QUALITY STANDARD) [T2-262]**

Bill Gill of CAPCOG spoke on the MSA air quality situation and what the new standard may mean to us.

**WORKSHOP REGARDING RECOMMENDATIONS FROM VETERAN'S TASK FORCE [T2-1173]**

Dee Dee Baen Human Resources Director introduced the Veteran's Task Force: Christopher Albertson, Jon Burns, Robert Elder, Gary Hale, Bryan Hannah, Mary Ann Maycen, Joan Nesvold, Jude Prather, David Wilson and Mike Mendoza (Advisor) and Dr. Jim Bell (Facilitator). Dr. Jim Bell spoke. On November 10, 2009, Hays County Commissioners Court approved the creation of a Veteran's Task Force that would prepare and submit suggested Goals and Recommendations to the Court to use as they search for and hire a permanent Hays County Veteran's Service Officer (VSO). Many recommendations were suggested to the court. The court will bring this item back at a later date.



**26861 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING APPLICATIONS AND THE PARKS AND OPEN SPACE ADVISORY BOARD'S RECOMMENDATION OF CANDIDATES FOR PARTICIPATION IN THE COUNTY'S PARKS AND OPEN SPACE BOND PROGRAM. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T2-2546]**

Court convened into closed executive session at 4:05 p.m. and reconvened into open meeting at 4:45 p.m. With to following action taken. **A motion was made by Commissioner Conley seconded by Commissioner Ford for the County (Laureen Chernow) to put together a packet to release the properties and the names on the call for projects for Parks and Open Space to include summaries(submitter, prop name, location) of what was submitted on each project and run it through the Court and then as a press release. All voting "Aye". MOTION PASSED**

**26862 APPROVE CONSTRUCTION PROJECTS IN HAYS COUNTY SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL [T1-1575]**

Phil Buterbaugh of Broaddus & Associates spoke of renovations done at the Hays County Jail kitchen and gave a handout. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve the Proposal and Scope of Work submitted by JE DUNN for kitchen renovation at the Hays County Jail cleanup of certain elements in the Hays County Corrections Facility; authorize staff to finalize a Contract with J E Dunn Construction and authorize the County Judge to execute said Contract and alternates to add ADA compliant restrooms and courtyard #1 & #2 in the amount of \$597,980. All voting "Aye". MOTION PASSED** Bob Hinkle of Broaddus & Associates spoke of update on Government Center and gave a preconstruction deliverable activity calendar, a plat review report and a preliminary design. Bob Hinkle spoke of Development Agreement being submitted to the City of San Marcos, once the City has approved the agreement the replat will be submitted. Commissioner Ingalsbe spoke of display board in the rotunda for public display.

**DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW [T1-1398]**

Jeff Watson of HNTB updated the court on the progress of the Hays County Pass Through Financing Program. FM 1626 Southern Section (FM 2270 to FM 967) – Klotz; FM 1626 Northern Section (FM 967 to Brodie Lane) – Jacobs; FM 110 (IH 35 to SH 123) – S&B Infrastructure; US 290 (Nutty Brown Road to (Trautwein Road) – Under Construction; IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass); IH 35 Phase IIA (RM 150 Realignment) – URS; IH 35 Phase IIB (FM 1626 to Yarrington) – CP&Y; FM 2010 (Frontage Road Connector). Jeff Watson spoke of receiving first check by June 2010.

**DISCUSSION TO ACCEPT OR REJECT CAMPO'S RECOMMENDATION FOR BOARD COMPOSITION [T2-2770]**

Court discussed the different Tables but didn't make any decisions. CAMPO will meet again on March 1, 2010 and Court will discuss this item at another meeting.

**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 FEBRUARY 16, 2010.**



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

