



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 23RD DAY OF FEBRUARY A.D., 2010, 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. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26863 ADOPT A PROCLAMATION IN MEMORY OF U.S. ARMY CAPTAIN PAUL PENA

[T2-1400] Each member of the court gave their condolences and appreciation to Mrs. Pena and her son Paul Pena. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Proclamation in Memory of U. S. Army Captain Paul Pena. All voting "Aye". MOTION PASSED

26864 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$824,216.11 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26865 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 16, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of February 16, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26866 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LOWDEN EXCAVATING, INC., IN THE AMOUNT OF \$38,000.00 FOR REPLACEMENT OF TURF AREAS AT FIVE MILE DAM PARK

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with Lowden Excavating, Inc., in the amount of \$38,000 for replacement of turf areas at Five Mile Dam Park. All voting "Aye". MOTION PASSED

26867 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

Goodwill has expressed an interest in receiving computer equipment from the county and IT has stripped the equipment of useable parts – the equipment would be disposed as worthless pursuant to LGC 263.152 and sent to Goodwill for recycling. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Information Technology to dispose of computer equipment as requested. All voting "Aye". MOTION PASSED

26868 AUTHORIZE RENEWAL OF BID #2008-B08 "ANNUAL ROAD STRIPING" FOR ONE ADDITIONAL YEAR AS PROVIDED IN ORIGINAL BID

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Renewal of Bid #2008-B08 "Annual Road Striping" for one additional year as provided in original bid. All voting "Aye". MOTION PASSED



26869 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM RON HOOD, CONSTABLE PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept the Annual Racial Profiling Report from Ron Hood, Constable Precinct 4. All voting "Aye". MOTION PASSED

26870 ACCEPT DONATED FUNDS IN THE AMOUNT OF \$100.00 TO THE SHERIFF'S OFFICE AND DEPOSITED INTO LINE ITEM 052-618-00.4610

County Auditor Bill Herzog advised that the budget amendment for this item will be for revenue and expense. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept donated funds in the amount of \$100 to the Sheriff's Office and deposit it into line item 052-618-00.4610 (Contributions). All voting "Aye". MOTION PASSED

26871 RE-SUBDIVISION OF A 10.13 ACRE PORTION OF LAND, RIVER OAKS OF WIMBERLEY, UNIT 1, SECTION 2 [08-3-58, 3 LOTS] - HOLD PUBLIC HEARING AND APPROVE FINAL PLAT [T1-58]

Judge Sumter declared the public hearing open. David Glenn made public comment. The public hearing was closed. This 10.13 acre parcel is an unnumbered lot adjacent to Lot 25 Unit 2 Section 2 which is proposed to be divided into 3 new lots of 2, 4 & 4.124 acres in size. The original application for platting has been on file for over one year. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of Re-subdivision of a 10.13 acre portion of land, River Oaks of Wimberley Unit 1, Section 2. All voting "Aye". MOTION PASSED

26872 RE-PLAT OF LOTS 33 & 34 MUSTANG VALLEY SUBDIVISION SECTION 4 [10-3-3, 3 LOTS] - APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON MARCH 23, 2010 [T1-347]

Programs Manager of Development Services Clint Garza gave staff recommendation for preliminary plan approval. Jim McMeans made public comment. Discussion was had regarding water availability and need to look at the new development rules and possible moratorium regarding resubdivisions. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan and call for a public hearing on March 23, 2010 for Re-plat of lots 33 & 34 Mustang Valley Subdivision Section 4. All voting "Aye". MOTION PASSED

26873 DARLINGS HILL SUBDIVISION [9-3-36, 2 LOTS] APPROVE PRELIMINARY PLAN [T1-850]

Programs Manager of Development Services Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan of Darlings Hill Subdivision. All voting "Aye". MOTION PASSED

26874 DOWNSTREAM SUBDIVISION [9-4-31, 6 LOTS] - APPROVE PRELIMINARY PLAN [T1-902]

Programs Manager of Development Services Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan of Downstream Subdivision. All voting "Aye". MOTION PASSED

26875 POSTPONE ACTION TO REJECT OR ACCEPT CAMPO'S RECOMMENDATION FOR BOARD COMPOSITION [T1-983]

Jeff Mills (CAMPO Board Travis County Small Cities Representative) urged rejection of the recommended board composition. Judge Sumter spoke of the various options. There was concern over reducing the size of the board. Joe Cantalupo, CAMPO Executive Director, explained the various options. Small City representative would be deleted from the board - County Officials would represent those small cities. State representatives were deleted - Bastrop and Caldwell County representatives were added. A motion was made by Commissioner Barton, seconded by Commissioner Conley to table action regarding CAMPO's recommendation for Board Composition with action to be taken no sooner than three weeks from today and no later than the first week in April. All voting "Aye". MOTION PASSED



26876 APPROVE AN ADVANCE FUNDING AGREEMENT FOR HAYS COUNTY FOR THE FM 110 PROJECT [T1-2594]

Re: Local Transportation Project Advance Funding Agreement for a SAFETEA-LU Project (On State System). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve an Advance Funding Agreement for Hays County for the FM 110 Project. All voting "Aye". MOTION PASSED

26877 RE-APPOINT ANDREW CABLE TO THE ESD #7, ACCEPT RESIGNATION OF MARK EVANS AND APPOINT MIKE FLORIANI AS HIS REPLACEMENT ON THE BOARD

[T1-2687] A motion was made by Commissioner Conley, seconded by Commissioner Ford to re-appoint Andrew Cable to the ESD #7, accept resignation of Mark Evans, and appoint Mike Floriani as his replacement on the board. All voting "Aye". MOTION PASSED

26878 AUTHORIZE COUNTY JUDGE TO SIGN A DATA SHARING AGREEMENT WITH THE TEXAS WORKFORCE COMMISSION ALLOWING INTERESTED HAYS COUNTY CONSTABLES AS LAW ENFORCEMENT ENTITIES TO ACCESS INFORMATION CONTAINED IN UNEMPLOYMENT INSURANCE RECORDS TO AID THEM IN SERVING OUTSTANDING WARRANTS AND CITATIONS AND AMEND THE BUDGET ACCORDINGLY [T1-2727]

Constable Pct. 1 David Peterson spoke of the service that would be provided. Discussion was had regarding confidentiality. Discussion was had in regards to liability issues. To be funded from contract services in Constable Pct. 4 (\$400) and from community program expense line item (\$300) in Commissioner Pct. 1 budget. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize County Judge to sign a Data Sharing Agreement with the Texas Workforce Commission allowing interested Hays County Constables as Law Enforcement Entities to access information contained in unemployment insurance records to aid them in serving outstanding Warrants and Citations – contract to be for five months beginning May 2010 - and amend the budget accordingly. All voting "Aye". MOTION PASSED

26879 AUTHORIZE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROGERS DESIGN SERVICE FOR ADDITIONAL ENGINEERING AND SURVEYING ON MT. GAINOR ROAD [T2-1183]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize County Judge to execute a Professional Services Agreement with Rogers Design Service for additional Engineering and Surveying on Mr. Gainor Road. All voting "Aye". MOTION PASSED

26880 AUTHORIZE BROADDUS AND ASSOCIATES TO SELECT AND NEGOTIATE A BEST VALUE CONTRACT FOR RFP #2010-P03 (VOIP/BROADBAND) [T2-1]

Terry Whitman (Broaddus & Associates) spoke of proposals for countywide communication system. IT Director Jeff McGill spoke of remote sites – current data network is unreliable in remote locations and the current data network has reached its bandwidth limitations in many locations. The proposed VoIP/Broadband solutions will result in lower monthly costs for phone system, resolve reliability and bandwidth issues, eliminate long distance charges between county offices, reduce long distance charges via preferred routing (Hays County to Austin exchange) and provide redundancy/survivability within the network. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Broaddus and Associates and/or Special Counsel Mark Kennedy to select and negotiate a best value Contract for RFP #2010-P03 (VOIP/BROADBAND). All voting "Aye". MOTION PASSED

26881 ACTION TO FORM A COMMITTEE TO EVALUATE THE CURRENT TRANSPORTATION SYSTEM OF THE COUNTY'S VETERANS ADMINISTRATION

[T2-1203] Commissioner Ingalsbe recommended members of the committee be: HR Dept., Grants Dept., Auditor's office, Legal Counsel, 1 end User, 1 member of the Task Force, VA Officer, and a member of the Commissioners Court (Commissioner Conley volunteered). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to form a Committee to evaluate the current transportation system of the County's Veterans Administration consisting of a representative from Human Resources Dept. Grants Department, Auditor's office, Legal Counsel, 1 end user, 1 member of the task force, VA Officer, and Commissioner Conley. All voting "Aye". MOTION PASSED



EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY JEANNE SCHAFFER AND CHRISTOPHER YBARRA. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T2-1396]

Court convened into closed executive session at 1:55 p.m. and reconvened into open meeting at 2:25 p.m. No action taken.

26882 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ACQUISITION OF PROPERTIES RELATED TO COUNTY RIGHT OF WAY AND ROADWAYS WITH ACTION [T2-1339]

Court convened into closed executive session at 1:40 p.m. and reconvened into open meeting at 1:50 p.m. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commissioner Barton to make an administrative settlement offer of \$175,000 based on recommendation of our team and further that we find that this offer is reasonable, justified, and in the public interest of Hays County. This action involves Parcel #8 along IH35 (project limits are from FM2001 to FM1626 – property owner is Foulkrod Business Park Ltc. All voting “Aye”. MOTION PASSED

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 [T2-731]

Terry Whitman (Broadus & Associates) gave an update of work being done on the government center – in the process of getting plat approved by City of San Marcos and various other meetings. Brenda Jenkins (Broadus & Associates) gave an update on the Law Enforcement Center construction and project-related costs.

Clerk’s Note: Agenda Item #23 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.

Clerk’s Note: Agenda Item #24 RE: ADOPT A RESOLUTION APPROVING NOTICE OF PUBLIC MEETING REGARDING A BOND ISSUE BY ASCENSION HEALTH SENIOR CREDIT GROUP UNDER CHAPTER 1, SECTION 147 OF THE INTERNAL REVENUE was PULLED. No discussion and no action taken.

Court was adjourned.

I, LINDA C. FRITSCH, 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 23, 2010.



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

