



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 16TH DAY OF MARCH 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. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26912 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$1,101,988.78 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26913 APPROVE COMMISSIONER COURT MINUTES OF MARCH 9, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of March 9, 2010 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26914 ACCEPT COMMERCIAL OSSF PERMIT FOR K & J WOODWORKS FOR A WOODWORKING SHOP LOCATED AT 86 S. OLD SPANISH TRAIL, UHLAND, IN PRECINCT 2

James Kickertz is proposing an OSSF to serve a 35,000 square foot woodworking shop located at 86 S. Old Spanish Trail, Umland, TX 78610, in Pct 2. The property is 10 acres. It is an Aerobic Treatment Unit utilizing surface irrigation for dispersal that was designed by Stan Burrier, P.E. The On Site Sewage Facility is designed for a maximum wastewater flow of 280 gpd. The water supply is a Public Water Supply. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept Commercial OSSF Permit for K & J Woodworks for a woodworking shop located at 86 S. Old Spanish Trail, Umland, in Precinct 2. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26915 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT ADJUSTMENT NOTICE (GAN) FOR THE TEXAS DIVISION OF EMERGENCY MANAGEMENT, HOMELAND SECURITY GRANT PROGRAM AWARD #07-GA-48209-04

This grant was accepted by the Commissioners Court on October 30, 2007 and the grant term expired on February 28, 2010. The Grant Adjustment Notice is for the funding amount reconciliation to close out the project, and will result in a net deduction of \$304.43 from the award amount. No budget amendment is necessary. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Grant Adjustment Notice (GAN) for the Texas Division of Emergency Management, Homeland Security Grant Program Award #07-GA-48209-04. All voting "Aye". MOTION PASSED

26916 ACCEPT DONATED FUNDS IN THE AMOUNT OF \$500.00 TO THE SHERIFF'S OFFICE AND DEPOSIT INTO LINE ITEM 052-618-00.4610 (CONTRIBUTIONS)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept donated funds in the amount of \$500 to the Sheriff's Office and deposit into line item 052-618-00.4610 (Contributions). Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED



26917 ACCEPT LEOSE PAYMENT TO THE FIRE MARSHALL AND BUDGET AS CONTINUING EDUCATION EXPENSE

Fire Marshall applied for and received LEOSE educational funds from the state: this will budget into his line item. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept LEOSE Payment to the Fire Marshall and budget as Continuing Education expense. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26918 APPROVE ADDITIONAL FUNDS FOR CONTINUING EDUCATION FOR JUSTICE OF THE PEACE PCT 2 AND AMEND THE BUDGET ACCORDINGLY

Continuing Ed Line is \$0.00; this will allow balance of Judge's expenses for training, and (3) clerks' training later this spring. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve additional funds for Continuing Education for Justice of the Peace Pct 2 and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26919 APPROVE THE OCTOBER & NOVEMBER 2009 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the October & November 2009 Treasurer's Reports and Investment Reports. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26920 EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WOODCREEK FOR REPAIR AND MAINTENANCE OF ROADWAYS IN WOODCREEK [T1-30]

A motion was made by Commissioner Conley, seconded by Judge Sumter to execute an Interlocal Agreement between Hays County and the City of Woodcreek for repair and maintenance of roadways in Woodcreek. All voting "Aye". MOTION PASSED

26921 AUTHORIZE THE PURCHASE OF 3 LAPTOP COMPUTERS, 1 DESKTOP COMPUTER AND SOFTWARE FOR USE BY THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE, AND TO AMEND THE BUDGET ACCORDINGLY [T1-139]

Special Counsel Mark Kennedy explained equipment needs for the district attorney's office. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the purchase of 3 laptop computers, 1 desktop computer and software for use by the Hays County Criminal District Attorney's Office, and to amend the budget accordingly from salary savings in an amount not to exceed \$7,715.43. All voting "Aye". MOTION PASSED**

26922 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH LAND DESIGN PARTNERS FOR SERVICES RELATED TO THE FIVE MILE DAM PARK PROJECT, PHASE II [T1-231]

The initial Agreement for Phase II services by LDP was authorized by Commissioners Court on February 3, 2009 in the amount of \$46,000 for document preparation, bidding, and construction administration. The agreement being considered today involves additional services related to assistance associated with a trail grant received by the City of San Marcos, coordination with contractors/vendors for additional work at the park, and additional construction administration/site observations associated with the extension of the time for construction completion. The fee for these services amounts to \$9,350 which is available from funds budgeted for this project by the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an Additional Services Agreement with Land Design Partners for services related to the Five Mile Dam Park Project, Phase II. All voting "Aye". MOTION PASSED**



26923 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING DEDICATION OF WOODCREEK NORTH ROADWAYS BETWEEN HAYS COUNTY, THE WOODCREEK PROPERTY OWNERS ASSOCIATION OF HAYS COUNTY, INC., AND WIMBERLEY SPRINGS PARTNERS, LTD [T1-371]

DuAnne Redus (Woodcreek Property Owners Association), Jim Westbrook (Woodcreek North Property Owners), and Bill Bradfield made public comment in support of the MOU. The Parties to the MOU have been negotiating with the assistance of Hays County staff, to establish a fair estimation of costs associated with preliminary improvements that would bring the Woodcreek North roadways into substantial compliance with Hays County specifications. Per the MOU, once payment for those improvements is made, Hays County would accept dedication of the roadways and begin maintaining the roadways regularly. Commissioner Conley spoke of petitions and resolutions presented to him. Special Counsel Mark Kennedy spoke of minor changes that were made in the agreement. Judge Sumter advised that she will abstain from voting because she owns property in one of these subdivisions. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Understanding regarding dedication of Woodcreek North Roadways between Hays County, the Woodcreek Property Owners Association of Hays County, Inc. and Wimberley Springs Partners, Ltd. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter abstained. MOTION PASSED**

26924 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ENGAGEMENT LETTER WITH WINSTEAD, PC, FOR LEGAL COUNSELING SERVICES TO BE COORDINATED WITH THE CIVIL DIVISION OF THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE [T1-1005]

Special Counsel Mark Kennedy spoke in support of the engagement letter. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute an Engagement Letter with Windstead, PC, for legal counseling services to be coordinated with the Civil Division of the Hays County Criminal District Attorney's Office related to pending litigation. All voting "Aye". MOTION PASSED**

26925 DECLARE AN EMERGENCY AND AMEND THE BUDGET TO PROVIDE ADDITIONAL FUNDS FOR CONTRACT INMATE DETENTION FOR THE JAIL [T1-304]

Sheriff Deputy Brad Robinson explained the situation at the jail. Due to the State mandate, Hays County has moved additional inmates per our contract at various times in order to continue the construction/repairs at the Jail. In four months they have expended the whole year's budget, and between the Jail staff and Auditor's Office, they are recommending an additional amount of \$300,000 be approved to Contract Inmate Detention from reserves. **A motion was made by Judge Sumter, seconded by Commissioner Ford to declare an emergency and amend the budget to provide additional funds for Contract Inmate Detention for the Jail. All voting "Aye". MOTION PASSED**

26926 APPROVE OFFICIAL HAYS COUNTY COMMENTS TO US ENVIRONMENTAL PROTECTION AGENCY ON THE PROPOSED NEW NATIONAL AMBIENT AIR QUALITY STANDARD [T1-1061]

Commissioner Ford went through proposed comments to be submitted (voluntary actions and planning for alternative transportation, protective ozone standard is appropriate, impacts from outside the MSA, more stringent vehicle engine and fuel standards, alternative to a metropolitan area designation, voluntary compliance efforts, increase accuracy of monitoring data, and compliance with the secondary ozone standard. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Official Hays County comments to US Environmental Protection Agency on the proposed New National Ambient Air Quality Standard. All voting "Aye". MOTION PASSED**

26927 APPROVE COURTS INTENTION TO GRANT A VARIANCE FROM CHAPTER 721, SUBCHAPTER 5 OF THE CURRENT HAYS COUNTY DEVELOPMENT REGULATIONS FOR THE POTENTIAL HALL ESTATES SUBDIVISION [T1-1281]

Clint Garza explained the proposed development. It is a proposed division of 18.4 acres of land located off RR12 in Pct. 4. It will result in 4 newly platted lots with access from an existing driveway. The developer is seeking a variance from the Shared Access Driveway standards. TxDot has approved the location of the shared drive and configuration of the lots in the proposed subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to courts intention to approve a variance from Chapter 721, Subchapter 5 of the current Hays County Development Regulations for the potential Hall Estates, all other things being equal as they were presented today including the commitment of the land owner to provide sub surface wastewater disposal. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". 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 [T1-2412]

Court convened into closed executive session at 2:00 p.m. and reconvened into open meeting at 2:05 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY JAMES SKIPTON. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 11:40 a.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO HAYS COUNTY'S ARCHITECTURAL SERVICES CONTRACT WITH PBS&J. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 11:40 a.m. and reconvened into open meeting at 11:50 a.m. No action taken.

26928 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 RIGHT OF WAY AND ROADWAYS TO COUNTY ROAD PROJECTS. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-2351]

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 12:05 p.m. Special Counsel Mark Kennedy explained that the professional services that we would get would be from the list of real estate agents and would be for small right-of-way acquisition projects where we are not performing an appraisal but where we need to get to a fair market value. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize Special Counsel to coordinate with Purchasing to get a list of real estate agents and to work with staff to acquire professional services for small right-of-way acquisitions in an amount not to exceed \$500 per transaction. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF DIRECTOR OF RESOURCES, PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 3:10 p.m. and reconvened into open meeting at 4:25 p.m. No action taken.

Clerk's Note: Agenda Item #22 RE: 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 was PULLED.

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW [T1-1770]

Mike Weaver (Prime Strategies) gave a progress report on the Hays County Pass Through Financing Program regarding FM1626 southern section (FM2270 to FM967), FM 1626 northern section (FM967 to Brodie Lane), FM110 (IH35 to SH123), US 290 (Nuttly Brown Road to Trautwein Road), IH 35 Phase I (FM2001 to FM1626 & Kyle Crossing/CR210 Overpass), IH35 Phase IIA (RM150 realignment), IH 35 Phase IIB (FM1626 to Yarrington), and FM 2001 (frontage road connector). Jeff Curren (HDR) gave progress report on US290 (RM12 to MdGregor), RM 12 @ Sports Park Drive, RM1826 @ Nutty Brown Road, RM1826 @ Crystal Hill Drive, RM1826 @ Darden Hill Rod, RM1826 @ RM967, RM2325 to Carney Lane, RM12 @ Old Kyle Road, RM12 & RM32 junction, RM12 Parkway Development, RM12 @ Hugo Road, RM12 @ Sink Creek, Old Bastrop Highway, SH21 @ High Road, SH21 @ FM2001, SH21 @ Rohde Road, Dacy Lane (Beebe to Windy Hill), Lime Kiln Road @ Sink Creek, Post Road, Lakewood Drive @ FM1626, RM967 @ Ruby Ranch Road, Utility Coordination PSA's, and ROW PSA.



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 MARCH 16, 2010.



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

