



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 27TH DAY OF APRIL 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 Ford gave the invocation and led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Woodcreek Mayor Eric Eskelund made public comment regarding the Jacob's Well Open Space Project. Jane Hughson (board member of Hays County Food Bank), Jerry Gracy (Executive Director of the Hays County Food Bank), Elisa Laraia (volunteer at the Food Bank), John Celletti (former volunteer at the Food Bank) made public comment regarding the Hays County Food Bank.

27019 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoice in the amount of \$895,795.74 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27020 APPROVE COMMISSIONER COURT MINUTES OF APRIL 20, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of April 20, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27021 APPROVE SPECIFICATIONS FOR RFQ #2010-P10 CONSTRUCTION MATERIALS TESTING AND INSPECTION SERVICES FOR HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE PURCHASING TO SOLICIT FOR RFQ AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for RFQ #2010-P10 construction materials testing and inspection services for Hays County Government Center and authorize Purchasing to solicit for RFQ and advertise. All voting "Aye". MOTION PASSED

27022 APPROVE AWARD OF BID #2010-B09 EMULSION OILS TO MULTIPLE VENDORS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of bid #2010-B09 emulsions oils to multiple vendors. All voting "Aye". MOTION PASSED

27023 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve utility permit #812 on Maybrook Dr issued to Southwest Water, permit #813 on Cascade Trail issued to PEC as submitted by the County Road Department. All voting "Aye". MOTION PASSED

27024 PARTIAL VACATE AND REPLAT OF LOT 1, CEDAR CREST SUBDIVISION [10-3-6, 2 LOTS] APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING [T1-304]

Programs Manager Development Services, Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan and call for a public hearing on May 25, 2010 for a partial vacate and replat of Lot 1 Cedar Crest Subdivision. All voting "Aye". MOTION PASSED



27025 RE-SUBDIVISION OF LOT 42, LEDGEROCK SUBDIVISION [10-3-4, 2 LOTS] HOLD A PUBLIC HEARING AND APPROVE FINAL PLAT [T1-405]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. Programs Manager 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 Lot 42 Ledgerock Subdivision. All voting "Aye". MOTION PASSED**

27026 SETTLERS RIDGE SUBDIVISION [10-3-3, 5 LOTS] APPROVE FINAL PLAT [T1-430]

Programs Manager Development Services Clint Garza gave staff recommendation for approval of final plat. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of Settlers Ridge Subdivision. All voting "Aye". MOTION PASSED**

27027 DEEP SKIES RANCH SUBDIVISION [9-4-35, 1 LOT] APPROVE FINAL PLAT [T1-462]

Programs Manager Development Services Clint Garza gave staff recommendation for approval of final plat. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Deep Skies Ranch Subdivision. All voting "Aye". MOTION PASSED**

27028 RE-SUBDIVISION OF LOT 63, ROLLING OAKS SUBDIVISION, SECTION 3 (10-4-7, 4 LOTS) CALL FOR PUBLIC HEARING ON MAY 25, 2010 AND APPROVE VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS 725.3.02 AND OSSF REGULATIONS SECTION 10.1 AND APPROVE PRELIMINARY PLAN [T1-482]

Programs Manager Development Services Clint Garza gave staff recommendation for approval of preliminary plan. Discussion was had regarding septic system. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on May 25, 2010 with condition to approve a variance (conditioned on requirement form LPD system on the lots or some equivalent protection) from Hays County Development Regulations 753.3.02 and OSSF Regulations Section 10.1 and approve preliminary plan for Re-Subdivision of Lot 63 Rolling Oaks Subdivision Section 3. All voting "Aye". MOTION PASSED**

27029 COMANCHE WATERS SUBDIVISION [10-3-05, 3 LOTS] APPROVE FINAL PLAT [T1-643]

Programs Manager Development Services Clint Garza gave staff recommendation for approval of final plat. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of Comanche Waters Subdivision. All voting "Aye". MOTION PASSED**

27030 GRANT VARIANCE TO HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO KENZI GUERRERO, OWNER OF A 8.70 ACRE TRACT LOCATED OFF OF OLD BASTROP RD [T1-684]

Programs Manager Development Services Clint Garza spoke of variance request and recommended approval. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to grant variance to Hays County Development Regulations Chapter 715 Subchapter 4.01 to allow permitting of an On Site Sewage Facility and development permit to Kenzi Guerrero owner of a 8.70 acre tract located off of Old Bastrop Road with condition of filing of affidavit and following the required process. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda item #13 RE: DISCUSSION OF A PRE-TRIAL BOND SUPERVISION PROGRAM was PULLED.

DISCUSSION REGARDING FY2011 BUDGET CALENDAR [T2-1792]

Judge Sumter spoke of adjustments made to the budget calendar. Every Monday and Thursday in July – except July 5th (full days).



DISCUSSION REGARDING CLARIFYING SIGNATORY AUTHORITY ON CONTRACTUAL AGREEMENTS BY PUBLIC OFFICIALS AND DEPARTMENT HEADS [T2-1311]

Special Counsel Mark Kennedy spoke of need to clarify authority of Commissioners, RTP Director, Juvenile Detention Director, etc. to sign contracts on behalf of the county. Court discussed liability if contracts were not reviewed properly or were not standard county agreement templates already approved by the court. Grants Administrator Jeff Hauff spoke of need to be able to enter into contracts for grants with short deadlines. Judge Sumter suggested having a meeting with department heads regarding contracts.

27031 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT, TEXAS RECREATIONAL TRAILS FUND FOR UP TO \$100,000.00 FOR DEVELOPMENT OF THE DAHLSTROM RANCH PUBLIC ACCESS AREA [T2-489]

Grants Administrator Jeff Hauff spoke. The funds will be used to assist in the development of both ADA and non-ADA trails, benches, interpretive signs, and the parking area, as well as assistance with natural resource assessment/design costs for the Dahlstrom Ranch Public Access area. The matching share from Hays County has already been allocated from Park Bond funds dedicated to the project. J. B. Kolodzey made public comment. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a Grant Application to the Texas Parks and Wildlife Department, Texas Recreational Trails Fund for up to \$100,000 for development of the Dahlstrom Ranch Public Access Area with matching funds to come from Park Bond funds already allocated. All voting "Aye". MOTION PASSED**

27032 AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE AN RFP #2010-P12 FOR A COUNTY-WIDE WIRELESS COMMUNICATION SYSTEM [T2-271]

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Purchasing to solicit for bid and advertise an RFP #2010-P12 for a county-wide wireless communication system. All voting "Aye". MOTION PASSED

27033 ADOPT A RESOLUTION IN SUPPORT OF TRAVIS COUNTY'S APPLICATION FOR PASS-THROUGH FINANCE FUNDING FOR IMPROVEMENTS TO FM 1626 IN TRAVIS COUNTY, A ROAD LINKING HAYS AND TRAVIS COUNTIES [T2-1100]

Commissioner Barton spoke of extension of FM 1626 in Travis County. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to adopt a Resolution in support of Travis County's Application for Pass-Through Finance Funding for improvements to FM 1626 in Travis County, a road linking Hays and Travis Counties. All voting "Aye". MOTION PASSED**

27034 APPROVE THE REMOVAL AND REPLACEMENT OF AWNING COVERS AT THE ANNEX BUILDING [T2-312]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the removal and replacement of awning covers at the Annex Building in an amount not to exceed \$4200 to be paid out of contingency funds. Commissioner Barton not present to vote. All present voting "Aye". MOTION PASSED

27035 PURCHASE NECESSARY EQUIPMENT FOR THREE PATROL VEHICLES IN THE SHERIFF'S OFFICE [T1-760]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to purchase necessary equipment for three patrol vehicles in the Sheriff's Office. All voting "Aye". MOTION PASSED

27036 AUTHORIZE THE PURCHASE OF A REPLACEMENT FORK LIFT (USED) FOR THE SHERIFF'S OFFICE [T1-766]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the purchase of a replacement fork lift (used) for the Sheriff's Office. All voting "Aye". MOTION PASSED



27037 CLARIFY AND AMEND THE EXISTING AGREEMENT BETWEEN HAYS COUNTY AND THE NORTH HAYS OPTIMISTS, INC. RELATED TO THE USE OF 2007 PARKS BOND FUNDS FOR IMPROVEMENTS TO SPORTS FIELDS IN PRECINCT 1 [T1-790]

Special Counsel Mark Kennedy spoke of previous action by the court and changes being made in the amendment. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to clarify and amend the existing Agreement between Hays County and the North Hays Optimists, Inc. related to the use of 2007 Parks Bond Funds for improvements to sports fields in Precinct 1 as follows: (1) Sec. 2.1 - change expiration date from 4/17/10 to 12/31/10, (2) Sec. 3.2a – reword to say “the amount being requested complies with the agreement between the parties that Hays County shall fund a total of \$581,000,00 in return for operator’s contribution of \$560,000.00 in matching or in-kind funds”, (3) Exhibit B project description - add 2 concession buildings, one of which shall contain 2 ADA compliant bathrooms and a remodel of the existing office trailer. All voting “Aye”. MOTION PASSED

27038 ACCEPT THE ADVANCE FUNDING AGREEMENT – CSJ # 0285-03-043 FOR RM 12 AND RM32 AND TO AUTHORIZE THE COUNTY JUDGE TO SIGN THE AGREEMENT [T1-916]

A motion was made by Commissioner Conley, seconded by Judge Sumter to accept the Advance Funding Agreement – CSJ #0285-03-043 for RM 12 and RM 32 and to authorize the County Judge to sign the Agreement. All voting “Aye”. MOTION PASSED

27039 AUTHORIZE THE HAYS COUNTY MAINTENANCE DEPARTMENT TO RENOVATE THE HAYS COUNTY FOOD BANK FACILITY [T2-360]

Special Counsel Mark Kennedy spoke of lease agreement between the county and the food bank. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the Hays County Maintenance Department to renovate the Hays County Food Bank Facility. Commissioner Barton not present to vote. All present voting “Aye”. MOTION PASSED

27040 APPROVE THE MOST CURRENT VERSION OF THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T2-657]

Commissioner Conley spoke of the Hays County Regional Habitat Conservation Plan. Cliff Ladd spoke. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commissioners Conley and Ford to represent the Commissioners Court in on-going negotiations with the U.S. Fish & Wildlife Regional office to complete the final wrap up of the Hays County Regional Habitat Conservation Plan. All voting “Aye”. MOTION PASSED

27041 APPROVE AN ONGOING APPRECIATION PROGRAM WITH THE PROCEEDS TO BE USED FOR AN EMPLOYEE CHRISTMAS PARTY [T2-1140]

A motion was made by Judge Sumter , seconded by Commissioner Barton to approve an ongoing appreciation program with the proceeds to be used for an employee Christmas Party . All voting “Aye”. MOTION PASSED

CRIMINAL JUSTICE SYSTEM ASSESSMENT AND JAIL POPULATION STUDY FOR HAYS COUNTY AS PREPARED BY MGT OF AMERICA, INC. AND THE JFA INSTITUTE, IN COOPERATION WITH BROADDUS & ASSOCIATES [T1-930]

Commissioner Barton spoke of the comprehensive study of our jail and justice system by MGT. Natasha Wagner, Margo Frazier (former Travis County Sheriff), and Dr. Jim Austin appeared representing MGT. A powerpoint presentation was provided indicating comparative trends, justice system processes, jail population projections, information management, and alternatives to incarceration. Brenda Jenkins (Broaddus & Associates) advised that the jail has structural integrity and renovation is possible and addition of 96 beds. Sheriff Tommy Ratliff spoke. Brenda Jenkins spoke of recent renovations to the jail kitchen and roof repairs. Margo Frazier spoke of importance of pretrial services, etc. to get cases through the system quicker. [T2-149] A motion was made by Commissioner Barton to accept the final Criminal Justice System Assessment and Jail Population Study for Hays County. Judge Sumter, Commissioner Ford, and Commissioner Conley requested more time to review the study. Motion was withdrawn.



EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO THE JACOB'S WELL OPEN SPACE PROJECT

Court convened into closed executive session at 2:20 p.m. and reconvened into open meeting at 4:10 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 WILLIAM MONTAGUE

Court convened into closed executive session at 5:35 p.m. and reconvened into open meeting at 6:25 p.m. No action taken.

Clerk's Note Agenda Item #30 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. POSSIBLE ACTION MAY FOLLOW – was pulled.*

Court was adjourned.

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 APRIL 27, 2010.



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

