



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 11TH DAY OF MAY 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:

Rev. Santiago Heredia, Pastor of El Buen Church in San Marcos gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Clerk's Note: Agenda Item #1 RE: HAYS COUNTY EXTENSION UPDATE ON PROGRAMS was PULLED.

27058 ADOPT A PROCLAMATION DECLARING MAY 15, 2010 AS KIDS DAY AMERICA/WORLDWIDE IN HAYS COUNTY

A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a Proclamation declaring May 15, 2010 as Kids Day America/Worldwide in Hays County. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #3 Re: ADOPT A PROCLAMATION RECOGNIZING BOB KIDNEW AND TEXAS LEHIGH CEMENT COMPANY AS A RECENT RECIPIENT OF A TEXAS ENVIRONMENTAL EXCELLENCE AWARD IN THE LARGE BUSINESS/NON-TECHNICAL AREA was PULLED

PUBLIC COMMENT

Constable Pct. 2 James Kohler made public comment regarding county health insurance.

27059 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$327,709.47 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27060 APPROVE COMMISSIONER COURT MINUTES OF MAY 4, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of May 4, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27061 ACCEPT INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/MINI STORAGE UNIT LOCATED AT 3757 HUNTER RD., SAN MARCOS. PCT-1

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Institutional OSSF Permit for an office/mini storage unit located at 3757 Hunter Rd., San Marcos in Precinct 1. All voting "Aye". MOTION PASSED

27062 ACCEPT INSTITUTIONAL OSSF PERMIT FOR EVENTS CENTER LOCATED AT 2100 FREEMAN RANCH RD., SAN MARCOS. PCT-3

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Institutional OSSF Permit for Events Center located at 2100 Freeman Ranch Rd., San Marcos in Precinct 3. All voting "Aye". MOTION PASSED



27063 ACCEPT INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/WAREHOUSE LOCATED AT 31860 RR 12 NORTH, DRIPPING SPRINGS, PCT-4

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Institutional OSSF Permit for an office/warehouse located at 31860 RR 12 North, Dripping Springs in Precinct 4. All voting "Aye". MOTION PASSED

27064 AWARD BID#2010-B08 CONSTRUCTION WORK-GREEN ACRES DRIVE REPLACEMENT BRIDGE IMPROVEMENTS AT WILSON CREEK TO MYERS CONCRETE CONSTRUCTION

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to award Bid #2010-B08 Construction Work-Green Acres Drive replacement bridge improvements at Wilson Creek to Myers Concrete Construction. All voting "Aye". MOTION PASSED

27065 AWARD BID#2010-B05 CEMETERY MAINTENANCE TO MAINTENANCE MANAGEMENT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to award Bid #2010-B05 cemetery maintenance to Maintenance Management. All voting "Aye". MOTION PASSED

27066 APPROVE ADDITIONAL FUNDS FOR REPAIR OF FIRE ALARM SYSTEM AT THE JAIL FACILITY

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve addition \$178 for repair of the fire alarm system at the Jail Facility. All voting "Aye". MOTION PASSED

27067 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve utility permit #814 on Mt. Gainor/Prochnow Road issued to Verizon Southwest; and utility permit #815 on N. Canyonwood issued to PEC as submitted by the County Road Department. All voting "Aye". MOTION PASSED

27068 APPROVE CANCELLATION OF COMMISSIONERS COURT MEETING JUNE 1, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve cancellation of Commissioners Court Meeting on June 1, 2010. All voting "Aye". MOTION PASSED

27069 THE RIDGE AT WIMBERLEY SPRINGS, SECTION 1 [10-03-09 – 1 LOT] APPROVE FINAL PLAT, ACCEPT CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE SURETY BOND FOR TWO YEARS [T1-149]

Program Manager Development Services Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat, accept construction and drainage improvements, release of the Construction Bond, and accept Maintenance Surety Bond for two years for The Ridge at Wimberley Springs Section 1. All voting "Aye". MOTION PASSED

27070 ACCEPT AND APPROVE DESIGN DEVELOPMENT DOCUMENTS AND GUARANTEED MAXIMUM PRICE PROPOSAL, AS PRESENTED BY FLYNN CONSTRUCTION AND POLKINGHORN GROUP [T1-404]

Re: RPTP Building on Yarrington Road. A powerpoint presentation was provided and a handout indicating the guaranteed maximum price proposal. Completion date is estimated to be Dec. 21, 2010. Discussion was had regarding Proposed Alternates #1-#10 equaling a total amount of \$170,150. Court went through each item under consideration: #1 Entry Vestibule was eliminated, #2 Keypads at 5 locations in lobby/Fire Marshal exit - eliminated 4 keypads and allowed 1 for Fire Marshal, #3 Folding Partitions (2 @ conference room)– court agreed to \$18,000 to put one partition and put in structure for additional, #4 Exterior Storefront Door at Break room was eliminated, #5 Future Generator Feed (not including generator or transfer switch) was approved, #6 Motorized gate with keypad was eliminated, #7 Intrusion Security System was approved, #8 13,500 gallon cistern was eliminated, #9 VRV HVAC in lieu of currently designed systems was eliminated, #10 Design of Vegetative Filter Strips was approved.



Alternates that were approved by the court: #2 approve 1 keypad for Fire Marshal, #3 approved \$18,000 to put one partition in conference room area and put in structure for additional partition, #5 Future Generator Feed = \$17,300 was approved, #7 Intrusion Security System = \$6,300 was approved, and #10 Design of Vegetative Filter Strips = \$5,000 was approved. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept and approve design development documents and Guaranteed Maximum Price Proposal, as presented by Flynn Construction and Polkinghorn Group with alternates that were approved by the court. All voting "Aye". MOTION PASSED**

27071 AMEND BUDGET FOR JP TECHNOLOGY FUND [T1-235]

JP Technology requests a transfer of \$1,000 from 112-628-00.5712 (computer equipment) to 112-628-00.5551 (continuing education). This transfer is needed to cover continuing education cost for technology related training throughout the year. **A motion was made by Judge Sumter, seconded by Commissioner Conley to amend the budget for JP Technology Fund. All voting "Aye". MOTION PASSED**

27072 AMEND BUDGET FOR HISTORICAL COMMISSION GENERAL FUND [T1-242]

Historical Commission requests a transfer of \$400 from 001-676-00.5711 (office equipment) & \$500 from 001-676-00.5491 (cemetery maintenance) to 001-676-00.5551 (continuing education). This transfer is needed to cover the cost of the Annual Historic Preservation Conference. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to amend the budget for Historical Commission General Fund. All voting "Aye". MOTION PASSED**

27073 ACCEPT DONATION OF A SECURITY CAMERA SYSTEM FROM WAL-MART FOUNDATION FOR THE PRECINCT 3 OFFICES AND TO PURCHASE A NEW FLAT SCREEN TV AMENDING THE BUDGET ACCORDINGLY [T1-248]

Request is to pay for the television by using \$270 from line item #001-637-00.5717 which contains money from the insurance claim from the vehicle that was damaged in an accident earlier this year. This equipment will replace an older TV that is failing, and is currently used as a monitor for the new security camera system and viewing video from traffic stops, evictions and for training videos. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept donation of a security camera system from Wal-Mart Foundation for the Precinct 3 Offices and to purchase a new flat screen TV and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

27074 AUTHORIZE THE COUNTY JUDGE TO APPROVE HAYS COUNTY PERSONAL HEALTH DEPARTMENT'S (HCPHD) GRANT APPLICATION FOR TITLE V MATERNITY FUNDS FOR FY 2011 IN THE AMOUNT OF \$12,000.00 [T1-300]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to approve Hays County Personal Health Department's (HCPHD) Grant Application for Title V Maternity Funds for FY 2010 in the amount of \$12,000. All voting "Aye". MOTION PASSED

DISCUSSION TO CLARIFY PROPER PROCEDURES FOR COMMISSIONERS TO HIRE TEMPORARY PERSONNEL AND/OR CONTRACT WORKERS TO PERFORM OFFICE WORK, OUTSIDE RESEARCH, AND OTHER BUDGETED ASSISTANCE IN THEIR RESPECTIVE PRECINCTS [T1-2909]

Commissioner Barton spoke of need to clarify proper procedures for hiring temporary personnel and/or contract workers to perform office work, outside research and other budgeted assistance in their respective precincts. Judge Sumter spoke of part-time workers needing to go to court for approval - hiring a researcher and/or hiring through a temp agency you would use temp personnel/research line item (fka "special projects") already budgeted. County Treasurer Michele Tuttle spoke of federal law regarding what is considered an employee. Special Counsel Mark Kennedy spoke of services agreement with a "not to exceed amount" which could be used to hire temporary personnel or use a temporary agency. HR would need to process employee type of information for payroll purposes for any temporary personnel and if you have a specific project you can use a services agreement with a "not to exceed amount" for a project with an independent contractor.

**27075 HIRE TEMPORARY HELP IN THE TREASURER'S OFFICE [T1-321]**

Michele Tuttle Hays County Treasurer spoke. Last year the Treasurer's Office had to focus on the implementation of the new financial software. The conversion took many overtime hours for several months. They fell behind on scanning, filing and other projects and have not been able to get caught up. The Treasurer is requesting temporary help. **A motion was made by Judge Sumter, seconded by Commissioner Barton to hire temporary help in the Treasurer's office not to exceed \$5,500 to come from salary savings. All voting "Aye". MOTION PASSED**

27076 ELIMINATE A DETECTIVE POSITION AND TO REPLACE IT WITH A SERGEANT'S POSITION IN THE SHERIFF'S OFFICE [T1-348]

The Sheriff would like to restructure CID (Criminal Investigations) by creating two "squads" each supervised by a Sergeant. Currently, one Sergeant in CID is supervising 10 detectives and a few warrant officers and other personnel – or about 14 officers. The department's goal is to limit span of control to one manager per 5-7 peace officers, which they say would be more within industry standards and would improve management efficiency. While the department has made some changes to CID, management ratio of front-line officers and caseloads can't improve without adding a management person in CID. To achieve this, the sheriff and Capt. Davenport are recommending the elimination of one detective position. That position would be replaced by a CID Sergeant. The Sheriff's Office can cover the full cost of the remaining months this year – somewhere between \$1,560 and \$1,914, depending on who becomes Sergeant – from savings in the Sheriff's salary line item. Next year, the cost is estimated not to exceed \$3,828. It could be less, depending on who is hired/promoted. HR has reviewed the request and is working with Capt. Davenport to update the department's organizational chart. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to eliminate a Detective position and to replace it with a Sergeant's position in the Sheriff's Office. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY WITH POTENTIAL FOR PRIME ENDANGERED SPECIES HABITAT. POSSIBLE ACTION MAY FOLLOW [T

Court convened into closed executive session at 11:45 a.m. and reconvened into open meeting at 1:05 p.m. No action was taken.

Clerk's Note: Agenda Item #24 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 [T1-2718]

Jeff Watson (Prime Strategies) provided a progress report regarding the Hays County Pass Through Financing Program.

FM1626 southern section (FM2270 to FM967) – Klotz: Environmental Process is 45% complete/Draft EA Report is 90% complete – Design schematic is 95% complete and PS&E is 35% complete – ROW coordination & acquisition is 30% complete – Utility Coordination & relocation is 10% complete – Anticipated begin construction date is July 2012 and end construction date of October 2013

FM1626 northern section (FM967 to Brodie Lane) – Jacobs: Environmental Process - TxDOT is 95% complete – Design schematic is 95% complete and PS&E is 45% complete – ROW coordination & acquisition is 10% complete – Utility Coordination & relocation is 10% complete – Anticipated begin construction date is August 2011 and end construction date of November 2012

FM110 (IH 35 to SH 123) – S&B Infrastructure: Environmental Process – TxDOT is 90% complete – Design schematic is 100% complete and PS&E is 30% complete – ROW coordination & acquisition is 20% complete – Utility Coordination & relocation is 0% complete – Anticipated begin construction date is February 2011 and end construction date of April 2012



US 290 (Nuttly Brown Road to Trautwein Road) : Environmental Process is 100% – Design schematic is 100%-ROW coordination & acquisition is 100% complete – Construction is 99% complete with project substantially complete 2/14/10 (open to traffic)

IH 35 Phase I (FM2001 to FM1626 & Kyle Crossing/CR210 Overpass): Environmental Process is 100%– Design schematic is 100% complete and PS&E is 100% complete – ROW coordination & acquisition is 90% complete – Utility Coordination & relocation is 80% complete – Construction is 15% complete and anticipated end construction date of December 2010

IH 35 Phase II (RM 150 realignment) – URS: Environmental Process is 55% complete – Design Schematic 95% complete, PS&E is 90% complete – ROW Coordination & Acquisition is 40% complete – Utility Coordination & Relocation is 25% complete – Construction anticipated begin date is February 2011 and anticipated end date is October 2011

IH 35 Phase IIA (RM 150 realignment) – URS: Environmental Process is 55% complete – Design Schematic 95% complete, PS&E is 90% complete – ROW Coordination & Relocation is 25% complete – Utility Coordination & Relocation is 25% complete – Construction anticipated begin date is February 2011 and anticipated end date is October 2011

FM 2001 (Frontage Road Connector): Environmental Process is 100% complete – Design is 100% complete,– ROW Coordination & Acquisition is 100% complete – Utility Coordination & Relocation is 100% complete – Construction is 20% complete - anticipated construction begin date is March 2010 and anticipated end date is July 2010

27077 AUTHORIZE BARRY NELSON TO TERMINATE AND/OR RENEGOTIATE A NEW CONTRACT WITH LULAC 4876 FOR USE OF THE CIVIC CENTER [T2-162]

Commissioner Ingalsbe spoke of additional \$3,000 to remove and set back up panels and \$975 for loss of days for LULAC to use the civic center. She spoke of change in the event that required indoor function and the additional costs. Civic Center Manager Barry Nelson advised that this would affect other events that are already scheduled. [T2-791] **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Barry Nelson to renegotiate the contract with LULAC 4876 for use of the Civic Center with additional cost of \$975 and/or to terminate the current contract and enter into a new contract with the understanding of the terms: \$1,450 for 2 days plus \$970 for the setup fee and provided the Road Department can make the timelines so no business will be lost before or after the event. All voting “Aye”. MOTION PASSED**

27078 AUTHORIZE COUNTY JUDGE AND SPECIAL COUNSEL MARK KENNEDY TO EXECUTE SETTLEMENT AGREEMENT AND MUTUAL RELEASE IN CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL (DEVELOPMENT KNOWN AS RANCHES AT HAMILTON CREEK) AS PRESENTED BY SPECIAL COUNSEL TODAY IN EXECUTIVE SESSION [T2-855]

Court convened into closed executive session at 4:05 p.m. and reconvened into open meeting at 4:55 p.m. The following action was taken. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize County Judge and Special Counsel Mark Kennedy to execute Settlement Agreement and Mutual Release in Cause # D-1-GV-07-002293 in the 98th District Court in Travis County styled as Travis County, Texas and The State of Texas et al vs. Coldwater Development, Ltd., and Rodman Excavation, Inc. et al (development known as Ranches at Hamilton Creek) as presented by Special Counsel today in executive session. All voting “Aye”. MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHKE, 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 MAY 11, 2010.



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

