



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 27<sup>TH</sup> DAY OF JUNE 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>LINDA C. FRITSCH</b>	<b>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.

**HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT BUDGET PRESENTATION BY DISTRICT BOARD SKIPTON** [T2-1136]

Mark Key, Secretary/Treasurer of the Hays-Trinity GCD, spoke of the budget. Education and community outreach request is \$30,000. Requesting a budget of \$182,000 from the County. HTGCD President Jimmy Skipton spoke of cuts that will have to be made if full funding is not received. Commissioner Ingalsbe will request assistance for HTGCD in redistricting along with the county.

**PUBLIC COMMENT**

Ray Whisenant made public comment regarding 2007 Park/Open Space Bond Funds. June Baumel, Ginger Faught (representing Dripping Spring Mayor Todd Purcell), Michelle Fischer (Dripping Springs City Administrator), Rex Miller, Spider Williams (Dripping Springs City Councilman), Terry Polk (Harrison Ranch Park Commission & Dripping Springs AG Booster), Ronald Twining, Bob Richardson, David Edwards, Donna Moore, Brenda DeWitt, and Jimmy Skipton requested park funds for Harrison Ranch Park. [T1-492] Alan Cameron made public comment regarding local veterans services.

**27260 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$894,649.95 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

**27261 APPROVE COMMISSIONER COURT MINUTES OF JULY 15, 19 & 20, 2010**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of July 15, 19 & 20, 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

**27262 APPROVE RENEWAL FOR ANNUAL BID #2007-B09 "FUEL FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal for annual bid #2007-B09 fuel for one (1) additional year as provided for in the original bid. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

**27263 APPROVE RENEWAL FOR ANNUAL BID #2009-B14 "BOTTLED WATER FOR HAYS COUNTY OFFICES" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal for annual bid #2009-B14 "bottled water for Hays County Offices" for one (1) additional year as provided for in the original bid. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED



**27264 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL CONTRACT FOR UP TO \$63,535 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE RLSS-LOCAL PUBLIC HEALTH SERVICES GRANT**

This is to renew annual contract between the Texas Department of State Health Services (TDSHS) and the Hays County Personal Health Department (HCPHD), to fund Communicable Disease surveillance and reporting. The contract provides funding for the program from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a renewal contract for up to \$63,535 from the Department of State Health Services for the RLSS-Local Public Health Services Grant. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

**27265 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL CONTRACT FOR UP TO \$192,341 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) TO SUPPORT THE IMMUNIZATION PROGRAM OF THE PERSONAL HEALTH DEPARTMENT**

This is a renewal contract in the amount of \$192,341 between DSHS and the Personal Health Department to fund the Immunization program. The contract provides funding for the program from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a renewal contract for up to \$192,341 from the Texas Department of State Health Services (DSHS) to support the immunization program of the Personal Health Department. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

**CLERK'S NOTE: AGENDA ITEM #8 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM FOR FY 2011, IN THE AMOUNT OF \$145,902 was PULLED.**

**27266 ACCEPT DONATIONS TO THE HISTORICAL COMMISSION OPERATING BUDGET AND AMEND THE BUDGET ACCORDINGLY**

The Historical Commission is in the process of preparing a documentary of Buck Winn and has collected \$14,500 to date in donations. These funds will be used for general supplies, contract services and travel costs associated with this project. Budget Amendments are as follows: 001-787-00-055.4610 Contributions - \$15,500, 001-676-00-055.5201 General Supplies \$5,000, 001-676-00-055.5448 Contract Services \$8,000, 001-676-00-055.5501 Travel \$2,500. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept donations to the Historical Commissioner operating budget and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

**27267 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE VEHICLE ENGINE ANALYZER FOR USE IN COUNTYWIDE SHOP**

Sheriff Ratliff was intending to request this equipment in FY11. The Court had suggested finding funds in the current budget. The Sheriff was able to fund purchase of the engine analyzer and now needs authorization to purchase it from FY10 funds. This purchase would come out of Misc Equip line item #001-618-00.5719 in the amount of \$5,784. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to purchase vehicle engine analyzer for use in Countywide shop. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

**27268 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS FOR MCCARTY LANE EAST, CR 233 [T2-1491]**

Staff recommends acceptance of construction of the road and drainage improvements within the County ROW. The RPTP Department-Transportation Division has inspected and approved the improvements. **A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Barton to accept road construction and drainage improvements for McCarty Lane East, CR 233. All voting "Aye". MOTION PASSED**



**27269 RIM ROCK PHASE 2 SECTION 2 [10-4-15 – 90 LOTS] ACCEPT AFFIDAVIT OF PLAT CORRECTION [T2-1502]**

Programs Manager/Development Services Clint Garza explained the problems with the final plat for Rim Rock Phase 2, Section 2 in Pct 4 which consists of 90 lots, of which 89 are residential. The Final Plat was approved on February 13, 2007 and at the time of recording the plat contained errors on various building line setback distances throughout the section. The actual distances represented on the plat are accurate and are the result of an obvious error in labeling. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept Affidavit of Plat Correction for Rim Rock Phase 2 Section 2. All voting "Aye". MOTION PASSED**

**DISCUSSION TO PROVIDE GUIDANCE TO THE JAIL COMMITTEE [T2-678]**

The Jail committee is looking for guidance from the court. Does the Court want the Jail Committee to assess operational costs associated with the additional 96 beds and expansion of common areas? Does the court want an assessment of the current location to include the maximum amount of beds that could be built with common areas built out to maximum future capacity? Does the court want an operational costs assessment; building 96 beds with common areas built out to maximum future capacity with operational costs; building an entire mezzanine system in another location with 426 beds or at maximum build out of current location plus operational costs. Having operational costs associated with each option will help the court assess the best course of action for the immediate and long-term future. Commissioner Conley spoke. He recommended adding 96 beds, renovating the 330 beds and build-out the common areas. Brenda Jenkins (Broaddus & Associates) spoke of the current site capable of having up to 700 beds (new addition and current facility). The laundry, infirmary, and common areas are capable of handling a 700 bed facility. Committee can also consider building out to maximum of 700 beds.

**27270 ACCEPT THE COMMITTEES' RECOMMENDATION FOR RFP 2010-P12 FOR A COUNTY-WIDE WIRELESS COMMUNICATION SYSTEM; ALLOW STAFF TO NEGOTIATE A CONTRACT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT [T2-570]**

Commissioner Barton not present for this item. Committee members Jeff McGill, Steve Floyd, and Lisa Wright led by Terry Whitman from Broaddus and Associates reviewed the responses and recommend AT&T. **A motion was made by Judge Sumter, seconded by Commissioner Conley to accept the Committees' recommendation for RFP 2010-P12 for a county-wide wireless communication system and allow staff to negotiate a contract and authorize the County Judge to execute the contract. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

**27271 APPROVE THE DESIGN AND CONSTRUCTION COST FOR THE CANOPY STRUCTURE OVER THE LICENSE PLATE PNEUMATIC TUBE SYSTEM AND DRIVE-UP [T2-304]**

Bob Hinkle (Broaddus & Associates) spoke. The drive-up was part of the GMP that was approved by court but the Canopy Structure and Large Tube for the License Plates was not part of the original contract. This structure is necessary to support the larger tube for the license plates. Tax Assessor-Collector Luanne Caraway and the Building Committee feel like this canopy is important to protect customers from increment weather. Design cost would be \$21,666.26 for one tube. Discussion was had regarding increasing that number to two tubes. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the design and construction cost for the canopy structure over the license plate pneumatic tube system and drive-up not to exceed \$25,000. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

**27272 AUTHORIZE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY, CITY OF SAN MARCOS AND TEXAS STATE UNIVERSITY REGARDING THE DEVELOPMENT OF AN UPPER SAN MARCOS WATERSHED PROTECTION PLAN [T2-120]**

Commissioner Barton was not present for this item. This Interlocal agreement and fund request will allow the Rivers Systems Institute at Texas State University-San Marcos to work with cooperating partners to identify goals and prepare data and documents to submit to TCEQ for a 319 grant to enable a full-blown watershed protection planning process, much like what is currently in progress for Cypress Creek in Wimberley and for Plum Creek Watershed near Kyle. \$3,000 expense to be paid from LCRA funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to sign Interlocal Agreement between Hays County, City of San Marcos and Texas State University regarding the development of an Upper San Marcos Watershed Protection Plan. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present for vote. MOTION PASSED**



**27273      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND U.S. FOODSERVICE, INC [T1-559]**

Commissioner Barton spoke of previous agreement regarding this issue. John Fowler from U.S. Foodservice Inc. provided information regarding project facts, employment & salaries (\$58,442-\$99,849), projected total jobs of 405, proposed Buda Distribution Center, proposed Hays County Commitment of \$2,689,160, and loan amortization schedule. Special Counsel Mark Kennedy spoke of the agreement being considered and changes that have been made. Public comment was made by Executive Director of Buda Economic Development Corp. Warren Ketteman, Carl Urban, Tommy Poer, Buda Asst. Manager/Planner Brian LaBorde, and Betsy Urban. Commissioner Barton spoke of Buda business men and women who support this project. He spoke of substandard streets in the area that will be improved because of this project and will increase the value of property. He spoke of support from the City of Buda. George Murphy (Engineer) spoke of cost estimates. Discussion was had regarding number of jobs that will be created. Stanley Fees, Buda City Engineer spoke. Commissioner Barton advised that the Interlocal agreement with the City of Buda is not ready for action today.

**A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute an Economic Development Agreement between Hays County and U.S. Foodservice, Inc. as presented by Special Counsel. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

**27274      AWARD IFB #2010-B064 FOR THE CEDAR OAK MESA WSC GROUND STORAGE TANK TO CENTRAL TEXAS WATER MAINTENANCE, IN THE AMOUNT OF \$163,210.90 AND AUTHORIZE THE COUNTY JUDGE TO SIGN CONTRACT DOCUMENTS [T2-1527]**

Grants Administrator Jeff Hauff explained the project. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to award IFB #2010-B064 for the Cedar Oak Mesa WSC Ground Storage Tank to Central Texas Water Maintenance, in the amount of \$163,210.90 and authorize the County Judge to sign contract documents. All voting "Aye". MOTION PASSED**

**CONSIDER AUTHORIZING THE COUNTY JUDGE TO EXECUTE LETTER AMENDMENTS TO INTERLOCAL AGREEMENTS FOR THE MAINTENANCE OF ROADWAYS BETWEEN HAYS COUNTY AND PARTICIPATING MUNICIPALITIES**

[T1-2280] Commissioner Barton was not present for this item. Commissioner Conley spoke of agreements with municipalities giving the county the right and authority to maintain roads that are integral to the county road system and gives municipalities the ability to make project-specific requests for maintenance of city roads. The amendment allows the county to provide notice of maintenance and improvements to the participating city, but would not propose to invoice the participating city for material costs on its portion(s) of the roadway. By executing the letter amendment, a participating city would be deemed to have consented to the work upon receipt of notice from the county. Cynthia Marion and Denise Jackson (representing Wagon Wheel Property Owners Association) made public comment regarding Flite Acres Road. Consent from the City would be required before performing the road maintenance. Commissioner Ingalsbe advised that she would like to see financial participation from the cities. Special Counsel Mark Kennedy advised that he could add a clause setting out a consent procedure. Action was postponed. [T2-1550] Commissioner Conley advised that he will meet with the City Council of Wimberley to get their consent.

**27275      WORKSHOP WITH POSSIBLE ACTION REGARDING RECOMMENDATIONS FROM VA TRANSPORTATION COMMITTEE [T2-1721]**

Commissioner Conley spoke of committee recommendations. They did a pilot program with CARTS but there was not enough activity to proceed with that service. Recommendation is to obtain a grant for a VA bus. There were town hall meetings which indicated that services are needed to assist veterans in getting the benefits they deserve. Alan Cameron spoke of need to keep CARTS in the picture for possible services in the future. VA Transportation Committee recommendations:

- Maintain a part-time employee (29 hrs) to service veterans Tuesday – Thursday
- On call services to be available Monday – Friday
- Move forward on applying for a grant with TxDot to get a bus/van
- Extension of CARTS contract until grant is received (possibly by the end of Sept) – NTE \$4,000

Committee will continue to meet and evaluate the services needed even further [T2-2353] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept the recommendations of the VA Transportation Committee and move forward with those recommendations as soon as possible. All voting "Aye". MOTION PASSED**



**DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER, PRECINCT OFFICE; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS**

Bob Hinkle of Broaddus & Associates explained different documents that the Court previously adopted which included Change Order #2 incentive split for general conditions and contingency. He also spoke of changes made with court approval a couple of weeks ago with rainwater collection and irrigation changed to condensate collection and irrigation which also included the underground electrical and it didn't have any changes.

**CLERK'S NOTE: AGENDA ITEM #22 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR - was pulled.**

**CLERK'S NOTE: AGENDA ITEM #23 RE: DISCUSSION OF DEPARTMENTAL BUDGET. POSSIBLE ACTION MAY FOLLOW WAS PULLED.**

**Court was adjourned.**

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**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 JULY 27, 2010.**



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

