



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 7TH DAY OF DECEMBER 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
LIZ Q. GONZALEZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Ingalsbe led the court in the pledge of allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENTS

Mark Key and Ollie Giles made public comments.

27631 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve payments of county invoices in the amount of \$1,212,689.63 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27632 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 23, 2010

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Commissioner Court Minutes of November 23, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27633 ACCEPT INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/MINI STORAGE UNIT LOCATED AT 880 WINDY HILL RD., KYLE

Jacob Jisha is proposing an OSSF to serve as an office/mini storage at 880 Windy Hill Road in Precinct 2. This property is 10.1 acres. Water supplied by public water system. The OSSF is a standard gravity flow system with Evapotranspiration Beds. Greg Johnson, P.E., designed the system. The OSSF is designed for a maximum wastewater flow of 48 gpd. A motion was made by Commissioner Conley, seconded by Commissioner Barton to accept institutional OSSF Permit for an Office/Mini Storage located at 880 Windy Hill Rd., Kyle. All voting "Aye". MOTION PASSED

27634 APPROVE AGREEMENT FOR ARBORICULTURAL CONSULTING SERVICES WITH DON GARDNER FOR THE MCGREGOR BRIDGE PROJECT AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT

On November 9, 2010 the Court approved negotiation of a final contract with Arborist Don Gardner in an amount not to exceed \$1,250. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Agreement for Arboricultural Consulting Services with Don Gardner for the McGregor Bridge Project and authorize the County Judge to sign Agreement with modifications by Special Counsel. All voting "Aye". MOTION PASSED

27635 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve utility permit #824 on Redwood Rd (CR 232) issued to the City of San Marcos; permit #825 on Belterra Drive issued to Hays County WCID No. 1; permit #826 on Belterra Drive issued to Hays County WCID No. 1 as presented by the County Road Department. All voting "Aye". MOTION PASSED



27636 AMEND FY11 BUDGET OF LCRA SERVICE FEE FUND FOR PAYMENT OF CONTRACT SERVICES FOR URS CORPORATION

On November 23, 2010 the court approved a budget amendment for work on the MS4 Storm Water Quality Program document. The amount requested at that time was \$407 less than the originally contracted amount. This is the final invoice for contract work on that program. Budget Amendment: #171-691-00.5448 LCRA Service Fee Fund, Contract Services \$407. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to amend FY11 budget of LCRA Service Fee Fund for payment of contract services for URS Corporation. All voting "Aye". MOTION PASSED**

27637 VACATION PLAT OF LOTS 504, 505, AND 506 LA VENTANA PHASE 6 AND REPLAT OF HOMESITE H25, LA VENTANA SUBDIVISION, PHASE 1 [10-4-26 - LOTS] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. La Ventana Subdivision is a platted subdivision located off Elder Hill Road in Precinct 4. The owner of Homesite H25 (2.64 acres) also owns the three adjacent lots (504 .91 ac, 505 .83 ac and 506 1.07 ac) in Phase 6. He wishes to vacate the three lots in Phase 6 and combine them with Homesite H25 in Phase 1. Although this is a significant decrease in density, a public hearing is required on all cancellation and vacations of previously platted lots. The newly platted 5.45 acre lot will be served by existing connection to public water supply and individual on-site sewage facilities. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of vacation plat of Lots 504, 505 and 506 La Ventana Phase 6 and replat of Homesite H25 La Ventana Subdivision Phase 1. All voting "Aye". MOTION PASSED**

27638 RE-SUBDIVISION OF TRACT 14 AND A PORTION OF TRACT 15, IN AN UNRECORDED SECTION OF RIVER OAKS OF WIMBERLEY SUBDIVISION [10-3-13 - 2 LOTS] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Sumter declared the public hearing open. Gail Machalek the landowner spoke of the re-subdivision, Clint Garza spoke of concern of a neighbor (Van Hoozer Family) and submitted an email from them. No other comments were made and the public hearing was closed. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. River Oaks of Wimberley consists of 5 units of which 4 were platted and recorded through the appropriate subdivision process. Unit 4 is an unrecorded section adjacent to Ridge Oaks Drive and Units 1 & 3. The owner Tract 14 wishes to subdivision her 5.00 acres into 2 new 2.5 acre lots. Although this section is not recorded public notification is required and will take place as normal. Both new lots will be served by individual private water supply and individual on-site sewage facilities. There are no variances and the entire division is not located within any City's extra-territorial jurisdiction. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of re-subdivision of Tract 14 and a portion of Tract 15 in an unrecorded section of River Oaks of Wimberley Subdivision. All voting "Aye". MOTION PASSED**

27639 DISCUSS THE PARKS AND OPEN SPACE ADVISORY BOARD RECOMMENDATIONS FOR REMAINING PARK BOND FUNDS

On August 31, 2010 the Commissioners Court authorized a Call for Projects for applications for the remaining 2007 Park Bond funds. The Call was opened on September 1, 2010 and closed on October 1, 2010, with 12 project applications received. Presentations were made by all applicants to the Hays County Parks and Open Space Advisory Board (POSAB), and applications were scored based on criteria developed by the POSAB and reviewed by the Commissioners Court prior to the Call. The POSAB is forwarding their recommendations to the Commissioners Court for consideration. Jack Jones Director of Parks in the City of Buda spoke of returning some of the monies to help fund other POSAB projects. Lori Olson of the Trust for Public Land spoke of helping to acquire over 1,000 acres within Hays County for Parks and Open Space. Scott Parker of the Trust for Public Land spoke of working to help acquire Parks and Open Space. Ray Whisenant, Jr. spoke of the process the County went through acquiring the Park property and commended the Court. Jeff Reeves of Hays County Youth Association thanked the Court for their consideration. Max Ramirez of HYBSA thanked the Court for their consideration. Robert Krick of Hays County WCID #2 spoke of what the money would help fund and thanked the Court. Matthew Kutac attorney for Hays County WCID #2 spoke of this being an extension of the WCID #1 trail and thanked the Court for their consideration. Carl Owens of Swimberley spoke of needing funding and how they were scored. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to support the Purgatory Creek expansion in an amount of \$800,000 contingent to the City of San Marcos funding \$150,000 (totaling \$450K) in addition to the donation they have arranged through Karma Development and to have Special Counsel to draw up the documents and authorize the County Judge to sign the Contract and contingent with some type of commitment/funding. A friendly amendment was made by Commissioner Barton and accepted by Commissioner Conley and Commissioner Ingalsbe to fund the Buda Skate Park \$140,000, Bradfield Park \$310,000, the Hays Youth Sports Association \$447,256 (for safety issues), and leaving \$100,000 for contingencies in the Park Bond Funds. All voting "Aye". MOTION PASSED**



- 27640 APPROVE A RESOLUTION RELATING TO ESTABLISHING THE COUNTY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS PARK IMPROVEMENTS FROM THE PROCEEDS OF A SERIES OF OBLIGATIONS TO BE ISSUED BY THE COUNTY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE**

It was stated that the date of election needs to be changed to May 12, 2007 and the amount not to exceed \$10,015,000 on the resolution. The effective date is today. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve a Resolution relating to establishing the County's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various park improvements from the proceeds of a series of obligations to be issued by the County for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date and correcting the date of the election and amount on the final Resolution. All voting "Aye". MOTION PASSED**

- 27641 ACCEPT THE PARKS AND OPEN SPACE ADVISORY BOARD RECOMMENDATION OF DESIGN WORKSHOP FOR THE PARKS AND OPEN SPACE MASTER PLAN FOR THE COUNTY AND SET ASIDE \$100,000 FOR FUNDING, AUTHORIZE MARK KENNEDY AND JEFF HAUFF TO NEGOTIATE THE CONTRACT, AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT**

Grants Administrator Jeff Hauff spoke of this soon coming to a close due to actions taken this morning. An RFQ went out for a consultant for a Master Plan and is currently being reviewed by the committee. A presentation and recommendation will be made to the court for a selection. In addition to a selection, the court, as previously discussed, needs to formally set aside an additional \$50,000 from the Park Bond funds to adequately fund the project. **A motion was made by Judge Sumter, seconded by Commissioner Conley to accept the Parks and Open Space Advisory Board recommendation of Design Workshop for the Parks and Open Space Master Plan for the County and set aside \$100,000 for funding, authorize Mark Kennedy and Jeff Hauff to negotiate the contract, and authorize the County Judge to execute the contract. All voting "Aye". MOTION PASSED**

- 27642 ADOPT A RESOLUTION SUPPORTING THE LEGISLATIVE PASSAGE OF TAKEBACK RECYCLING OF MERCURY CONTAINING PRODUCTS; PRODUCER TAKEBACK RECYCLING OF TELEVISIONS AND OTHER ELECTRONICS; AND ESTABLISHING A RECYCLING REFUND SYSTEM FOR BEVERAGE CONTAINERS**

Jerry Pinnix spoke in support of all three resolutions. **A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Resolution supporting the legislative passage of takeback recycling of mercury containing products; producer takeback recycling of televisions and other electronics; and establishing a recycling refund system for beverage containers. All voting "Aye". MOTION PASSED**

- 27643 ADOPT A POLICY TO MANDATE POSTING OF ALL PUBLIC NOTICES ON THE HAYS COUNTY WEBSITE**

This policy will require that all Hays County public notices that are optionally posted in newspapers in Hays County will also be posted on the county website for the convenience of our residents. The Hays County Webmaster will create a place on the newly designed county website entitled Public Notices for the posting of all County-issued public notices. **A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt a policy to mandate posting of all public notices on the Hays County Website. All voting "Aye". MOTION PASSED**

- 27644 CANCEL COMMISSIONER'S COURT ON DECEMBER 28, 2010**

In years past, we have typically cancelled Commissioner's Court the Tuesdays after the holidays, in part, since time is limited to prepare the agenda. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to cancel Commissioner's Court on December 28, 2010. All voting "Aye". MOTION PASSED**



27645 APPROVE A RESOLUTION IN SUPPORT OF ADDITIONAL POWERS TO PROMOTE ROAD AND DRAINAGE AND OTHER IMPROVEMENTS WITHIN THE RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICTS IN THE EASTERN PORTION OF PCT. 2, AND ADVISING THE STATE SENATOR AND STATE REPRESENTATIVE-ELECT OF THE COUNTY'S POSITION BEFORE THE END OF THE YEAR SO THAT LEGISLATION MAY BE PREPARED

This is a non-binding resolution designed to inform Senator Wentworth and Representative elect Jason Isaac of the County's support for adding certain limited powers to two already-existing MUD's – Ranch at Clear Fork Creek No. 1 and No. 2. These MUD's straddle the Hays-Caldwell line, with approximately 96 percent of the land in Caldwell County. Caldwell County has already passed a similar resolution of support. Uhland will take up the resolution at its next meeting. The landowners feel it is important to act in December so that legislation authorizing the changes may be prepared and filed for the start of the next session in January. The MUD's were created in 2004 by a different landowner. Since then the land in question – about 2,706 acres in all (105 acres in Hays County; 772 within the Uhland ETJ) – has been acquired by investors under the umbrella of Walton Global Investments, Ltd. Walton wishes to add the ability to finance roadway and drainage improvements; and subdivision powers within its MUD. The property is intended to be developed as a master planned community, mainly residential and open space and parks, but including also education and civic uses and neighborhood retail along SH 21, according to Walton. Walton is working closely with the City of Uhland and is coordinating in advance with Hays County and local school districts for future school and emergency service sites, road planning, and so on. The development has the potential to substantially increase tax base in an area of the county that has struggled economically for decades. Alexa Night of Walton spoke of this issue which will be considered for approval by the City of Buda on Thursday. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve a Resolution in support of additional powers to promote road and drainage and other improvements within the Ranch at Clear Fork Creek Municipal Utility Districts in the eastern portion of Pct. 2 and advising the State Senator and State Representative-elect of the County's position before the end of the year so that legislation may be prepared contingent upon approval of City of Buda. All voting "Aye". MOTION PASSED**

27646 APPROVE REVISED COST AND PLANS TO THE SALLY PORT AT THE HAYS COUNTY GOVERNMENT CENTER

On November 16th the court received word that the cost of the Sally Port had increased from the estimated cost of \$91,475 to \$169,341.14. Since then, Bob Hinkle (Broaddus & Assoc) and the committee requested value engineering be considered to bring the cost down. Consideration was given to the number of bays and a more simplified and useful construction option by eliminating some elements of the project. The court may want to consider allowing Mr. Hinkle to further negotiate to bring the cost of the 4-bay down closer to the cost of the 3-bay. The 4-bay allows for 3 vehicles to park side by side. Bob Hinkle asked the Court for their preference. A decision is needed prior to moving forward. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve revised cost and plans to the Sally Port at the Hays County Government Center of approximately \$100K and give Bob Hinkle the authority to renegotiate the costs. Commissioner Ingalsbe, Commissioner Barton and Judge Sumter voting "Aye". Commissioner Conley and Commissioner Ford voting "No". MOTION PASSED**

27647 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 WITH HARRIS ROAD COMPANY FOR THE SPRING LAKE PRESERVE PROJECT

On October 5, 2010 the Commissioners Court awarded the construction bid for the Spring Lake Preserve project to Harris Road Company of Wimberley, Texas in the amount of \$108,220. This Change Order will remove the trail signs bid item from the project – valued at \$8,000 – and substitute removal of old, deteriorated asphalt from a portion of the trail way in order to place new base material and crushed stone surfacing on a stable base. This task is also valued at \$8,000, so there is no net change in the original contract amount. Texas State University, as a partner in the project, will produce the trail signs at no additional cost to the project. The Spring Lake Preserve project is a joint effort between Texas State University, the City of San Marcos, and Hays County to preserve a significant land resource and provide public access to this area. This project is funded through a grant from the Texas Parks and Wildlife Department (TPWD), with TSU and the City of San Marcos providing additional funding. No County funds have been allocated or are necessary to complete the construction project. The project will include accessible and primitive trail development, interpretive signage, benches, outdoor amphitheater (sundial), composition deck boardwalk, and other amenities. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute Change Order #1 with Harris Road Company for the Spring Lake Preserve Project. All voting "Aye". MOTION PASSED**



27648 ELIMINATE A LIEUTENANT POSITION AND REPLACE IT WITH AN OFFICE OF PROFESSIONAL RESPONSIBILITY INSPECTOR POSITION IN THE SHERIFF'S OFFICE

The Sheriff would like to delete slot 7 of the Lieutenant position, Grade 115 and add an Office of Professional Responsibility, Inspector position, Grade 115. The Inspector position will perform highly advanced and timely investigative work, including but not limited to all complaints against Hays County Sheriff's Office personnel regarding allegations of illegal acts and/or employee misconduct, employee involved critical incidents, and applicant background checks. Actions requested and budget impact: delete Lieutenant, Slot 7 = \$71,000 and add Inspector, Slot 1 = \$51,737. **A motion was made by Judge Sumter, seconded by Commissioner Conley to eliminate a Lieutenant position and replace it with an Office of Professional Responsibility Inspector Position in the Sheriff's Office. All voting "Aye". MOTION PASSED**

27649 EXECUTE A LEASE AGREEMENT WITH THE CITY OF KYLE FOR THE COUNTY'S LEASE OF THE EXISTING PRECINCT 2 OFFICES AT 111 FRONT STREET IN KYLE

This is essentially a renewal of the County's existing lease for the Precincts 2 Offices. Since the lease price is increasing, this item has not been posted as a renewal. Rather, it is posted as a new lease agreement between the County and the City of Kyle. Some adjustments to the original lease have been made to fit the ongoing practices of landlord/tenant, but all other lease terms remain the same. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to execute a Lease Agreement with the City of Kyle for the County's Lease of the existing Precinct 2 offices at 111 Front Street in Kyle. All voting "Aye". MOTION PASSED**

27650 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH WHITENTON GROUP, INC. TO PROVIDE AN ENVIRONMENTAL MONITOR FOR THE MCGREGOR BRIDGE CONSTRUCTION PROJECT

The Whitenton Group, Inc. was selected in response to RFQ #2011-P02 in relation to the McGregor Bridge project and was approved in Court on November 16, 2010. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Agreement and to authorize the County Judge to execute a contract with Whitenton Group, Inc. to provide an environmental monitor for the McGregor Bridge construction project in an amount not to exceed \$15K and contingent to add to the Agreement our right to Audit Provision. All voting "Aye". MOTION PASSED**

27651 MODIFY THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE DAHLSTROM FAMILY, EXTENDING THE DATE BY WHICH A LEASE AGREEMENT MUST BE REACHED TO DECEMBER 31, 2011

The original MOU between the Dahlstrom's and Hays County provides that, if a lease is not executed by December 31, 2010, the broad terms of the MOU shall be converted to a lease agreement which shall control the County's activities on the portion of Dahlstrom Ranch commonly known as the Howe Pasture. The Howe Pasture is the area in which the Parties have agreed to allow passive public access (i.e. hiking, bird watching, etc.). The Parties continue to discuss how the activities on the Howe pasture will be shared, and a lease agreement is imminent. However, the parties don't believe it is possible to achieve a workable lease agreement before the end of 2010; and neither party desires a conversion of the terms of the MOU, which would fail to address many terms and conditions of the landlord/tenant relationship. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to modify the Memorandum of Understanding between Hays County and the Dahlstrom Family, extending the date by which a Lease Agreement must be reached to December 31, 2011. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.074 TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF DEPARTMENT HEADS

Court convened into closed executive session at 12:40 p.m. and reconvened into open meeting at 1:20 p.m. No action taken.

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 RIGHT OF WAY ACQUISITION ON CR 266 IN PRECINCT 1

Court convened into closed executive session at 12:10 p.m. and reconvened into open meeting at 12:40 p.m. No action taken.



DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING THE GOVERNMENT CENTER

This item was discussed and action was taken under Resolution #27646

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 DECEMBER 7, 2010.



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

