



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 23rd DAY OF NOVEMBER 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 Ford led the court in the pledge of allegiance to the flags. Judge Sumter called the meeting to order.

Public Comment

Public comment was made by the following: Camille Phillips of San Marcos, Hays County Constable Pct. 2 James Kohler, Mark Key of Austin, Ray Whisenant Jr. of Dripping Springs, James McMeans of Citizens Alliance for Responsible Development, Kathy Boydston of Texas Parks & Wildlife, Bob Flocke of Wimberley, Charles Walts of San Marcos, Dr. Bert Cobb, Sam Brannon, Steve Klepfer of Friends of Blue Hole, Brogan Foley of Buda, Todd Purcell of Dripping Springs, Andrew Sansom of Texas State, and Manuel Garcia of Buda.

27610 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$3,079,471.18 as submitted by the county auditor. All voting "Aye". MOTION PASSED

27611 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 15 AND 16, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioner Court Minutes of November 15 and 16, 2010 as submitted by the County Clerk. All voting "Aye". MOTION PASSED

27612 APPROVE UTILITY PERMIT

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Utility Permit #823 on Cole Springs Road issued to Cuarto Consultants, Ltd as submitted by Hays County Road Department. All voting "Aye". MOTION PASSED

27613 RATIFY COUNTY JUDGE SIGNATURE ON FIELD AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE

A motion was made by Commissioner Ford, seconded by Commissioner Barton to Ratify County Judge Signature on Field Agreement with the U. S. Department of Agriculture, Animal and Plant Health Inspection Service. All voting "Aye". MOTION PASSED

27614 APPROVE CHANGE ORDER #1 IN THE AMOUNT OF \$7,151 FOR BID #2010-B17 CONTRACTOR FOR STABILIZATION PROJECT/OLD HAYS COUNTY JAIL THAT WAS AWARDED TO GIFT-NEUHAUS

The reason for the change order: Requirement from the City of San Marcos for water services not in the original scope of work. This will be for installation of water and wastewater taps. It was assumed that there was an existing water (and sewer) tap serving the property. The contractor will need water services to perform his work, and the project will need permanent water and sewer service for its future use. The Architect, ClaytonLevyLittle, feels that this work (the proposed change order) is in the best long term interest of the project. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve change order #1 in the amount of \$7, 151 for Bid #2010-B17 Contractor for Stabilization Project/Old Hays County Jail that was Awarded to Gift-Neuhaus. All voting "Aye". MOTION PASSED



27615 APPROVE CHIEF DEPUTY POSITION AT THE SHERIFF'S OFFICE TO BE 'DOUBLE FILLED' FOR A PERIOD OF 2 WEEKS AND 2 DAYS, ENDING NOVEMBER 30, 2010

Sheriff Gary Cutler has requested that Chief Deputy Sherman Brodbeck maintain his employment through the end of the month to assist with the transition. Meanwhile, the new deputy, Jamie Page, was sworn in on November 15, 2010. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Chief Deputy position at the Sheriff's Office to be Double Filled for a period of 2 Weeks and 2 Days, ending November 30, 2010. All voting "Aye". MOTION PASSED**

27616 AMEND FY10 BUDGET OF GENERAL FUND AND LAW LIBRARY

FY 10 Law Library Fund requires a transfer from General Fund/Countywide FY10 Civic Center General Fund requires a transfer from Countywide. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Amend FY10 Budget of General Fund and Law Library. All voting "Aye". MOTION PASSED**

27617 AMEND FY11 BUDGET OF LCRA SERVICE FEE FUND FOR TWBD FLOOD PROTECTION PLANNING STUDY GRANT

The Texas Water Development Board grant for Flood Protection Planning Study was inadvertently not in the FY11 budget from its approval 8/10/10. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Amend FY 11 budget of LCRA Service fee fund for TWBD Flood Protection Planning Study Grant. All voting "Aye". MOTION PASSED**

27618 AMEND COUNTY COURT AT LAW BUDGET TO THE JUSTICE OF THE PEACE BUDGETS FOR JURY RELATED EXPENSES

The County Court at Law has historically approved payments for all jury related expenses within a County/JP Court budget. With the conversion of the new financial software the county/JP Court budget was absorbed into the County Court at Law 2 budget. However, the JP Courts jury expense budget was not moved out at the time. This budget amendment will move budget from CCL 2 to all the JP budgets in order to allow them to track there jury expenses individually. Budget Amendment:

001-612-00.5306	Jury Expenses:	6,000.00
001-625-00.5306	Jury Expenses:	1,000.00
001-626-00.5306	Jury Expenses:	1,000.00
001-627-00.5306	Jury Expenses:	1,000.00
001-628-00.5306	Jury Expenses:	1,000.00
001-629-00.5306	Jury Expenses:	1,000.00
001-630-00.5306	Jury Expenses:	1,000.00

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve budget amendment transferring funds from the County Court at Law Budget to the Justice of the Peace Budgets for Jury Related Expenses. All voting "Aye". MOTION PASSED

27619 AMEND FY11 BUDGET OF LCRA SERVICE FEE FUND FOR PAYMENT OF CONTRACT SERVICES FOR URS CORPORATION

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve amending the FY11 Budget of LCRA service fee fund for payment of contract services for URS Corporation. All voting "Aye". MOTION PASSED

27620 APPROVE FUNDING IN THE AMOUNT OF \$1.7 MILLION FOR HARRISON RANCH PARK OUT OF THE PARK BOND FUNDS

On August 31, 2010 the Commissioners Court authorized a Call for Projects for application for the remaining 2007 Park Bond Funds. The call was opened on September 1, 2010 and closed on October 1, 2010, with 12 projects applications received. Presentations were made by all applicants to the Hay 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 OSAV is forwarding their recommendations to the Commissioners Court for consideration. Jim Camp, Chair of the Parks and Open Space Advisory Board spoke. Jeff Hauff spoke to thank everyone on the board. The following made public comment: Sam Brannon, Todd Purcell of Dripping Springs, Tom Crouse of Buda City Council, June Baumoeel of Dripping Springs, Jack Jones City of Buda Director of Grant Projector, Bob Richardson of Dripping Springs, Matt Scheele Hays County Director of WCID #2, Bob Krick Board Member of Hays County WCID #2, Lance Merrick of Dripping Springs, Jon Thompson of Dripping Springs, and Warren Kettelman of Buda EDC. Additional public comment was made by Michelle Fischer City Administrator of Dripping Springs, Jesse Crouse, Jeff Reeves with Hays County Youth Athletic Association, Joe Volpe Council Member of Dripping Springs, Carol Owens with Swimberley Inc., Jim



Skipton, Barbara Vinson member with Parks and Open Space Advisory Board, and Lori Olson with Trust for Public Land. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve funding for City of Dripping Springs Harrison Ranch Park at \$1.7 million and reserve \$950K for funding The Trust for Public Land Purgatory Creek Tracks pending approval of Sec 6 grant. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley voting "No". Commissioner Ford, Judge Sumter voting "Aye". **MOTION FAILED A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve funding for Harrison Ranch Park in the amount of \$1.7 million Commissioner Ford, Commissioner Conley, Judge Sumter voting "Aye". Commissioner Barton and Commissioner Ingalsbe voting "No". MOTION PASSED**

27621 ADOPT A RESOLUTION IN SUPPORT OF THE EXPANSION OF THE PURGATORY CREEK NATURAL AREA

In order for Trust for Public Land to move forward and meet the timeline for grant submittal, Hays County needs to show support for this project. This is not a request for financial consideration. Sam Brannon of San Marcos and Jimmy Skipton of Dripping Springs spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Resolution in Support of the Expansion of the Purgatory Creek Natural Area. All voting "Aye". MOTION PASSED**

27622 FINALIZE PROPOSED CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS; CALL FOR A PUBLIC MEETING AND APPROVE ORDER ADOPTING RULES FOR ON-SITE SEWAGE FACILITIES

The Texas Commission on Environmental Quality has approved the new On-Site Sewage Facilities Order for OSSF permitting in the unincorporated areas of Hays County. The state requirements for public notification are between 72 hours prior to the meeting and the 30th day. A brief presentation of the requested changes and discussion of which changes will be set for public hearing will occur. At the set hearing date staff will be presenting the requested changes to the existing development regulations. Over the year since adoption, the department has periodically asked the court or approval not to enforce particular sections of the regulations. The approved changes will be codified and heard in the public hearing. Jimmy Skipton of Dripping Springs, Jennifer Peck of Kyle, and Lenee Lovejoy of San Marcos spoke. This item will be brought a back to court on the Dec. 21st. **A motion was made by Judge Sumter, seconded by Commissioner Ford to call for the public hearing on December 21, 2010 for finalized proposed changes to the Hays County Development Regulation and for Order Adopting Rules for On-Site Sewage Facilities. All voting "Aye". MOTION PASSED**

27623 AUTHORIZE THE COUNTY JUDGE TO PURCHASE STAND ALONE KIOSK AND LEXISNEXIS LEGAL CONTENT WITH TOUCH SONIC TECHNOLOGIES AND AMEND THE BUDGET ACCORDINGLY

This is to provide monthly legal content subscription services to our county jail. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve action to authorize purchase Stand Alone KIOSK and Lexisnexus Legal Content with Touch Sonic Technologies and amend the budget accordingly approximately \$9,120 which includes a maintenance agreement. All voting "Aye". MOTION PASSED**

27624 TO APPOINT DR. ALBERT 'BERT' COBB TO REPLACE JUDGE ELIZABETH 'LIZ' SUMTER TO THE CAPCOG GENERAL ASSEMBLY.

Judge Elizabeth Sumter will be leaving the CAPCOG general Assembly Upon her Separation from the County. Dr. Cobb will replace her position as Hays County's representative. **A motion was made by Commissioner Conley, seconded by Judge Sumter to appoint Dr. Albert "Bert" Cobb to replace Judge Elizabeth 'Liz' Sumter to the CAPCOG General Assembly. All voting "Aye". MOTION PASSED**

27625 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE AND HAYS COUNTY FOR THE IMPROVEMENT OF PARKS

The City of Kyle intends to commence work on its Parks and Open Space improvements related to Gregg-Clarke Park, Plum Creek Preserve and Nature Trail, and City Square Park. Hays County has already committed to contribute \$1,200,000 in Parks and Open Space bond funds to their projects. This Interlocal Agreement establishes the terms and conditions that will apply to the County's grant of those monies. Special Counsel Mark Kennedy is working on the agreement with the City of Kyle's Park Director. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement between the City of Kyle and Hays County for the Improvement of Parks with amendment to Section 5.2 to strike the final line and insert the words "termination date", change the commencement date to December 1, 2010 and the termination date to December 31, 2013. All voting "Aye". MOTION PASSED**



27626 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A STANDARD PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND K FRIESE AND ASSOCIATES FOR ENGINEERING WORK ON ROAD(S) RELATED TO THE U.S. FOODS PROJECT

After the Commissioners Court recently passed authorization to execute work authorization #1 with K Friese and Associates, legal counsel pointed out that, although Hays County does have a Master Agreement with K Friese and Associates, that Master Agreement is specific to work related to Lime Kiln Road. As such, a new Master Professional Services Agreement (PSA) is needed. Counsel intends to use the standard PSA, coupled with Work Authorization #1 that already passed Court, to establish a contract between Hays County and K Friese. Per Court practice, standard PSAs are not placed in backup on the Court's agenda. Legal counsel can provide the form to anyone wishing to see it. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve authorize the County Judge to execute a Standard Professional Services Agreement Between Hays County and K Friese and Associates for Engineering work on Road(s) related to the U.S. Foods Project to be effective as of November 9, 2010. All voting "Aye". MOTION PASSED**

27627 AUTHORIZE COMMISSIONER, PRECINCT 2, TO EXECUTE A TEMPORARY ACCESS LICENSE WITH MOUNTAIN PLUM, LTD., TO ALLOW ACCESS FOR DUE DILIGENCE ON A PROSPECTIVE ACQUISITION PROPERTY FOR THE PRECINCT 2 OFFICES

Work continues on the relocation of the Hays County Precinct 2 offices. The next stage in the process is to perform due diligence on a prospective property in the Plum Creek Subdivision. Owners have already executed a Temporary Access License Provided by County's legal counsel. This item requests that the Precinct 2 Commissioner be granted the authority to sign that License if and when it becomes necessary for the County or its agents to access the property. Commissioner Barton plans to coordinate with the current stakeholders committee as well as Commissioner-elect Mark Jones. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commissioner, Precinct 2, to execute a Temporary Access License with Mountain Plum, LTD., to allow access for due diligence on a prospective acquisition property for the Precinct 2 Offices. All voting "Aye". MOTION PASSED**

27628 AUTHORIZE JUDGE SUMTER, COMMISSIONER CONLEY AND COMMISSIONER FORD TO SIGN A LETTER TO SENATOR WENTWORTH AND REPRESENTATIVE ROSE REGARDING AGREEMENTS & RECOMMENDATIONS FOR POTENTIAL LEGISLATIVE ACTION FOR ADDITIONAL AUTHORITIES FOR THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT

This letter represents final consensus of discussions held over the past six months by a selected group of stakeholders to address areas of great concern regarding the groundwater district in Western Hays County. Bill Davis of Dripping Springs spoke. Commissioner Barton stated that not everyone on the Court agreed with everything stated in the letter but honored the consensus of the group. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Judge Sumter, Commissioner Conley, and Commissioner Ford to sign a Letter to Senator Wentworth and Representative Rose regarding Agreements and Recommendation for Potential Legislative action for additional authorities for the Hays Trinity Groundwater Conservation District. All voting "Aye". MOTION PASSED**

27629 APPROVE CHIEF DEPUTY, SHERMAN BRODBECK'S 20 YEARS OF HAYS COUNTY SERVICE AS CONTINUOUS SERVICE FOR THE PURPOSES OF RETIREE INSURANCE BENEFITS

Sherman Brodbeck was hired for Hays County 2/1/89. He retired 7/31/04 and came back to work as Chief Deputy 5/1/06. He will be retiring with Hays County for the second time 11/30/10. This action would count his total amount of 20 years of Hays County service as continuous years of service for purposes of retirement insurance benefits. Chief Brodbeck did not have any outside employment during the span of his first retirement and has had a continuous retirement annuity since his initial retirement in 2004. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve Chief Deputy Sherman Brodbeck's 20 Years of Hays County Service as continuous service for the purposes of Retiree Insurance Benefits. All voting "Aye". MOTION PASSED**



27630 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ACQUISITION AGREEMENT WITH THE NATURE CONSERVANCY FOR 50.119 ACRES CURRENTLY OWNED BY WESTRIDGE JOINT VENTURE, LLC; TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MANAGEMENT AGREEMENT BETWEEN HAYS COUNTY AND WIMBERLEY VALLEY WATERSHED ASSOCIATION, PURSUANT TO THE MEMORANDUM OF UNDERSTANDING LAST AMENDED BETWEEN HAYS COUNTY AND WVWA ON OR ABOUT AUGUST 10, 2010; AND TO AUTHORIZE LEGAL COUNSEL TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO MEET BUYER'S OBLIGATIONS UNDER THE ACQUISITION AGREEMENT AND THE MOU, INCLUDING BUT NOT LIMITED TO EXECUTION OF PROMISSORY NOTE, DEED OF TRUST AND CONSERVATION EASEMENT TO BE GRANTED TO THE NATURE CONSERVANCY

The County has been negotiating acquisition of 50.119 acres located to the north of the Jacob's Well Natural Area. Acquisition of this property satisfies terms and conditions of the MOU between Hays County and WVWA, and will result in the settlement of 2 law suits, one involving the Jacob's Well Natural Area and another involving the City of Woodcreek. The culmination of this action will result in the County's ownership of fee title in approximately 81 acres surrounding Jacob's Well; and it will continue the collaboration between Hays County and WVWA to manage and protect the conservation values of this property. Public comment was made by Mark Key, Dorothy Knight with Wimberley Valley Watershed Association, Eric Eskelund City of Woodcreek Mayor, Jack Hollon with Wimberley Valley Watershed Association Board, Jeff Vasgaard of Wimberley, WF Dubb Smith of Dripping Springs, Malcolm Harris with Wimberley Valley Watershed Association, Skyler Marshall Attorney representing Mak Foster, John Cobb of San Marcos, Vanessa Lavender with Cypress Creek Project, Bill Davis of Dripping Springs, Lenee Lovejoy of San Marcos, Burgess Jackson Attorney, Jimmy Skipton of Dripping Springs, Sam Brannon of San Marcos, David Baker of Wimberley Valley Watershed Association, and Dr. Bert Cobb. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an Acquisition Agreement with the Nature Conservancy for 50.199 acres currently owned by Westridge Joint Venture, LLC; to authorize the County Judge to execute a Management Agreement between Hays County and Wimberley Valley Watershed Association, pursuant to the Memorandum of Understanding last amended between Hays County and WVWA on or about August 10, 2010; and to authorize Legal Counsel to execute all documents and take all actions necessary to meet buyer's obligations under the Acquisition Agreement and the MOU, including but not limited to execution of Promissory Note, Deed of Trust and Conservation Easement to be granted to the Nature Conservancy amount required of funding \$850K coming out of Parks Bond Fund the amended tenure that has been mentioned in the Management Agreement - this will also prevent law suits with Woodcreek and the Association and - add an amendment to the MOU that will account for the public access and 5-year reference will be changed to 3-year. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

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 RANCH ROAD 12

Court convened into closed executive session at 7:10 p.m. and reconvened into open meeting at 7:20 p.m. No action was taken.

Clerk's Note: Agenda Item #23 RE: 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 - was pulled

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. POSSIBLE ACTION MAY FOLLOW - was pulled

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 NOVEMBER 23, 2010.

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

