

**Commissioners Court -May 12, 2009  
NOTICE OF A MEETING OF THE  
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS**



This Notice is posted pursuant to the Texas Open Meetings Act. (VERNONS TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on the **12<sup>TH</sup> day of May, 2009**, in the Hays County Courthouse, Room 301, San Marcos, Texas. An Open Meeting will be held concerning the following subjects:

**INVOCATION:**

**PLEDGE OF ALLEGIANCE - Pledge of Allegiance to the American Flag & Pledge of Allegiance to the Texas Flag  
CALL TO ORDER /ROLL CALL**

**PRESENTATIONS & PROCLAMATIONS**

1	1-2	Proclamation declaring May 16, 2009 as Kids Day America/International. <b>FORD</b>
2	3	Presentation by Mike Weaver of the Monthly Progress Report for the Hays County Pass Through Finance Program for April 2009. <b>SUMTER</b>
3	4	Presentation by Counsel regarding policies related to the use of the Courthouse Grounds and other Hays County Properties. Possible action may follow. <b>SUMTER/KENNEDY</b>

**PUBLIC COMMENTS**

At this time **3-MINUTE** comments will be taken from the audience on Non-Agenda related topics. To address the Court, please submit a Public Participation/ Witness Form to the County Clerk. Please Complete the Public Participation/ Witness Form in its Entirety.  
**NO ACTION MAY BE TAKEN BY THE COURT DURING PUBLIC COMMENTS.**

**CONSENT ITEMS**

The following may be acted upon in one motion. A Commissioner, the County Judge, or a Citizen  
May request items be pulled for separate discussion and/or action

4	5	Approve payments of county invoices. <b>HERZOG</b>
5	6-11	Approve Commissioner Court Minutes of May 5, 2009. <b>SUMTER/FRITSCH</b>
6	12-13	Approve specifications for Bid #2009-B13 "Cedar Oaks Mesa Water Line Improvements" and authorize purchasing to solicit for bid and advertise. <b>SUMTER/HERZOG/MAIORKA</b>
7	14-15	Approve renewal of Bid #2006-B02 "Uniform Rental" with Unifirst for one additional year as provided for in the original bid. <b>SUMTER/HERZOG/MAIORKA</b>
8	16-25	Approve specifications for Bid #2009-B14 "Bottled Water Services for Hays County Offices" and authorize purchasing to solicit for bid and advertise. <b>SUMTER/HERZOG/MAIORKA</b>
9	26-33	Approve specifications for RFP #2009-P08 "Scanning & Indexing for the Hays County Tax Office" and authorize purchasing to solicit for proposal and advertise. <b>SUMTER/HERZOG/MAIORKA/CARAWAY</b>
10	34	Reject bids received for IFB #2009-B10 Construction of Additional Office/Classrooms for Juvenile Probation and authorizes purchasing to re-bid the project. <b>SUMTER/HERZOG/MAIORKA/COOPER</b>

**ACTION ITEMS**

**MISCELLANEOUS**

11	35	Discussion and possible action to authorize Constable Pct 3 to apply for the Tobacco Compliance Grant for Law Enforcement Agencies from the Office of the Texas Comptroller. <b>CONLEY/AYRES</b>
12	36-37	Discussion and possible action to appoint Sherri S. Bilson to the Parks Board. <b>CONLEY</b>
13	38-41	Discussion and possible action to close, abandon, and vacate .62 acres of County Right-of-Way on BeBee Road in Precinct 1; and to record the Order closing, abandoning, and vacating this property in the Official County Records. <b>INGALSBE</b>
14	42-44	Discussion and possible action to approve a Resolution supporting The Big Push, a regional effort to reduce ground level ozone in an effort to meet EPA ambient air quality requirements. <b>FORD</b>

15	45-46	Discussion and possible action to commit Hays County as a Clean Air Partner, a program of the Clean Air Force of Central Texas. <b>FORD</b>
16	47-48	Discussion and possible action to allow Pct 4 Constable to use salary savings to purchase various and necessary equipment for his office and deputies and amend budget as required. <b>FORD</b>
17	49-52	Discussion and possible action to authorize the purchase of a Dutch Door (also known as a 1/2 door) for the Compliance/Collections Office, and amend the budget accordingly. <b>INGALSBE</b>

#### **WORKSHOP**

18	53	<b>11:00AM</b> Road Department Building on Yarrington Road. <b>SUMTER/BORCHERDING</b>
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#### **EXECUTIVE SESSIONS**

The Commissioners Court will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The Commissioners' Court may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

19	54	Executive Session pursuant to §551.071 of the Texas Government Code, regarding THK, L.L.C vs. Hays County and pending litigation related thereto. <b>SUMTER</b>
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#### **ADJOURNMENT**

Posted by 5:00 o'clock P.M. on the 8<sup>th</sup> day of May, 2009.

**COMMISSIONERS COURT, HAYS COUNTY, TEXAS**

\_\_\_\_\_  
**CLERK OF THE COURT**

Hays County encourages compliance with the Americans with Disabilities Act (ADA) in the conduct of all public meetings. To that end, persons with disabilities who plan to attend this meeting and who may need auxiliary aids such as an interpreter for a person who is hearing impaired are requested to contact the Hays County Judge's Office at (512) 393-2205 as soon as the meeting is posted (72 hours before the meeting) or as soon as practical so that appropriate arrangements can be made. While it would be helpful to receive as much advance notice as possible, Hays County will make every reasonable effort to accommodate any valid request regardless of when it is received. Braille is not available.

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Approval of Proclamation declaring May 16, 2009 as Kids Day America/International.**

**TYPE OF ITEM: CONSENT-ACTION-PROCLAMATION-EXECUTIVE SESSION-WORKSHOP**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Ford**

**SPONSORED BY: Ford**

**SUMMARY:**

May include short presentation by Drs. Chae and Monya Tracy, First Family Chiropractic, Dripping Springs, TX.



PROCLAMATION DECLARING MAY 16, 2009  
KIDS DAY AMERICA/INTERNATIONAL IN HAYS COUNTY

WHEREAS, the health and well-being of children is our responsibility; and

WHEREAS, the safety of our children is a significant concern for parents, community leaders, and healthcare givers; and

WHEREAS, the environmental welfare is of universal concern and deserves the utmost attention; and

WHEREAS, if started in childhood, proper health, safety, and environmental habits can be maintained for a lifetime—producing a valued member of society and enhancing our community.

NOW THEREFORE WE DO HEREBY PROCLAIM, Saturday, May 16, 2009, as **Kids Day America/International** in Hays County and urge that this day be dedicated to the efforts of doctors of Chiropractic in helping educate all citizens on the importance of health, safety and environmental issues affecting our community.

PROCLAIMED THIS THE 12<sup>TH</sup> DAY OF MAY 2009.

\_\_\_\_\_  
Elizabeth Sumter, Hays County Judge

\_\_\_\_\_  
Debbie Gonzales-Ingalsbe  
Commissioner Precinct 1

\_\_\_\_\_  
Jefferson W. Barton  
Commissioner Precinct 2

\_\_\_\_\_  
Will Conley  
Commissioner Precinct 3

\_\_\_\_\_  
Karen Ford  
Commissioner Precinct 4

ATTEST:

\_\_\_\_\_  
Linda C. Fritsche, County Clerk

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**Phone (512) 393-2205**

**AGENDA ITEM: Presentation by Mike Weaver of the Monthly Progress Report for the Hays County Pass Through Finance Program for April 2009**

**CHECK ONE:**      **CONSENT**    ☐ **ACTION**      ☐ **EXECUTIVE SESSION**  
  
                         ☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☒ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED: none**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Mike Weaver**

**SPONSORED BY: Sumter**

**SUMMARY:**

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**AGENDA ITEM: Report by Counsel regarding policies related to the use of the Courthouse Grounds and other Hays County Properties. Possible Action May Follow.**

**TYPE OF ITEM: PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: May 5, 2009**

**AMOUNT REQUIRED: N/A**

**LINE ITEM NUMBER OF FUNDS REQUIRED: N/A**

**REQUESTED BY: SUMTER**

**SPONSORED BY: SUMTER**

**SUMMARY: Report will address concerns raised by the Court regarding the use of the Courthouse Grounds or other County property by the public for various events and functions.**

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

2:00 p.m. Every Wednesday

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no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Approve payment of county invoices.**

**CHECK ONE:**    ☒ **CONSENT**    ☐ **ACTION**    ☐ **EXECUTIVE SESSION**  
                  ☐ **WORKSHOP**    ☐ **PROCLAMATION**    ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: 5/12/09**

**AMOUNT REQUIRED: None**

**LINE ITEM NUMBER OF FUNDS REQUIRED: As attached.**

**REQUESTED BY: Auditor's Office**

**SPONSORED BY: Bill Herzog** 

**SUMMARY:**

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### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

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no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: APPROVE COMMISSIONERS COURT MINUTES OF MAY 5, 2009**

**CHECK ONE:**     **X CONSENT**     ☐ ACTION     ☐ EXECUTIVE SESSION  
                         ☐ WORKSHOP     ☐ PROCLAMATION     ☐ PRESENTATION

**PREFERRED MEETING DATE REQUESTED: MAY 12, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: FRITSCHÉ**

**SPONSORED BY: SUMTER**

**SUMMARY:**





STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 5<sup>TH</sup> DAY OF MAY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER  
DEBBIE GONZALES INGALSBE  
JEFFERSON W. BARTON  
WILL CONLEY  
KAREN FORD  
LINDA C. FRITSCHKE

COUNTY JUDGE  
COMMISSIONER, PCT. 1  
COMMISSIONER, PCT. 2  
COMMISSIONER, PCT. 3  
COMMISSIONER, PCT. 4  
COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mike Schlimgen of Solid Rock Church gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**PRESENTATION BY ADAN MUNOZ, JR., EXECUTIVE DIRECTOR, TEXAS COMMISSION ON JAIL STANDARDS** [T1-57]

Texas Commission on Jail Standards Executive Director Adan Munoz Jr. spoke of inspection of the Hays County Jail. There is a major deficiency in the roof, structural problems in the facility, and there is space in cell areas for transfer of contraband. He stated that the facility is outdated. The kitchen area has mold and mildew and there is rust in various parts of the building. This was a special inspection requested by the Sheriff and not a normal inspection. A plan of action in response to items found is required. Court discussed need for a facilities assessment and assistance from Jail Standards personnel. Roof issue to be addressed under another agenda item

**PRESENTATION OF HAYS COUNTY STRATEGIC PLANNING PROCESS BY CHRIS HOLTKAMP, AICP FROM LCRA, COMMUNITY AND ECONOMIC DEVELOPMENT** [T1-414]

Chris Holtkamp, AICP from LCRA, spoke of having met with the majority of county department heads and elected officials. He spoke of holding a charette with local elected officials in Wimberley to determine what is going on at the city level with input at the county level as well. There will also be a series of town hall meetings for input from the citizens. He spoke of needs heard during the meetings with county officials & department heads: new government center, upgrade computer systems, jail issues, automated ticket writing, hot-mix equipment, etc. Judge Sumter spoke of partners in the plan and members of the committee. Chris Holtkamp spoke of various population projections for 2040 (Habitat Plan = 357,873; Texas State Data Center = 469,394/with explosive growth & 276,103/with significant drop in migration; and Texas Water Development Board = 272,543).

**PRESENTATION - UPDATE ON HAYS SHOOTING SPORTS TASK FORCE (SSTF)** [T1-805]

Stephen Marlow appeared representing the Shooting Sports Task Force (SSTF). He gave a powerpoint presentation. Their primary mission is to provide youth and adults with learning, a safe location to receive shooting sports instruction and safety training, a central location to practice shooting sports safely, opportunities to compete in shooting sports matches and special events, with youth and family activities emphasized. One of the goals is to reduce the need or desire to shoot on private property with ill-prepared or non-existent target backstops and dedicated zones of safety. The charge of the SSTF shall be (1) to establish criteria for, solicit and review potential sites or locations for a shooting sports facility located in Hays County, (2) to make recommendations to the Commissioners Court concerning these sites and (3) to assist county staff in outreach efforts throughout the county; and to pursue funding options, stakeholders, and ideas for operation and on-going administration of a shooting sports facility. He presented the property criteria for the complex and showed the court various facilities throughout the state in Bexar County, Harris County, Kerrville, & Travis County. Mr. Marlow spoke of monthly meetings held at Cabela's, contacts through Commissioners, advertised in news papers, email listing and word of mouth. They have been reviewing potential sites: 380 acres near Kyle on Onion Creek (Searcy), 350 acres on 1626 & 967 (Dahlstrom), and 505 acres on IH35 (Yarrington). Mr. Marlow spoke of funding options, stakeholders, operation and administration. He stated their conclusion in viewing the data on various websites one becomes aware of the social aspects of shooting sports and the strong family and youth orientation being promoted. Small facilities limit the number of shooting sports offered. Gary Connor made public comment in support of this facility.



MAY 5, 2009

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**PUBLIC COMMENT**

[T1-1483] Andrew Backus (Hays Trinity Groundwater Conservation District) gave an update on Chapter 36 legislation.

**PRESENTATION FROM CONSTABLE DARRELL AYRES FROM THE CONSTABLE PRECINCT 3 OFFICE** [T1-1550]

Constable Pct. 3 Darrell Ayres gave a presentation showing his county website which includes the history of the constables office and fees charged (set by Commissioners Court). He spoke of his fulltime deputies and his reserve deputies. He spoke of years of experience in his office and he spoke of duties being performed.

**PRESENTATION TO THE COURT BY STEVE STARTZELL, OF NATIONAL SIGN PLAZAS, REGARDING THE OPPORTUNITY FOR A DIRECTIONAL SIGN PROGRAM AND INFORMATIONAL KIOSKS** [T1-1875]

Steve Startzell, National Sign Plazas, spoke of their business working in the directional sign and homebuilding industry for over 30 years. Developers rent/lease space/panels on the signs and the county receives an administration fee. Signs are placed in county right-of-way. The county would be able to utilize space on the signs for county services.

**26102 AUTHORIZE THE PURCHASE OF A VEHICLE FOR THE SHERIFF'S DEPT.**

Sheriff Tommy Ratliff spoke of funds available to purchase a new vehicle for patrol from savings in the vehicle line item. A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the purchase of a vehicle in the amount of \$21,641.00 for the Sheriff's Department. All voting "Aye". MOTION PASSED

**26103 ACCEPT DONATION OF EQUIPMENT FROM MCCOY'S BUILDING SUPPLY IN EXCHANGE FOR BANNER PLACEMENT AND THE USE OF THE CIVIC CENTER FOR SIX (6) ONE-DAY MCCOY'S SPONSORED EVENTS PRIOR TO DECEMBER 31, 2010** [T1-2145]

Civic Center Manager Barry Nelson spoke of request from McCoy's Building Supply. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept donation of equipment from McCoy's Building Supply in exchange for banner placement and the use of the Civic Center for six one-day McCoy's sponsored events prior to December 31, 2010. All voting "Aye". MOTION PASSED

**26104 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE USE OF AN AIRCRAFT, BETWEEN THE HAYS COUNTY SHERIFFS OFFICE, THE SHERIFFS ASSOCIATION OF TEXAS AND THE UNITED STATES DEPARTMENT OF JUSTICE NATIONAL INSTITUTE OF JUSTICE** [T1-2250]

Sheriff Tommy Ratliff spoke of this agreement allowing the Sheriff's Department to access and use of an aircraft to assist in law enforcement. Comal County Sheriff's Department will also have access to this aircraft. Special Counsel Mark Kennedy spoke of the MOU. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Memorandum of Understanding for the use of an aircraft between the Hays County Sheriff's Office, the Sheriffs Association of Texas and the United States Department of Justice National Institute of Justice. All voting "Aye". MOTION PASSED

**26105 ADOPT A RESOLUTION IN SUPPORT OF HB 1215, HB 572 AND HB 2272 REGARDING COUNTY COLLECTIONS** [T1-2506]

Collections Manager Judy Seim spoke of legislation that will help the collections department. HB1215 will allow the Collections Department to collect fines and court costs. A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a resolution in support of HB 1215, HB 572 and HB 2272 regarding county collections. All voting "Aye". MOTION PASSED



**26106 [08-4-87 - 7 Lots] REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH, PHASE 2 - APPROVE PRELIMINARY PLAN [T1-2646]**

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan of Replat of Tract 4 Dripping Springs Ranch Phase 2. All voting "Aye". MOTION PASSED

**26107 [08-4-68 - 2 Lots] RANCHO BELLA SUBDIVISION - APPROVE PRELIMINARY PLAN**

[T1-2705] Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. Gene Williams, owner/developer, spoke of wells. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Preliminary Plan of Rancho Bella Subdivision. All voting "Aye". MOTION PASSED

**26108 [09-4-06 - 3 Lots] REPLAT AND VACATION OF LOT 2, WATKINS SUBDIVISION NO. 1 - APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON JUNE 2, 2009 [T1-2806]**

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Preliminary Plan of Replat and Vacation of Lot 2 Watkins Subdivision No. 1 and call for a public hearing on June 2, 2009. All voting "Aye". MOTION PASSED

**26109 [09-4-09 - 7 Lots] REPLAT OF CREEK OF DRIFTWOOD SUBDIVISION, LOTS 40-48 - WAIVE PRELIMINARY PLAN APPROVAL AND PUBLIC HEARING - APPROVE FINAL PLAT AND CHANGE OF ONE STREET NAME [T1-2842]**

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. Bandana to become extension of Onion Creek. A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan approval and public hearing and approve final plat of Replat of Creek of Driftwood Subdivision Lots 40-48 and change of one street name. All voting "Aye". MOTION PASSED

**26110 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS ON SUMMIT PASS AT THE INTERSECTION WITH HIGH ROAD (CR 253) [T1-2903]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTD Director Jerry Borchering gave staff recommendation to have a stop sign put on Summit Pass at its intersection with High Road (CR 256). A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of a stop sign on Summit Pass at the intersection with High Road (CR 253). All voting "Aye". MOTION PASSED

**26111 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payments of county invoices in the amount of \$568,510.13 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**26112 APPROVE COMMISSIONER COURT MINUTES OF APRIL 28, 2009**

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Commissioner Court Minutes of April 28, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**26113 APPROVE ADDITIONAL ITEMS TO THE ON-LINE AUCTION THAT WILL BE HELD ON MAY 11, 2009 WITH RENE BATES AUCTIONEERS**

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve additional items to the On-Line Auction that will be held on May 11, 2009 with Rene Bates Auctioneers. All voting "Aye". MOTION PASSED



MAY 5, 2009

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- 26114 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 5 TO THE GRANT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FIVE MILE DAM PARK, TO DELETE ONE OF TWO PAVILIONS AND ONE OF TWO PLAYGROUNDS, AND ADD SOCCER FIELD LIGHTING TO THE PROJECT SCOPE**

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute Amendment 5 to the Grant Agreement with the Texas Parks and Wildlife Department for Five Mile Dam Park to delete one of two pavilions and one of two playgrounds, and add soccer field lighting to the project scope. All voting "Aye". MOTION PASSED

- 26115 **AUTHORIZE PHENOLIC CONSULTANTS TO GO FORWARD WITH BIDDING AND PROCUREMENT OF A DECK REMEDIATION CONTRACTOR AND A ROOF INSTALLATION CONTRACTOR FOR REMEDIATION AND REPAIR OF THE SHERIFF'S OFFICE ROOFTOP** [T1-2930]

Special Counsel Mark Kennedy spoke of settlement and need to move forward. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Phenolic Consultants to go forward with bidding and procurement of a deck remediation contractor and a roof installation contractor for remediation and repair of the Sheriff's Office rooftop. All voting "Aye". MOTION PASSED

**Clerk's Note: Agenda Item #20 RE: AMEND THE COURTHOUSE GROUNDS AND OTHER HAYS COUNTY PROPERTY POLICY. REPORT BY MARK KENNEDY was PULLED.**

- 26116 **ADOPT A RESOLUTION IN SUPPORT OF THE PROPOSED LOOP 82 IMPROVEMENT PROJECT IN SAN MARCOS** [T1-3204]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a resolution in support of the proposed Loop 82 improvement project in San Marcos. All voting "Aye". MOTION PASSED

- 26117 **AUTHORIZE STAFF AND COMMISSIONER, PRECINCT 3, TO NEGOTIATE A CONTRACT FOR THE PURCHASE OF PROPERTY OWNED BY PAUL DUNN NEAR THE NORTHWEST CORNER OF WINTERS MILL PARKWAY AND KYLE ROAD IN PRECINCT 3** [T1-3303]

This item was pulled into Executive Session pursuant to Section 551.072 of the Texas Government Code. Court convened into executive session at 12:10 p.m. and reconvened into open meeting at 12:40 p.m. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize Mark Kennedy and Commissioner Precinct 3, to negotiate a contract for the purchase of a property owned by Paul Dunn near the northwest corner of Winters Mill Parkway and Kyle Road in Precinct 3 and to furthermore authorize the County Judge to execute that contract. All voting "Aye". MOTION PASSED

**EXECUTIVE SESSION TO DISCUSS ROUTINE PERFORMANCE EVALUATIONS FOR THE DEPARTMENT MANAGER, AS WELL AS OTHER PERSONNEL (INCLUDING SPECIFIC CREW SUPERINTENDENTS AND PROGRAM SUPERVISORS), IN THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT, PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE**

Court convened into closed executive session at 12:50 p.m. and reconvened into open meeting at 2:20 p.m. No action taken.

**Clerk's Note: Agenda Item #23 RE: WORKSHOP TO DISCUSS ADDITIONS TO ROAD DEPARTMENT BUILDING ON YARRINGTON ROAD 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 MAY 5, 2009.



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



## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

No later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Approve specifications for Bid #2009-B13 "Cedar Oaks Mesa Water Line Improvements" and authorize purchasing to solicit for bid and advertise.**

**CHECK ONE:**      ☒ **CONSENT**      ☐ **ACTION**      ☐ **EXECUTIVE SESSION**  
  
                         ☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Herzog/Maiorka**

**SPONSORED BY: SUMTER**

**SUMMARY: The Bid Manual is too large to include as back-up so it will be available in the purchasing office for review.**



## **Advertisement and Invitation for Bids for Construction**

**HAYS COUNTY, TEXAS** will receive bids for Proposed **Hays County Cedar Oaks Mesa Water Line Improvements, Hays County, Texas (TCDP # 728190)(Hays County IFB # 2009-B13)** until 2:00 p.m. local time, May 28, 2009, at the **Hays County Courthouse, 111 E. San Antonio St., Suite 101 (Attn: Ms. Cindy Maiorka, Purchasing Agent) San Marcos, Texas 78666**. The bids will be publicly opened and read aloud at that time.

Bids are invited for the several items and quantities of work as follows:

**Approximate 2,420 L.F. 8" PVC water line and 350 L.F. 6" PVC water line, approximate 35 water service reconnections, associated fire hydrants, valves, and other miscellaneous appurtenances to complete the project.**

Bid/Contract Documents including Drawings and Technical Specifications are on file at the office of the Engineer, **HEJL, LEE & ASSOCIATES, INC., 321 Ed Schmidt Blvd., Suite 100, Hutto, Texas 78634** (phone 512-642-3292).

Copies of the Bid Documents and plans may be obtained by depositing **\$50.00 (non-refundable)** with the Engineer for each set of documents obtained.

A bid bond in the amount of 5% of the bid issued by an acceptable surety shall be submitted with each bid. A certified check or bank draft payable to **HAYS COUNTY** or negotiable U.S. Government Bonds (as par value) may be submitted in lieu of the Bid Bond.

Attention is called to the fact that not less than the federally determined prevailing (David-Bacon) wage rate, as issued by the Office of Rural Community Affairs and contained in the contract documents, must be paid on this project. In addition, the successful bidder must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin.

**HAYS COUNTY, TEXAS** reserves the right to reject any or all bids or to waive any informality in the bidding.

Bids may be held by the **HAYS COUNTY** for a period not to exceed 30 days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidder's qualifications prior to the contract award.

**HAYS COUNTY** will require a "separate contract" that separates labor and other services from the tangible personal property that will be purchased by the contractor for use in the project. This requirement is in response to Section 14.07 of 1 House Bill 11 regarding the application of the Sales Tax to government construction contracts.

**Hays County**  
(name of locality)

**Liz Sumter, County Judge**  
(contracting officer, title)

**April, 2009**  
(date)

All contractors/subcontractors which are debarred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project.

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Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Approve renewal of Bid #2006-B02 "Uniform Rental" with Unifirst for one additional year as provided for in the original bid.**

**CHECK ONE:**      ☒ **CONSENT**      ☐ **ACTION**      ☐ **EXECUTIVE SESSION**  
  
                         ☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Herzog/Maiorka**

**SPONSORED BY: SUMTER**

**SUMMARY: All terms and conditions remain unchanged and in full force and effect as provided in the original bid. Pricing remains the same.**





**OFFICE OF THE COUNTY AUDITOR**

Hays County Purchasing  
111 E. San Antonio Street, Suite 101  
San Marcos, Texas 78666  
512-393-2273  
Fax: 512-393-2276  
[www.co.hays.tx.us](http://www.co.hays.tx.us)

**Bill Herzog, CPA**  
County Auditor  
[bherzog@co.hays.tx.us](mailto:bherzog@co.hays.tx.us)

**Cindy Maiorka, CPPB**  
Purchasing Manager  
[cindym@co.hays.tx.us](mailto:cindym@co.hays.tx.us)

Unifirst Corporation  
6000 Bolm Road  
Austin, Texas 78721

April 27, 2009

The bid for "Uniform Rental" will expire soon. This letter will serve as notice that Hays County would like to renew your existing bid for one (1) additional year, provided all terms and conditions remain unchanged and in full force and effect as provided in the original bid. If you are in agreement with this, please sign below and mail back to Hays County Purchasing Office, 111 E San Antonio St., Ste.101, San Marcos, Texas 78666.

If you have any questions please feel free to contact me at 512-393-2273.

Please find enclosed the tabulation sheet.

Sincerely,  
  
Cindy Maiorka, CPPB  
Purchasing Manager

Signature  Date 4/29/09

Printed Name MIKE FERGUSON

Company Name UNIFIRST

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

No later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Approve specifications for Bid #2009-B14 "Bottled Water Services for Hays County Offices" and authorize purchasing to solicit for bid and advertise.**

**CHECK ONE:**      ☒ **CONSENT**      ☐ **ACTION**      ☐ **EXECUTIVE SESSION**  
  
                         ☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Herzog/Maiorka**

**SPONSORED BY: SUMTER**

**SUMMARY: see attached specifications**

**BOTTLED WATER SERVICES  
FOR HAYS COUNTY OFFICES  
BID #2009-B14**

**I. GENERAL CONDITIONS**

1.1. BIDS ARE SOLICITED FOR FURNISHING THE EQUIPMENT SET FORTH IN THIS BID PROPOSAL. COMPLETED BID PROPOSALS MUST BE RECEIVED IN THE HAYS COUNTY PURCHASING OFFICE BEFORE 2:00 P.M. ON THE "OPENING DATE". ALL BIDS MUST BE IN A SEALED ENVELOPE CLEARLY MARKED WITH THE BID NUMBER AND OPENING DATE.

1.2. BIDS RECEIVED IN THE COUNTY PURCHASING OFFICE AFTER SUBMISSION DEADLINE SHALL BE RETURNED UNOPENED AND WILL BE CONSIDERED VOID AND UNACCEPTABLE. HAYS COUNTY IS NOT RESPONSIBLE FOR LATENESS OF MAIL, CARRIER, ETC. AND TIME/DATE STAMP CLOCK IN AUDITOR'S OFFICE SHALL BE THE OFFICIAL TIME OF RECEIPT.

1.3. BIDS MAY BE WITHDRAWN AT ANY TIME PRIOR TO THE OFFICIAL OPENING. ALTERATIONS MADE BEFORE OPENING TIME MUST BE INITIALED BY BIDDER GUARANTEEING AUTHENTICITY. AFTER THE OFFICIAL OPENING, BIDS MAY NOT BE AMENDED, ALTERED OR WITHDRAWN WITHOUT THE RECOMMENDATION OF THE COUNTY AUDITOR AND THE APPROVAL OF THE COMMISSIONERS' COURT.

1.4. THE COUNTY IS EXEMPT FROM FEDERAL EXCISE AND STATE SALES TAX; THEREFORE, TAX MUST NOT BE INCLUDED IN THIS BID.

1.5. THE OFFERER AGREES, IF THIS BID IS ACCEPTED, TO FURNISH ANY AND ALL ITEMS UPON WHICH PRICES ARE OFFERED, AT THE PRICE(S) AND UPON THE TERMS AND CONDITIONS CONTAINED IN THE SPECIFICATIONS. THE PERIOD FOR ACCEPTANCE OF THIS BID PROPOSAL WILL BE SIXTY (60) CALENDAR DAYS UNLESS A DIFFERENT PERIOD IS NOTED BY BIDDER.

1.6. THE COUNTY RESERVES THE RIGHT TO ACCEPT OR REJECT IN PART OR IN WHOLE ANY BIDS SUBMITTED, AND TO WAIVE ANY TECHNICALITIES FOR THE BEST INTEREST OF THE COUNTY.

1.7. INVOICES SHALL BE SENT DIRECTLY TO THE HAYS COUNTY AUDITOR, 111 E. SAN ANTONIO ST., SUITE 100, SAN MARCOS, TEXAS 78666, ATTENTION: ACCOUNTS PAYABLE. PAYMENTS WILL BE PROCESSED AFTER NOTIFICATION THAT ALL EQUIPMENT HAS BEEN RECEIVED SATISFACTORILY AND NO UNAUTHORIZED EQUIPMENT HAS BEEN RECEIVED.

1.8. HAYS COUNTY TERMS OF INVOICE ARE NET 30 DAYS FROM STATEMENT DATE.

1.9. THE BID AWARD SHALL BE BASED ON BUT NOT NECESSARILY LIMITED TO, THE FOLLOWING FACTORS:

1.9.1 TOTAL PRICE

1.9.2. SPECIAL NEEDS AND REQUIREMENTS OF HAYS COUNTY.

1.9.3. VENDOR'S PAST PERFORMANCE RECORD WITH HAYS COUNTY.

1.9.4. HAYS COUNTY'S EVALUATION OF VENDOR'S ABILITY.

1.9.5. DELIVERY AND COMPLETION DATE.

1.10. IF BID IS ACCEPTED AND APPROVED BY COMMISSIONERS' COURT THEN THIS BID BECOMES THE CONTRACT AND THERE ARE NO ORAL AGREEMENTS EITHER EXPRESSED OR IMPLIED. NO DIFFERENT OR ADDITIONAL TERMS WILL BECOME PART OF THIS CONTRACT WITH THE EXCEPTION OF A CHANGE ORDER.

1.11. ANY INTERPRETATIONS, CORRECTIONS OR CHANGES TO THIS INVITATION FOR BID AND SPECIFICATIONS WILL BE MADE BY ADDENDA. SOLE ISSUING AUTHORITY OF ADDENDA SHALL BE VESTED IN HAYS COUNTY AUDITOR. ADDENDA WILL BE MAILED TO ALL WHO ARE KNOWN TO HAVE RECEIVED A COPY OF THIS INVITATION FOR BID. BIDDERS SHALL ACKNOWLEDGE RECEIPT OF ALL ADDENDA.

1.12. FUNDS FOR PAYMENT HAVE BEEN PROVIDED THROUGH THE HAYS COUNTY BUDGET APPROVED BY THE COMMISSIONERS COURT FOR THIS FISCAL YEAR ONLY. STATE OF TEXAS STATUTES PROHIBIT THE OBLIGATION AND EXPENDITURE OF PUBLIC FUNDS BEYOND THE FISCAL YEAR FOR WHICH A BUDGET HAS BEEN APPROVED. THEREFORE, ANTICIPATED ORDERS OR OTHER OBLIGATIONS THAT MAY ARISE PAST THE END OF THE CURRENT HAYS COUNTY FISCAL YEAR SHALL BE SUBJECT TO BUDGET APPROVAL.

1.13 THE TERM OF THIS CONTRACT IS FROM JUNE, 2009 THROUGH JUNE, 2010 WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE YEAR TERMS AT THE DISCRETION OF THE HAYS COUNTY COMMISSIONERS' COURT.

1.14 CONTRACTOR WILL BE REQUIRED TO FURNISH A COPY OF CERTIFICATE OF INSURANCE FROM AN ADMITTED COMPANY. A COPY MUST BE INCLUDED AND ATTACHED TO THIS INVITATION FOR BID

1.15 CONTRACTOR WILL BE REQUIRED TO FURNISH STATUTORY WORKERS COMPENSATION.

## **2. SPECIFICATIONS**

- 2.1. POINT OF CONTACT FOR CONTRACT ADMINISTRATION:  
RON KNOTT, DIRECTOR HAYS COUNTY BUILDING MAINTENANCE  
512-393-7644.
- 2.2 WATER, COOLERS AND OTHER SUPPLIES WILL BE DELIVERED TO EACH DEPARTMENT IN THE COUNTY SUBSCRIBING TO THE SERVICE.
- 2.3 A DELIVERY TICKET SIGNED BY THE DEPARTMENT MUST BE LEFT WITH THE DEPARTMENT WHEN WATER DELIVERY IS MADE.
- 2.4 IT WILL BE THE RESPONSIBILITY OF THE VENDOR TO MAKE SURE THAT THE COOLERS ARE PERIODICLY CLEANED AND CHECKED FOR ANY MECHANICAL PROBLEMS. IF THE COOLER IS FOUND TO BE DEFECTIVE IN ANY MANNER IT MUST BE REPLACED WITH A NEW UNIT.
- 2.5 A DELIVERY SCHEDULE SHALL BE PROVIDED FOR USER DEPARTMENTS. IF THERE ARE ANY DEVIATIONS FROM THE SCHEDULE, VENDOR MUST NOTIFY THE CONTRACT ADMINISTRATOR, RON KNOTT AT 512-393-7644 OR THE PURCHASING OFFICE AT 512-393-2271.

**BIDS SHALL BE RECEIVED IN THE HAYS COUNTY PURCHASING OFFICE, LOCATED AT 111 E. SAN ANTONIO STREET, SUITE 101, SAN MARCOS, TEXAS 78666. BIDS ARE DUE NO LATER THAN 2:00 P.M., May 22, 2009.**

The undersigned, by his/her signature, represents that he/she is authorized to bind the bidder to fully comply with the terms and conditions of the attached Invitation for Bid, specifications, and special provisions for the amount(s) shown on the accompanying bid sheet(s). By signing below, you have read the entire document and agreed to the terms herein.

---

Signature of Person Authorized to Sign Bid

Date

---

Printed Name and Title of Signer

**BID SHEET**

**BOTTLED WATER SERVICES FOR HAYS COUNTY OFFICES  
BID 2009-B14**

**BID DUE: May 22, 2009 NO LATER THAN 2:00 P.M.**

Name of Bidder \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

ITEM #	DESCRIPTION	UNIT	UNIT COST
1	Natural Spring Water- 5 gal	Bottle	
2	Natural Spring Water- 5 gal- no spill	Bottle	
3	Purified Drinking Water-5 gal	Bottle	
4	Purified Drinking Water-5 gal-no spill	Bottle	
5	Cold Water Cooler-Standard	Monthly Rental	
6	Cold & Hot Water Cooler-Standard	Monthly Rental	
7	Cold Water Cooler-no spill	Monthly Rental	
8	Cold & Hot Water Cooler-no spill	Monthly Rental	
9	Bottle Deposit	Bottle	
10	Cup Dispensers	Each	
11	Flat Cups-5 oz	Case	
12	Storage Racks	Each	
13	Natural Spring Water-3 gal	Bottle	
14	Purified Drinking Water-3 gal	Bottle	
<b>BID IS DUE: May 22, 2009 NO LATER THAN 2:00 P.M.</b>			

Please include any deviations from the specifications:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Vendor/Bidder's Affirmation**

1. Vendor/Bidder affirms that they are duly authorized to execute this Contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other bidder, and that the contents of this bid as to price, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engages in this type of business prior to the official opening of this bid.
2. Vendor/Bidder hereby assigns to Purchaser any and all claims for overcharges associated with this Contract which arise under the antitrust laws of the United States, 15 USCA Section 1 et seq., and which arise under the antitrust laws of the State of Texas, Tex. Bus. & Com. Code, Section 15.01, et seq.
3. Pursuant to 262.076 (a) of the Texas Local Government Code, Vendor/Bidder, hereby affirms that Vendor/Bidder:

\_\_\_\_\_ Does not own taxable property in Hays County.

\_\_\_\_\_ Does not owe any ad valorem taxes to Hays County or is not otherwise indebted to Hays County.

\_\_\_\_\_  
**Name of Contracting Company**

\_\_\_\_\_  
**Contact Name**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Mailing Address**

\_\_\_\_\_  
**City**

\_\_\_\_\_  
**State**

\_\_\_\_\_  
**Zip Code**

\_\_\_\_\_  
**Signature of Company Official Authorizing Bid/Offer**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Phone**

\_\_\_\_\_  
**Fax**

\_\_\_\_\_  
**E-mail address**

**CONTRACT\***

**STATE OF TEXAS  
COUNTY OF HAYS**

WHEREAS, The attached "Bid Package" which includes the **Cover Sheet, Instructions, Specifications, and Bid Sheet(s)** for the item(s) being published for competitive bid, were solicited pursuant to Texas Local Government Code 262.021; and

**WHEREAS, the Hays County Commissioners' Court as the governing body of Hays County did on \_\_\_\_\_, 20\_\_ award a contract to \_\_\_\_\_ (Vendor/Bidder) for furnishing the materials, equipment, supplies and/or services in quantities and at prices as set forth in the above-attached "Bid Package"; and**

**THEREFORE, Knowing all men by these present, that this contract is entered into by Hays County, Texas (hereinafter called "County") and the undersigned Vendor (hereinafter called "Vendor" or "bidder").**

**WITNESSETH**

THAT IN ACCORDANCE with the above attached Bid Package in every particular, the Vendor will perform in accordance with the terms thereof and the County agrees to make payment for such items or services purchased on appropriate Purchase Orders in accordance with the items of said Bid Package which is made a part of this contract and incorporated herein for all purposes.

THAT IN ACCORDANCE with the attached the County's acceptance of equipment, supplies and services shall be contingent on (1) they conform, (2) they were delivered (if applicable), and (3) services have been satisfactorily performed in the sole determination of the County.

**Prior Agreements Superseded**

This Contract, with the entire Bid Package incorporated herein for all purposes, including any required supporting literature, brochures, and/or data sheets or sample, constitutes the sole agreements of the parties to the agreement and supersedes all oral or written previous and contemporary agreements between the parties and relating to matters herein.

**Amendment**

No amendment, modification or alteration of the terms of this contract shall be binding unless same is in writing, dated subsequent to the date of this contract, and duly executed by authorization representatives of each party.

IN TESTIMONY WHEREOF: Witness our hands at Hays County, Texas, effective as of the date awarded above, if any.

VENDOR

HAYS COUNTY

BY: \_\_\_\_\_  
AUTHORIZED AGENT

BY \_\_\_\_\_  
COUNTY JUDGE

ATTEST: \_\_\_\_\_  
Linda Fritsche, Hays County Clerk



## **Conflict of Interest Disclosure**

Beginning January 1, 2006 a new State Law (Chapter 176 of the Texas Local Government Code) requires the filing of Conflict of Interest Questionnaires by individuals and businesses..

The questionnaire requires disclosures describing certain business and gift giving relationships (if any) the filers may have with the Hays County Commissioners Court members and other elected/appointed officials.

The new law applies to:

- Businesses and individuals who contract with Hays County
- Businesses and individuals who seek to contract with Hays County, (regardless of whether a bidder is awarded the contract), and
- Agents who represent such businesses in their business dealings with Hays County

The forms for reporting are available at [www.ethics.state.tx.us/whatsnew/conflict\\_forms.htm](http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm)

If you have any questions about compliance, please consult your own legal counsel. Compliance is the individual responsibility of each individual, business, and agent who is subject to the law's filing requirement.

If you are required to file a Conflict of Interest Questionnaire, you should file with the Hays County Clerk by mailing the completed form to:

Hays County Clerk  
137 Guadalupe Street  
San Marcos, Texas 78666

## CODE OF ETHICS FOR HAYS COUNTY

Public employment is a public trust. It is the policy of Hays County to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by Hays County. Such a policy implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public services.

Public servants must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the Hays County procurement organization.

To achieve the purpose of this article, it is essential that those doing business with Hays County also observe the ethical standards prescribed here.

1. It shall be a breach of ethics to attempt to influence any public employee, elected official or department head to breach the standards of ethical conduct set forth in this code.
2. It shall be a breach of ethics for any employee of Hays County or a vendor doing business with the county to participate directly or indirectly in a procurement when the employee or vendor knows that:
  - A. The employee or any member of the employee's immediate family, or household has a substantial financial interest pertaining to the procurement. This means ownership of 10% or more of the company involved and/or ownership of stock or other interest or such valued at \$2500.00 or more.
  - B. A business or organization in which the employee, or any member of the employee's family immediate family, has a financial interest pertaining to the procurement.
  - C. **Gratuities:** It shall be breach of ethics to offer, give or agree to give any employee of Hays County or for any employee to solicit, demand, accept or agree to accept from a vendor, a gratuity of consequence or any offer of employment in connection with any decision approval, disapproval, recommendation, preparation or any part of a program requirement or purchase request influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or controversy, any particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore pending before this government.
  - D. **Kickbacks:** It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for Hays County as an inducement for the award of a contract or order.
  - E. **Contract Clause:** The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation therefore.

**F. Any effort to influence any employee, elected official, or department head to violate the standards of this code are grounds to void the contract. Please certify by your signature below that you understand the ethics policy of Hays County and in no way will attempt to violate the code.**

SIGNATURE: \_\_\_\_\_

PRINT NAME AND TITLE: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

No later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Approve specifications for RFP #2009-P08 "Scanning & indexing for the Hays County Tax Office" and authorize purchasing to solicit for proposal and advertise.**

**CHECK ONE:**      ☒ **CONSENT**      ☐ **ACTION**      ☐ **EXECUTIVE SESSION**  
                         ☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** May 12, 2009

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Herzog/Maiorka/Caraway

**SPONSORED BY:** SUMTER

**SUMMARY:** see attached specifications

**REQUEST FOR PROPOSAL  
SCANNING AND INDEXING SERVICES FOR HAYS COUNTY TAX OFFICE**

**Hays County, Texas  
RFP 2009-P08**

**INSTRUCTIONS**

**Please submit one original and two copies of your proposal to:**

**Hays County Purchasing Office  
111 E. San Antonio St., Suite 101  
San Marcos, Texas 78666**

The enclosed Request for Proposal is for your convenience in submitting an offer for the enclosed referenced services for Hays County.

Sealed proposals shall be received **no later than:**

**2:00 p.m. Thursday, May 28, 2009  
Mark envelope: Scanning and Indexing for Hays County Tax Office  
RFP 2009-P08**

**It is understood that** Hays County, reserves the right to accept or reject any and/or all proposals as it shall deem to be in the best interest of Hays County. Receipt of any proposal shall under no circumstances obligate Hays County to accept the lowest proposal. The award of the contract shall be made to the responsible offer or whose proposal is determined to be the lowest and best evaluated offer resulting from negotiation, taking into consideration the relative importance of price and other evaluation factors set forth in the request for proposal.

**Proposals shall** include all documents submitted. Each proposal shall be placed in a separate sealed envelope, signed in ink by a person having the authority to bind the firm in a contract and marked clearly on the outside. Fax transmittals will not be accepted.

**Late proposals:** Proposals received in the County Purchasing Office after submission deadline shall be unopened and will be considered void and unacceptable. Hays County is not responsible for lateness of mail; carrier, etc., and time/date stamp clock in Purchasing Office shall be the official time of receipt.

**Altering Proposals:** Any interlineations, alterations, or erasure made before receiving time must be initialed by the signer of the proposal, guaranteeing authenticity.

**Withdrawal of proposal:** A proposal may not be withdrawn or cancelled by the offeror for a period of ninety (90) days following the date designated for the receipt of proposal, and offeror so agrees upon submittal of their proposal.

**Proposals will be** received and publicly acknowledged at the location, date and time stated above. Offerors, their representatives and interested persons may be present. Proposals shall be received and acknowledged only so as to avoid disclosure of the contents to competing offerors and kept secret during the negotiation/evaluation process.

However, all proposals shall be open for public inspection after the contract is awarded, except for trade secrets and confidential information contained in the proposal so identified by offeror as such.

**Purpose:** Hays County's intent if the Request for Proposal and resulting contract is to obtain proposals for **Scanning and Indexing of files for the Hays County Tax Office**.

**Information/Questions:** Request for information regarding contractual matters related to this RFP should be directed to:

Hays County Purchasing Office  
111 E. San Antonio St., Suite 101  
San Marcos, Texas 78666  
512-393-2273

**Evaluation criteria and factors:** the award of the contract shall be made to the responsible offeror whose proposal is determined to be the best evaluated offer resulting from negotiations, taking into consideration the relative importance of price and other factors set forth in the RFP in accordance with the Texas Local Government Code, Chapter 262.

Evaluation criteria will be grouped into percentage factors as follows:

**60% Offerors total proposed price**

**20% Offerors support/service/invoice methods/completion of proposal requirements 10% Qualifications/experience**

**10% Proposed product meeting Hays County's needs and requirements**

**Guidelines for proposal evaluation:**

Proposals will be evaluated using a comprehensive set of criteria. A list of criteria is presented below:

1. **Is the proposed equipment, accessories and services responsive to Hays County's needs?**
2. **Is offerors participation and responsibility clearly defined?**
3. **Is Hays County's participation and responsibility clearly defined?**
4. **What are offeror's service hours?**
5. **Has requested information been supplied?**
6. **Has cost, both total and itemized, been addressed?**
7. **Has offeror addressed previous experience in providing this type of service?**
8. **Has offeror addressed the type of support and repair service available?**
9. **Has methodology for transferring service been submitted?**

**Submittal:** Vendors desiring to submit proposals in response to this RFP must comply with all mandatory submission requirements established herein. Failure to comply with any section of the RFP may subject the proposal to immediate rejection.

**Cost submittals/rates:**

The cost proposal should contain at least the following pricing information.

**SCOPE OF WORK**

**Hays County Tax Office Records Archive Project for 2009:**

<b>Estimated Page County</b>	<b>Tax Rolls</b>	<b>100,000 pages</b>
<b>Type of documents</b>	<b>Pinned/Bound Books</b>	

- **All scanning to be done at the Hays County Clerk's Office**
- **Index all documents from the scanned images**
- **Link the digital images to the newly created index**
- **Index and images must conform to and be loadable on the County's 20/20 system**
- **Output image files must be produced in a TIFF Group IV format**
- **Copy of CD/DVD files as they are made**
- **Copy of files within 30 days if Hays County cancels hosting**

Pricing is **firm** for the initial term. Vendor will not be permitted to increase rates during the term of the contract. Price re-determination will be considered for possible contract renewal. Vendor must give basis for price re-determination in proposal.

All cost provided will include all applicable charges such as pick-up and delivery of documents, volume discounts (if offered) must be included with bid.

**References:**

Offeror shall submit with this proposal a list of all county customers in Texas where like services or similar projects have been performed by their firm. Include name, address, telephone number and name of representative. Offeror shall provide a list of other projects that are currently involved with or will be involved with, specifically government entities.

**Term:** the term of this contract will be June, 2009 through June, 2010 to renew for two (2) additional one year terms at the discretion of the Hays County Tax Office and the Hays County Commissioners' Court. Price re-determination will be considered at the time renewal is considered.

### **Proposal Requirements**

1. The offeror shall submit in writing acknowledgement they will coordinate the service of scanning and indexing with the Hays County Tax Office and take responsibility for its successful and timely completion. Any cost to Hays County must be described in total in the proposal.
2. Describe the type of local support that can be expected from your company. Describe methods for requesting service and indicate response time.
3. Describe any exception taken to these specifications and detail those exceptions in writing.

### **GENERAL CONTRACT TERMS AND CONDITIONS**

**Contract:** This proposal, submitted documents, and any negotiations, when properly accepted by Hays County, shall constitute a contract equally binding between the successful offeror and Hays County. No different or additional terms will become a part of this contract with the exception of a change order.

**Conflict of interest:** No public official shall have interest in this contract, in accordance with Vernon's Texas Codes Annotated Local Government Code Title 5, Subtitled C, Chapter 171.

**Confidentiality:** all information disclosed by Hays County to successful offeror for the purpose of the work to be done or information that comes to the attention of the successful offeror during the course of performing such work is to be kept strictly confidential.

**Addenda:** any interpretations, corrections or changes to this RFP will be made by addenda. Sole issuing authority of addenda shall be vested in Hays County Purchasing Manager. Addenda will be mailed to all who are known to have received a copy of this RFP. Offeror shall acknowledge receipt of all addenda.

**Change orders:** no oral statement of any person shall modify or otherwise change, or affect the terms, conditions or specifications stated in the resulting contract. All change orders to the contract will be made in writing by Hays County Manager.

**Assignment:** the successful offeror shall not sell, assign, transfer or convey any contract resulting from this RFP, in whole or in part, without the prior written consent of Hays County Commissioners'.

**Venue:** this agreement will be governed and construed according to the laws of the State of Texas. This agreement is performable in Hays County, Texas.

**Submittal of confidential material:** any material that is to be considered as confidential in nature must be clearly marked as such by the offeror and will be treated as confidential by Hays County.

### **MINIMUM STANDARDS FOR RESPONSIBLE PROSPECTIVE OFFERORS**

A prospective offeror must affirmatively demonstrate their responsibility. A prospective offeror must meet the following requirements:

1. have adequate financial resources, or the ability to obtain such resources as required;
2. be able to comply with the required of proposed delivery schedule;
3. have a satisfactory record of performance;
4. have a satisfactory record of integrity and ethics;
5. be otherwise qualified and eligible to receive an award.

Hays County may request representation and other information sufficient to determine ability to meet these minimum standards listed above.

**Successful offeror shall:**

defend, indemnify and save harmless Hays County and all its officers, agents and employees from all suits, actions, or other claims of any character, name, and description brought for or on account of any negligent act or fault of the successful offeror, or any other agent, employee, subcontractor, or supplier, in the execution of, or performance under, any contract which may result from proposal award. Successful offeror shall pay any judgment with cost which may be obtained against Hays County growing out of such injury or damages.

**Sales tax:** Hays County is by statute exempt from the State Sales Tax and Federal Excise Tax; therefore, the proposal price shall not include taxes.

**Design, standards and practices:** design, strength, quality of materials and workmanship must conform to the highest standards of professional services.

**Proposals/offerors must comply with:** all federal, state, county and local laws governing or covering this type of service.

**Patents/copyrights:** the successful offeror agrees to protect Hays County from claims involving infringements of patents and/or copyrights.

**Termination of contract:** this contract shall remain in effect until contract expires, completion and acceptance of services or default, Hays County reserves the right to terminate the contract immediately in the event the successful offer or fails to meet delivery or completion schedules, or otherwise perform in accordance with the accepted proposal.

Breach of contract or default authorizes the County to award to another offeror, purchase elsewhere and charge the full increase cost to the defaulting offeror.

Either party may terminate this contract with a thirty (30) day written notice prior to either party stating cancellation. The successful offeror must state therein the reasons for such cancellation. Prior written notice must be delivered in person or sent by registered or certified mail, return receipt requested, proper postage paid, and properly addressed to the other party at the address on the affidavit of the contractor or County Judge, 111 E. San Antonio St., Suite 300, San Marcos, Texas 78666.

**Purchase order:** a purchase order(s) shall be generated (if required) by Hays County to the successful offeror.

**Invoices: invoices shall be mailed directly to:**

Hays County Auditor  
111 E. San Antonio St., Suite 100  
San Marcos, Texas 78666

Invoices shall be based upon actual services rendered and actual minutes/hours of performance and/or products delivered.

**Funding:** funds for payment have been provided through the Hays County budget approved by the Commissioners' Court for this fiscal year only. State of Texas statutes prohibit the obligation and expenditure of public funds beyond the fiscal year for which a budget has been approved. Therefore, anticipated orders of other obligations that may arise past the end of the current Hays County fiscal year shall be subject to budget approval.



### AFFIDAVIT

The undersigned certifies that the proposal prices contained in this proposal have been carefully checked and are submitted as correct and final and if proposal is accepted (within 90 days unless otherwise noted by vendor), agrees to furnish any and/or all items upon which prices are offered, at the price(s) and upon the conditions contained in the specifications.

The foregoing proposal submitted by \_\_\_\_\_

\_\_\_\_\_ herein after called "Proposer" is the duly authorized agent of said company and that the person signing said proposal has been duly authorized to execute the same. Proposer affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other Proposer, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any person engaged in this type of business prior to the official opening of this proposal.

Name and address of proposer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Printed Name \_\_\_\_\_

## CODE OF ETHICS FOR HAYS COUNTY

Public employment is a public trust. It is the policy of Hays County to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by Hays County. Such a policy implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public services.

Public servants must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the Hays County procurement organization.

To achieve the purpose of this article, it is essential that those doing business with Hays County also observe the ethical standards prescribed here.

1. It shall be a breach of ethics to attempt to influence any public employee, elected official or department head to breach the standards of ethical conduct set forth in this code.
2. It shall be a breach of ethics for any employee of Hays County or a vendor doing business with the county to participate directly or indirectly in a procurement when the employee or vendor knows that:
  - A. The employee or any member of the employee's immediate family, or household has a substantial financial interest pertaining to the procurement. This means ownership of 10% or more of the company involved and/or ownership of stock or other interest or such valued at \$2500.00 or more.
  - B. A business or organization in which the employee, or any member of the employee's family immediate family, has a financial interest pertaining to the procurement.
  - C. **Gratuities:** It shall be breach of ethics to offer, give or agree to give any employee of Hays County or for any employee to solicit, demand, accept or agree to accept from a vendor, a gratuity of consequence or any offer of employment in connection with any decision approval, disapproval, recommendation, preparation or any part of a program requirement or purchase request influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or controversy, any particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore pending before this government.
  - D. **Kickbacks:** It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for Hays County as an inducement for the award of a contract or order.
  - E. **Contract Clause:** The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation therefore.

**F. Any effort to influence any employee, elected official, or department head to violate the standards of this code are grounds to void the contract. Please certify by your signature below that you understand the ethics policy of Hays County and in no way will attempt to violate the code.**

SIGNATURE: \_\_\_\_\_

PRINT NAME AND TITLE: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

No later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Approval to reject the bids received for IFB #2009-B10 Construction of Additional Office/Classrooms for Juvenile Probation and authorize purchasing to re-bid the project.**

**CHECK ONE:**      ☒ **CONSENT**      ☐ **ACTION**      ☐ **EXECUTIVE SESSION**  
☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Herzog/Maiorka/Cooper**

**SPONSORED BY: SUMTER**

**SUMMARY: Purchasing received 11 bids which all came in over budget. Purchasing will be working with the architect and Ed Cooper (Juvenile Probation Director) to make changes to the plans that will hopefully bring down the cost of the building.**

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

**no later than 2:00 p.m. on WEDNESDAY.**

**Phone (512) 393-2205 Fax (512) 393-2282**

**AGENDA ITEM: Discussion and possible action to authorize Constable Pct 3 to apply for the Tobacco Compliance Grant for Law Enforcement Agencies from the Office of the Texas Comptroller.**

**CHECK ONE:**              **CONSENT**              **X ACTION**              ☐ **EXECUTIVE SESSION**  
  
                                 ☐ **WORKSHOP**              **PROCLAMATION**              **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Constable Darrell Ayres**

**SPONSORED BY: Commissioner Will Conley**

**SUMMARY:**

**This grant is being offered to counties and municipalities to be used by local law enforcement agencies to enforce Subchapters J, K and N, Chapter 161, Texas Health and Safety Code in a manner that can reasonably be expected to reduce the extent to which cigarettes and tobacco products are illegally sold or distributed to persons that are younger than 18 years of age.**

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:**

**Discussion and possible action to appoint Sherri S. Bilson to the Parks Board.**

**CHECK ONE:**      ☐ **CONSENT**      ☒ **ACTION**      ☐ **EXECUTIVE SESSION**  
☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: 5/12/09**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Will Conley**

**SPONSORED BY: Will Conley**

**SUMMARY:**

**See attached resume.**

**Sherri S. Bilson**  
2006 Lisa Lane San Marcos, Tx 78666  
512-396-0963  
[sbilson@grandecom.net](mailto:sbilson@grandecom.net)

**OBJECTIVE**

I would like to be of assistance to the County in preserving and making the most of our parks and green spaces.

**EDUCATION**

Cosmetology Instructors License  
Vocational Teaching Certificate  
Leadership San Marcos Graduate

**WORK EXPERIENCE**

12 years - High School Vocational Instructor  
15 years - Beauty Salon Owner & Entrepreneur  
2 years - Austin Area Manager of 4 Vogue Beauty Schools  
2 years - Loss Prevention Manager Saks Off 5th  
2 years - Human Resource manager Saks Off 5th

**VOLUNTEER WORK**

Past Secretary Leadership San Marcos  
Past Public Relations Chair Leadership San Marcos  
Past Chairman of the San Marcos Business to Business Expo  
Currently President Castle Forest Neighborhood Association  
Currently a Board Member of the Council of Neighborhood Association

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:** Discussion and Possible action to close, abandon, and vacate .62 acres of County Right-of-Way on BeBee Road in Precinct 1; and to record the Order closing, abandoning, and vacating this property in the Official County Records.

**CHECK ONE:**      ☐ CONSENT      ☒ ACTION      ☐ EXECUTIVE SESSION  
                         ☐ WORKSHOP      ☐ PROCLAMATION      ☐ PRESENTATION

**PREFERRED MEETING DATE REQUESTED:** May 12, 2009

**AMOUNT REQUIRED:** N/A

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Ingalsbe

**SPONSORED BY:** Ingalsbe

**SUMMARY:** Section 251.058 of the Texas Transportation Code provides that a County Commissioners Court may "on its own initiative" close, abandon, and vacate "a public road or portion of a public road." The portion of Bebee Road that is the subject of this Agenda Item is approximately .62 acres of excess ROW that is left over from a realignment of Bebee Road that occurred as a result of the 1993 bond program. The Precinct 1 Commissioner and the Director of RPTP have determined that this ROW will not be needed for future development of Bebee Road; and, unless abandoned, this parcel will continue to impair the rights of ingress and egress held by the property owners on that side of Bebee Road. Section 251.058(b) dictates that title to the portion of Bebee Road that is closed, abandoned, and vacated "vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed." The property owner, in this case, is Jack Hadsell. The official instrument of conveyance will be the Commissioners Court Order, after it is filed in the Official Records of Hays County.



DESCRIPTION OF 0.62 OF AN ACRE, MORE OR LESS, OF LAND AREA IN THE D. DOWNER SURVEY, ABSTRACT NO. 151, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 2.305 ACRES IN A DEED FROM JACK W. CARAWAY ET UX TO HAYS COUNTY DATED FEBRUARY 12, 1996 AND RECORDED IN VOLUME 1206, PAGE 472 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING A PORTION OF THE PREVIOUS LOCATION OF HAYS COUNTY ROAD NO. 122/BEE BEE ROAD, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found at the end of a wire fence in the southwest line of the previous location of Bee Bee Road for the west corner of this description, the north corner of that tract described as 24.033 acres in a deed from Ardmore D. Dees et ux to Jack Hadsell et ux dated May 1, 1972 and recorded in Volume 250, Page 149 of the Hays County Deed Records, and for the east corner of the remaining portion of that tract described as "Third Tract - 76 acres" in a deed from Ardmore D. Dees et ux to Alton J. Franke et ux dated November 12, 1975 and recorded in Volume 279, Page 565 of the Hays County Deed Records (said Hadsell 24.033 acre tract being a portion of the Franke 76 acre Third Tract), from which a 5/8" iron rod found with a plastic cap stamped "RPLS 4532" in the curving south line of the current location of Bee Bee Road for the east corner of that tract described as 0.484 acres in a deed from Evelyn B. Franke to Hays County dated March 8, 1996 and recorded in Volume 1214, Page 357 of the Hays County Official Public Records bears N 66°23'17" W 48.07 feet (said Hays County 0.484 acre tract being a portion of the Franke 76 acre Third Tract);

**THENCE** leaving the Franke tract, the Hadsell 24.033 acre tract, and the **PLACE OF BEGINNING** as shown on that plat numbered 26361-09-c dated February 24, 2009 prepared for Hays County by Byrn & Associates, Inc., of San Marcos, Texas, crossing portions of the previous location of Bee Bee Road and the Hays County 2.305 acre tract, the following three courses:

1. N 32°57'08" E 14.90 feet to a ½" iron rod set,

2. With a left-breaking curve having the following characteristics: **delta angle = 29°27'53"**, **radius = 498.37 feet**, **arc = 256.29 feet**, and a chord which bears **N 79°37'27" E 253.48 feet** to a ½" iron rod set for the north corner of this description, and
3. **S 32°36'07" E 96.57 feet** to a ½" iron rod set in the southeast line of the previous location of Bee Bee Road and northwest line of that tract described as 25.00 acres in a deed from Ellen Long to Steven B. Thomas and Rebecca J. Thomas Dated February 24, 1998 and recorded in Volume 1464, Page 756 of the Hays County Official Public Records for the east corner of this description, from which a 5/8" iron rod found in the curving southeast line of the current location of Bee Bee Road and northwest line of that tract described as 25.00 acres in a deed from Elon C. Nash to Steven B. Thomas and Rebecca J. Thomas dated February 24, 1998 and recorded in Volume 1464, Page 350 of the Hays County Official Public Records for the south corner of that tract described as 0.173 of an acre in a deed from Elon C. Nash to Hays County dated August 8, 1995 and recorded in Volume 1166, Page 738 of the Hays County Official Public Records bears **N 27°05'51" E 210.44 feet**;

**THENCE** with the common northwest line of the Thomas 25.00 acre tract recorded in Volume 1464, Page 756 and southeast line of the previous location of Bee Bee Road, **S 27°05'51" W 114.74 feet** to a ½" iron rod found in the northeast line of the previously mentioned Hadsell 24.033 acre tract for the south corner of this description and the previous location of Bee Bee Road and west corner of the Thomas 25.00 acre tract;

**THENCE** leaving the Thomas 25.00 acre tract with the common northeast line of the Hadsell 24.033 acre tract and southwest line of the previous location of Bee Bee Road, **N 64°01'00" W (being the bearing basis for this description) 286.12 feet** to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 0.62 of an acre, more or less, as prepared from public records and a survey made on the ground on February 24, 2009 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

  

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Kyle Smith, R.P.L.S. # 5307

Client: Hays County  
Date: February 24, 2009  
Survey: Downer, D. A-151  
County: Hays, Texas  
Job No: 26361-09  
END0.62

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:** Discussion and possible action to approve a Resolution supporting The Big Push, a regional effort to reduce ground level ozone in an effort to meet EPA ambient air quality requirements.

**TYPE OF ITEM:** CONSENT-**ACTION**-PROCLAMATION-EXECUTIVE SESSION-WORKSHOP

**PREFERRED MEETING DATE REQUESTED:** May 12, 2009

**AMOUNT REQUIRED:** na

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY:** Ford

**SUMMARY:** Resolution attached. Staff from Clean Air Force of Central Texas will be here to talk about regional efforts and why this is important to Hays County.



## **RESOLUTION IN SUPPORT OF "THE BIG PUSH"**

**WHEREAS**, the arrival of the 2009 ozone season brings critical challenges for Central and South Central Texas, where rapid population growth threatens to compromise air quality by raising ozone-forming emissions; and

**WHEREAS**, high levels of ground-level ozone can be a health hazard, especially for children, seniors, and people who suffer from lung disease or are active outdoors; studies link excessive ozone exposure to lung irritation and inflammation, breathing difficulties, headaches, nausea, aggravated asthma, reduced lung capacity, and increased susceptibility to such respiratory illnesses as pneumonia and bronchitis; chronic high-level exposure can cause permanent lung damage; and

**WHEREAS**, to protect the health and well-being of the public, the Environmental Protection Agency strengthened its National Ambient Air Quality Standard for ground-level ozone in 2008; monitored ozone levels in the Capital Region, which includes Travis, Bastrop, Caldwell, Hays, and Williamson Counties, slightly exceeded the new standards in 2006-2008, putting the area at risk of receiving a "non-attainment" designation when the EPA makes its final determinations in March 2010; this designation would trigger federal requirements for transportation and industry that could in turn increase costs for businesses and delay regionally significant transportation projects; and

**WHEREAS**, the Capital Region can avert the non-attainment designation if they decrease ozone levels to 77 parts per billion or less; an unprecedented level of regional cooperation is needed to meet this goal; consequently, the Central Texas Clean Air Coalition, the Air Improvement Resources Committee, local governments in the Capital Area Council of Governments, and the CLEAN AIR Force of Central Texas have created an initiative called The Big Push to build on voluntary efforts already in place; and

**WHEREAS**, in support of The Big Push, the Central Texas region is implementing an outreach campaign to encourage everyone to be an Ozone Action Hero and to pledge to do what they can to voluntarily reduce ozone-forming emissions from April through October 2009; and

**WHEREAS**, because many small actions can combine to produce a significant result, the coalition is asking all area governments, agencies, businesses, and citizens for their assistance; individuals can help through such measures as driving less, idling their vehicles less, and waiting until evening to fuel vehicles or use gas and diesel yard equipment; many area employers have committed to join this effort by establishing policies to reduce their vehicle and operational emissions and by implementing such measures as ozone watch/warning programs and assisting employees in reducing the impact of their commutes through teleworking, carpooling, using mass transit, bicycling, or scheduling a compressed workweek; and

**WHEREAS**, Hays County can play a vital role in the Big Push by conducting evaluations of fleet usage, providing preferential parking for ride sharing and low-emissions vehicles, limiting use of gas and diesel equipment early in the day and on ozone watch/warning days, and enacting other policies to reduce harmful emissions; and

**WHEREAS**, by joining the Big Push to reduce ozone-forming emissions in Central Texas, the Hays County can protect the health of residents and help avoid a non-attainment designation from the EPA, thus preventing enforcement of burdensome regulatory requirements that would add to the cost of doing business in our community.

**NOW THEREFORE BE IT RESOLVED**, that Hays County will voluntarily initiate emission reduction policies and programs in order to help Central Texas meet the 2008 National Ambient Air Quality Standard for ground-level ozone.

**ADOPTED THIS 12<sup>th</sup> DAY OF MAY 2009.**

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Elizabeth Sumter  
Hays County Judge

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Debbie Gonzales-Ingalsbe  
Commissioner Precinct 1

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Jefferson Barton  
Commissioner Precinct 2

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Will Conley  
Commissioner Precinct 3

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Karen Ford  
Commissioner Precinct 4

ATTEST:

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Linda Fritsche, Hays County Clerk

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

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no later than **2:00 p.m. on WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:** Discussion and possible action to commit Hays County as a Clean Air Partner, a program of the Clean Air Force of Central Texas.

**TYPE OF ITEM:** CONSENT-**ACTION**-PROCLAMATION-EXECUTIVE SESSION-WORKSHOP

**PREFERRED MEETING DATE REQUESTED:** May 12, 2009

**AMOUNT REQUIRED:** na

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY:** Ford

**SUMMARY:** Clean Air Partner Program Manager will be here to discuss program goals, efforts and the activities of Clean Air Partners.

# Clean Air partners

## Membership Information

### What Is the Clean Air Partners Program?

The Clean Air Partners Program (CAPP) is a voluntary incentive and recognition program for Central Texas employers who pledge to clean air commitments. By pledging to meet two attainable commitments, Partners reduce unhealthy, polluting ground-level ozone in Central Texas. Central Texas employers who become Partners will be joining other local environmental leaders working toward clean air for our community.

### Benefits

As a Clean Air Partner, you will receive multiple benefits.

These benefits include financial savings, employee satisfaction and retention, and earned public recognition for your environmental leadership and activities.

Some of these benefits and incentives include:

- Free training, assistance and guidance from the Program Manager to achieve clean air goals
- Financial benefits via costs savings, tax benefits, etc. from implemented programs
- Increased employee morale, productivity, satisfaction and retention
- Use of the Clean Air Partners logo and promotional materials
- Clean Air Partners Website with program guidance, resources, promotional items, etc.
- Recognition of clean air programs via ads, promotional items, website, newsletters and community organizations
- Good publicity as a local employer, working to help our community

### Who Is Eligible to Become a Clean Air Partner?

Local employers of any size may become Clean Air Partners. These include businesses, organizations, universities, school districts, jurisdictions, or State/Federal agencies.

The employer must:

- Be located within the 5-county Central Texas region (Bastrop, Caldwell, Hays, Travis and/or Williamson Counties.)
- Have one or more local facilities from which to operate (plant or office space)\*

\* Employers with multiple facilities may join as a group under one application (see back page of application for details).

### How Can I Join?

To join the program, these steps should be taken:

- 1 Complete and email this file to the CAP Program Manager. Additional documentation describing your current or future clean air commitments may be attached.
- 2 Once the application is received, the Program Manager will contact you and set up an in-person meeting with appropriate staff (at your location).
- 3 At or following this meeting, a final pledge form will be provided for your signature, making you an official Clean Air Partner.

Employer clean air commitments and programs will be not be made public without the Partner's permission.

However, it could be to your benefit to allow your program's information (excluding numerical results) to be included in published case studies, press releases, advertisements, or events for greater recognition of your business/organization.

### Membership Requirements

Membership in Clean Air Partners Program requires Partners to make clean air commitments (or programs) to be reported annually and emissions to be reduced by at least 10% every three years.

### Annual Reporting

Clean Air Partners will be sent an advanced notice of the 2-month reporting period each year (Jul-Sep).

Partners use a user-friendly Reporting Website to report and document progress toward their reduction goal.

Recognition of reporting Partners and the CAP overall grand emission reductions total will be published in local advertisements and program promotional materials.

### Any Questions?

Visit the CAPP Website for more detailed information or contact Candace Baker, Program Manager:

[www.cleansairpartners.tx.org](http://www.cleansairpartners.tx.org)

[Candace@cleansairforce.org](mailto:Candace@cleansairforce.org)

(812)360-6561

Applications, guidance and more CAPP information are also available at the program website.

Fax and mailing information is also provided on the website, if needed.



## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

**no later than 2:00 p.m. on WEDNESDAY.**

**Phone (512) 393-2205 Fax (512) 393-2282**

**AGENDA ITEM:**

**Discussion and possible action to allow Pct 4 Constable to use salary savings to purchase various and necessary equipment for his office and deputies and amend budget as required.**

**TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED: \$26,712.23**

**LINE ITEM NUMBER OF FUNDS REQUIRED: see below**

**REQUESTED BY: Hood**

**SPONSORED BY: Ford**

**SUMMARY:**

Constable Hood has realized salary savings in the amount of \$33,353.00.

He would like to take advantage of this savings and amend his FY2009 budget in order to purchase needed equipment totaling \$25,000.00. See equipment list and costs attached.

Budget amendment request follows:

**FROM Salary line items (total savings \$33,353.59):**

01-434-5021 Staff \$20,914.65

01-434-5101 FICA \$4,174.94

01-434-5160 Ins \$8,264.00

**TO Proposed Expenditures (\$26,712.23)**

-5489 Telephone \$327.70

-5711 Office Equip \$20,306.62

- 5713 Vehicle Equipment \$2,649.91

-5717 LE Equipment \$3,328.00

**Re-Allocation of Available 2009 Budget  
Constable's Office, Pct. 4**

Proposed: May 05, 2009

	Items:	Unit Price	# of Units	Total Price	5489 Teleph.	5711		5713		5717	
						Office Equip.	Veh. Equip.	LE Equip.			
1	Laptop Computer w/ Mounting Brackets	\$5,264.08	2	\$10,528.16		\$10,528.16					
2	Software MS Office	\$243.00	2	\$486.00		\$486.00					
3	GPS Software	\$69.99	3	\$209.97							\$209.97
4	Telephone Line	\$327.70	1	\$327.70	\$327.70						
5	Tasers w/ 21 Air Cartridge	\$830.90	3	\$2,492.70		\$2,492.70					
6	Safe	\$499.99	1	\$499.99		\$499.99					
7	Shredder	\$259.99	1	\$259.99		\$259.99					
8	Fingerprint Pad w/ Cleaner	\$39.99	1	\$39.99		\$39.99					
9	All-in-One Printer	\$398.99	1	\$398.99		\$298.99					
10	Vehicle Spot Light	\$149.99	2	\$299.98			\$299.98				
11	2 Wire Palm Microphone, Beige	\$133.65	3	\$409.95							\$409.95
12	Window Tint	\$49.99	2	\$99.98			\$99.98				
13	Veh. Directional Lights	\$776.00	2	\$1,552.00			\$1,552.00				
14	Electric Time Stamp	\$395.00	1	\$395.00		\$395.00					
16	AR15 Rifles w/ Sling/Foregrip/ 3xtra mags	\$1,768.60	3	\$5,305.80		\$5,305.80					
17	AR15 Mounting Bracket	\$232.65	3	\$697.95			\$697.95				
18	Over-Sized Boot Leg Irons	\$59.99	3	\$179.97						\$179.97	
19	Deluxe LE Cleaning Kit	\$54.95	3	\$164.85						\$164.85	
20	"Go Bag"	\$36.99	3	\$110.97						\$110.97	
21	Waist Restraints	\$24.99	3	\$74.97						\$74.97	
22	Jutto Desk SUV Cargo Caddy	\$259.99	2	\$519.98						\$519.98	
23	Jump Starter w/ Air Compressor	\$149.99	3	\$449.97						\$449.97	
24	Inspection Mirrors	\$69.99	3	\$209.97			\$209.97			\$209.97	
25	Ammunition .233	\$458.00	1	\$458.00						\$458.00	
26	Veh. Fire Extinguisher	\$159.80	3	\$479.40						\$479.40	
	Online Invest. Resource	\$60.00	1	\$60.00						\$60.00	
<b>Grand Total</b>				<b>\$26,712.23</b>	<b>\$327.70</b>	<b>\$20,306.62</b>	<b>\$2,649.91</b>			<b>\$3,328.00</b>	

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:** Discussion and Possible action to authorize the Purchase of a Dutch Door (also known as a 1/2 door) for the Compliance/Collections Office, and amend the budget accordingly.

**CHECK ONE:**    ☐ **CONSENT**    ☒ **ACTION**    ☐ **EXECUTIVE SESSION**  
☐ **WORKSHOP**    ☐ **PROCLAMATION**    ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** May 12, 2009

**AMOUNT REQUIRED:** \$850.00 (within current budget)

**LINE ITEM NUMBER OF FUNDS REQUIRED:** 5741

**REQUESTED BY:** Seim

**SPONSORED BY:** Ingalsbe

**SUMMARY:**

**Ron has checked with three different stores in our area: Home Depot, Lowes and McCoys**  
**Neither store carries this type door. It is a specialty item and is limited in who carries it.**

We are requesting authorization to purchase a Dutch Door (1/2 door) for **Security** purposes, currently we have a door continuously open to the hallway, there are times when anywhere from 2-8 people will come in at a time. Allowing several people to walk in unannounced and dealing with different temperaments directly out of court needs to be monitored. By replacing our current door we can control the flow of defendants and ensure safety for all staff.

Funds to be moved from Line item 01-611-5321	-\$450.00
Funds to be moved from Line item 01-611-5489	-\$400.00
Fund to be transferred to Line item 01-611-5741	\$850.00

**See bid attached**

# Agenda Item Routing Form

**DESCRIPTION OF Item:** Authorize the Purchase of a Dutch Door (also known as a 1/2 door) for the Compliance/Collections Office, and amend the budget accordingly. Ron has checked with three different stores in our area: Home Depot, Lowes and McCoys Neither store carries this type door. It is a specialty item and is limited in who carries it.

We are requesting authorization to purchase a Dutch Door (1/2 door) for **Security** purposes, currently we have a door continuously open to the hallway, there are times when anywhere from 2-8 people will come in at a time. Allowing several people to walk in unannounced and dealing with different temperaments directly out of court needs to be monitored. By replacing our current door we can control the flow of defendants and ensure safety for all staff.

Funds to be moved from Line item 01-611-5321	-\$450.00
Funds to be moved from Line item 01-611-5489	-\$400.00
Fund to be transferred to Line item 01-611-5741	\$850.00

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

## COUNTY AUDITOR

**Typically Requires 1 Business Day Review**

**AMOUNT AND FUND LINE ITEM NUMBER** \$850 as shown above

**COUNTY PURCHASING GUIDELINES FOLLOWED:** Yes

**PAYMENT TERMS ACCEPTABLE:** Yes

**COMMENTS:**

**Bill Herzog**

## SPECIAL COUNSEL

**Typically Requires 9 Business Day Review**

**CONTRACT TERMS ACCEPTABLE:** \_\_\_\_\_

**COMMENTS:**

**From:** Ron Knott [mailto:rknott@co.hays.tx.us]  
**Sent:** Wednesday, May 06, 2009 9:02 AM  
**To:** Debbie Ingalsbe  
**Subject:** Compliance Dutch Door

I talked to Jason at Lowe's about a Dutch door. He stated that Lowe's does not have a supplier for commercial Dutch doors. I also visited with Randy at McCoy's. McCoy's will build a residential type Dutch door with a wooden door frame (light weigh). Hull Supply (Commercial Door Manufacturer) will build a commercial weight Dutch door with hinges, hardware and door frame that we can install in one day that will accomplish the need for security and access.

Note: All door frames in the Justice are Timely metal door frames  
If you have any questions please call.  
Ron Knott

7. 4. 2. 0

**5215 E. Cesar Chavez  
Austin, Texas 78702**

**FAX: 512/389-0031**

## Proposal

**Project: Dutch Door**

1 - 506 3070 Dutch Frame Timely Brn	\$ 229.00
1 - 3070 Prefinished Mohawk Birch Dutch Door w/stair	\$ 450.00
4 - BB12794545632 Hinges	\$ 32.00
1 - Dutch bolt	\$ 19.00
1 - SL0026D Lock	\$ 70.00

**PLEASE SIGN AND FAX BACK BEFORE MOVING AHEAD WITH ORDER**

**Symptoms associated with acute cholecystitis are:**

When specifying rated class:  
(1) MATERIAL BID FOR DELIVERY OF SHIPMENT WITHIN (check one) ( ) FULL FREIGHT ALLOWED; ( ) IF DELIVERY IS BY TRUCK, OR ( ) IF FREIGHT WILL BE AN ADDITIONAL CHARGE AND PAID BY PURCHASER. UNLESS THE BUYER OR SELLER OF THE CONTRACT MUST BE INCLUDED, THEY WILL BE ADDED IF NECESSARY. (2) NO DEDUCTIONS IS INCLUDED IN THIS PROPOSAL MUST BE ACCEPTED IN WRITING WITHIN 10 DAYS FROM DATE OF PROPOSAL ARRIVE (3) PROPOSAL SUBJECT TO CHANGE IN DAYS FROM DATE OF PROPOSAL. IN THIS AGREEMENT, (4) CONTINGENT UPON WORKS, (5) TEMPORARY ACTIVITIES, (6) ACTS OF GOD, (7) PRODUCT AVAILABILITY, (8) AND/OR OTHER DELAYS, (9) UNAVAILABLE OR BEYOND OUR CONTROL, (10) ALL ACCOUNTS PAID AND PAYABLE IN ADVANCE, (11) BALANCE ON HAND, (12) WHERE VEHICLE SUBJECT TO, (13) TERMS OF SALE, (14) TERMS OF PAYMENT, (15) PAYMENT BALANCE ON HAND, (16) ACCOUNTS SUBJECT TO, (17) AND (18) TERMS OF PAYMENT, (19) TERMS OF PAYMENT, (20) AND (21) TERMS OF PAYMENT, (22) AND (23) TERMS OF PAYMENT, (24) AND (25) TERMS OF PAYMENT, (26) AND (27) TERMS OF PAYMENT, (28) AND (29) TERMS OF PAYMENT, (30) AND (31) TERMS OF PAYMENT, (32) AND (33) TERMS OF PAYMENT, (34) AND (35) TERMS OF PAYMENT, (36) AND (37) TERMS OF PAYMENT, (38) AND (39) TERMS OF PAYMENT, (40) AND (41) TERMS OF PAYMENT, (42) AND (43) TERMS OF PAYMENT, (44) AND (45) TERMS OF PAYMENT, (46) AND (47) TERMS OF PAYMENT, (48) AND (49) TERMS OF PAYMENT, (50) AND (51) TERMS OF PAYMENT, (52) AND (53) TERMS OF PAYMENT, (54) AND (55) TERMS OF 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**PURCHASER:** \_\_\_\_\_ **FOUL SERVICES, LLC**

ACCEPTED

DATE \_\_\_\_\_

Sink SECRET

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

**no later than 2:00 p.m. on WEDNESDAY.**

**Phone (512) 393-2205 Fax (512) 393-2282**

**AGENDA ITEM: Workshop to discuss additions to Road Department building on Yarrington Road.**

**TYPE OF ITEM: WORKSHOP**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Borcharding**

**SPONSORED BY: Sumter**

**SUMMARY: MRB Group, the architectural/design firm, has completed the programming phase for the addition of office space to the Yarrington site. They would like to present to the Court their findings and discuss estimated costs of the proposed improvements.**

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Executive Session pursuant to §551.071 of the Texas Government Code, regarding THK, L.L.C vs. Hays County and pending litigation related thereto.**

**TYPE OF ITEM: EXECUTIVE SESSION**

**PREFERRED MEETING DATE REQUESTED: May 12, 2009**

**AMOUNT REQUIRED: n/a**

**LINE ITEM NUMBER OF FUNDS REQUIRED: n/a**

**REQUESTED BY: SUMTER**

**SPONSORED BY: SUMTER**

**SUMMARY:**

**Summary to be provided by DA-Legal Counsel in Executive Session.**