

**Commissioners Court -August 4, 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 **4<sup>TH</sup> day of August, 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**

**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

1	3	Approve payments of county invoices. <b>HERZOG</b>
2	4-10	Approve Commissioner Court Minutes of July 16 & 21, 2009 <b>SUMTER/FRITSCH</b>

**ACTION ITEMS**

**SUBDIVISIONS**

3	11-17	08-4-67 Replat of Tract 4 Dripping Springs Ranch, Phase 2. Hold Public Hearing; Discussion and possible action to approve Final Plat and accept construction surety in the form of a \$140,760.00 cash bond. <b>FORD/GARZA</b>
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**MISCELLANEOUS**

4	18	Discussion to address remaining policies and guidelines for the proposed Hays County Development Regulations. Possible action may be taken to confirm or clarify decisions made by court. <b>FORD</b>
5	19-21	Discussion and possible action to amend the County Court at Law 1 and 2 budgets as attached. <b>SUMTER</b>
6	22-23	Discussion and possible action to approve additional cost of \$500.00 to complete storage shed for Extensions Office and amend the budget accordingly. <b>SUMTER/SCHRAMM</b>
7	24-25	Discussion and possible action to approve award to Hunter Industries for IFB #2009-B19 "Road Improvements/Hot-Mix Overlay for Various Roads. <b>INGALSBE/HERZOG/MAIORKA</b>
8	26	Discussion and possible action regarding road improvements related to the location of new business and economic development in Hays County, the possible creation of a Tax Increment Reinvestment Zone (TIRZ) related to financing these road improvements, and a possible agreement with U.S. Foodservice and/or related entities concerning the road improvements and providing for U.S. Foodservice to locate at or near the intersection of CR 118 and Turnersville Road in northeast Hays County. <b>BARTON</b>
9	27-29	Discussion and possible action to approve the contract between Cintas Document Management company and the Hays County Personal Health Department. <b>SUMTER/HARGRAVES</b>
10	30	Discussion and possible action to appoint members from Pct. 2 to the Parks and Open Space Board. <b>BARTON/HAUFF</b>
11	31-32	Discussion and possible action to authorize the continuation of a temporary, part-time employee through the end of the FY2009 fiscal (9/30/09) and transfer funds from Insurance line item as allocated below. <b>FORD/KYLE</b>

12	33	Discussion and possible action to reconfirm the use of Room 105, in the Hays County Courthouse, be dedicated to the Hays County Historical Commission. <b>INGALSBE/CONLEY</b>
13	34	Discussion and possible action related to the death of Judge Howard Warner, adopting a resolution in his honor, replacing him on various county boards and commissions, assigning appropriate authority within the County Court-at-Law system to Judge Linda Rodriguez or other county employees, and establishing a process for considering an appointment to replace Judge Warner on the bench. <b>BARTON</b>
14	35	Discussion and possible action regarding issues related to proposed capital construction projects in Hays County, including but not limited to the government center; precinct offices; Resources Protection Transportation and Planning Department; and space needs projections for the Hays County Jail and related criminal justice analysis. <b>INGALSBE</b>

#### **WORKSHOP**

15	36	<b>1PM Budget Workshop. SUMTER</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.

#### **ADJOURNMENT**

Posted by 5:00 o'clock P.M. on the 31<sup>ST</sup> day of July, 2009.

**COMMISSIONERS COURT, HAYS COUNTY, TEXAS**

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**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**

2:00 p.m. Every Wednesday

**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 payment of county invoices.**

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

**PREFERRED MEETING DATE REQUESTED: 8/4/09**

**AMOUNT REQUIRED: None**

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

**REQUESTED BY: Auditor's Office**

**SPONSORED BY: Bill Herzog** 

**SUMMARY:**

## *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 COMMISSIONERS COURT MINUTES OF JULY 16 & 21, 2009**

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

**PREFERRED MEETING DATE REQUESTED: AUGUST 4, 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 16<sup>TH</sup> DAY OF JULY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER  
DEBBIE GONZALES INGALSBE  
WILL CONLEY  
KAREN FORD  
LIZ GONZALEZ

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

WITH THE FOLLOWING NOT PRESENT JEFFERSON W. BARTON, COMMISSIONER, PCT. 2  
AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

**CONSERVATION STAKEHOLDER CHARRETTE- COUNTY STRATEGIC POLICY PLAN**

Judge Sumter spoke of reason for the meeting. The County is working with LCRA, TSU, Pedernales Electric and Bluebonnet Electric to gather information from stakeholders county-wide in developing a Strategic Plan for the County. A number of different stakeholder groups have been identified and are being asked to meet to provide information to the County. This particular group is concerned with conservation. A series of general-public meetings will also be held. Judge Sumter introduced Kirk Scanlon of LCRA, who presented the major portion of the meeting. He gave a brief powerpoint presentation that showed population growth and projections for the county and cities. He then conducted an exercise, asking the group to offer 5 headlines that Hays County will be seeing in 2018, 10 years from now. As this was a group composed primarily of conservationists, the headlines centered around water, building and energy. Lists of strengths and weaknesses were developed and the group was asked to develop 5 primary issues facing the County from that list. Those offered were: Water (quality, supply, storm); Transportation/Infrastructure; Land Use; Conservation and Education. The group then offered ideas of how the County could address these issues and take part in resolving them.

Court was adjourned.

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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 JULY 16, 2009.



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

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JULY 21, 2009

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STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 21<sup>ST</sup> DAY OF JULY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley asked for a moment of silence in recognition and remembrance of County Court at Law Judge Howard Warner and he gave the invocation. Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**26298 ADOPT A PROCLAMATION SUPPORTING PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK, JULY 19-25, 2009 IN HAYS COUNTY**

Lisa Pacheco, new Chief Adult Probation Officer, spoke. A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation supporting Probation, Parole and Community Supervision Week, July 19-25, 2009 in Hays County. All voting "Aye". MOTION PASSED

**PUBLIC COMMENT**

[T1-172] Tyler Carlson made public comment regarding loud music coming from vehicles.

**26299 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices in the amount of \$976,572.64 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**26300 APPROVE COMMISSIONER COURT MINUTES OF JULY 13 & 14, 2009**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of July 13 & 14, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**26301 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT OF THE JUSTICE OF THE PEACE PRECINCT 5 OFFICE**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept the delivery of the Internal Examination Report of the Justice of the Peace Precinct 5 Office. All voting "Aye". MOTION PASSED

**26302 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM AND FUNDING FOR FY 2010, IN THE AMOUNT OF \$145,344.00**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute the Public Health Emergency Preparedness Program and funding for FY 2010, in the amount of \$145,344.00. All voting "Aye". MOTION PASSED

**26303 APPROVE SPECIFICATIONS FOR RFP #2009-P12 "CONSTRUCTION MATERIALS TESTING SERVICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve specifications for RFP #2009-P12 "Construction Materials Testing Services" and authorize Purchasing to solicit for Proposal and advertise. All voting "Aye". MOTION PASSED





- 26304 ACCEPT \$2,000 DONATION TO THE HISTORICAL COMMISSION FOR THE JACK C. HAYS PRODUCTION AND AMEND THE BUDGET ACCORDINGLY. ADDITIONALLY, AMEND THE BUDGET FOR THE \$6,000 PREVIOUSLY APPROVED BY THE COURT ON JULY 7<sup>TH</sup>**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept \$2,000 donation to the Historical Commission for the Jack C. Hays Production and amend the budget accordingly and additionally, amend the budget for the \$6,000 previously approved by the court on July 7, 2009. All voting "Aye". MOTION PASSED

- 26305 APPROVE SPECIFICATIONS FOR RFQ #2009-P13 "DESIGN BUILD SERVICES FOR THE HAYS COUNTY GOVERNMENT COMPLEX" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve specification for RFQ #2009-P13 "Design Build Services for the Hays County Government Complex" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

- 26306 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE PROJECT MANAGEMENT SERVICES AGREEMENT EXECUTED BETWEEN HAYS COUNTY AND BROADDUS AND ASSOCIATES ON OR ABOUT APRIL 14, 2009**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an amendment to the Project Management Services Agreement executed between Hays County and Broaddus and Associates on or about April 14, 2009. All voting "Aye". MOTION PASSED

- 26307 APPROVE UTILITY PERMIT**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve utility permit #02026 on Francis Harris Road issued to the City of San Marcos as presented by the County Road Department. All voting "Aye". MOTION PASSED

- 26308 ACCEPT THE CERTIFICATE OF COMPLETION, TO ACCEPT THE MAINTENANCE BOND, AND AUTHORIZE THE RELEASE OF RETAINAGE, AND TO AUTHORIZE THE FINAL PAYMENT FOR SAWYER RANCH ROAD [T1-250]**

RPTP Director Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Ford, seconded by Judge Sumter to accept the Certificate of Completion, to accept the Maintenance Bond, and authorize the Release of Retainage, and to authorize the payment for Sawyer Ranch Road. All voting "Aye". MOTION PASSED

**DISCUSSION OF ANTICIPATED DEBT INCREASES FOR PROJECTED CAPITAL EXPENDITURES [T1-270]**

County Financial Advisor Dan Wegmiller provided 8 debt structure analysis/scenarios of projected anticipated capital expenditures, 6 scenarios with the projected costs for the government building and jail, and the original debt structure scenario used to determine the road bond package size and estimated tax amount for comparison. Discussion was had by the court regarding various projects.

- 26309 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE COMMERCIAL LEASE FOR THE ADULT PROBATION OFFICES, LOCATED IN SAN MARCOS CENTER AT 700 N. LBJ BLVD, SAN MARCOS, TX 78666 [T1-900]**

Special Counsel Mark Kennedy spoke of amendment that was approved by the court and not accepted by the Lessor – lease extension period was changed to a month to month basis with 60 day termination notice. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute an Amendment to the Commercial Lease for the Adult Probation Offices, located in San Marcos Center at 700 N. LBJ Blvd., San Marcos. All voting "Aye". MOTION PASSED



JULY 21, 2009

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- 26310 ADOPT A RESOLUTION TO AMEND THE PASS-THROUGH AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR TRANSFER OF REIMBURSEMENT FROM THE IH 35/FM 2001 (OVERPASS ROAD) PROJECT TO THE IH 35 AT KYLE CROSSING PROJECT AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDMENT [T1-966]**

Commissioner Barton explained that this action simply transfers the amount of money that we would be reimbursed on one section of I-35 to another section of I-35, meaning local dollars will pay for all improvements on the FM2001/Overpass Road section of I-35. That, in turn, means we can expedite that portion of the project, saving time and money because we don't have to comply with certain bureaucratic restrictions. Total reimbursable amount to Hays County does not change. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt a Resolution to amend the Pass-Through Agreement with the Texas Department of Transportation to provide for Transfer of Reimbursement from the IH 35/FM 2001 (Overpass Road) Project to the IH 35 at Kyle Crossing Project and to authorize the County Judge to execute the Amendment. All voting "Aye". MOTION PASSED

- 26311 APPROVE PURCHASE OF AN EVIDENCE STORAGE SAFE (\$499.00), PAPER SHREDDER (\$259.00), AND TWO VEHICLE DIRECTION LIGHTS (\$1552.00) FOR CONSTABLE, PCT 4 AND TO AMEND BUDGET ACCORDINGLY [T1-1095]**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve purchase of an evidence storage safe (\$499.00), paper shredder (\$259.00), and two vehicle direction lights (\$1,552.00) for Constable, Pct. 4 and to amend budget accordingly. All voting "Aye". MOTION PASSED

- 26312 CREATE A COMMITTEE TO REVIEW THE HAYS COUNTY VEHICLE USE POLICY**

[T1-1155] Human Resources Director DeeDee Baen spoke of current policy and personnel that take vehicles home at this time. She spoke of cost to the county. [T1-1425] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to create a committee consisting of the County Judge, Commissioner Conley, DeeDee Baen, and representatives from the Auditor's office, and from each department on the list (Road Department, District Attorney, Constable, etc.) to review the Hays County vehicle use policy. All voting "Aye". MOTION PASSED

- 26313 AUTHORIZE THE COUNTY JUDGE TO SEND NOTICE OF TERMINATION OF THE AGREEMENT FOR THE PROVISION OF ON-SITE SEWAGE FACILITY INSPECTION AND ENVIRONMENTAL HEALTH & SANITATION WHICH WAS ORIGINALLY EXECUTED BETWEEN THE VILLAGE OF WIMBERLEY AND HAYS COUNTY ON AUGUST 28, 2000 [T1-1520]**

Commissioner Conley spoke of it being time for the Village of Wimberley to perform their own services to be effective January 1, 2010. A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to send Notice of Termination of the Agreement for the provision of On-Site Sewage Facility inspection and Environmental Health and Sanitation which was originally executed between the Village of Wimberley and Hays County on August 28, 2000 – to be effective on January 1, 2010. All voting "Aye". MOTION PASSED

**DISCUSSION REGARDING ROAD IMPROVEMENTS TO CR 119 AND TURNERSVILLE ROAD, THE POSSIBLE CREATION OF A TAX INCREMENT REINVESTMENT ZONE (TIRZ) RELATED TO FINANCING THE ROAD IMPROVEMENTS, AND A POSSIBLE AGREEMENT WITH U.S. FOODSERVICE AND/OR RELATED ENTITIES CONCERNING THE ROAD IMPROVEMENTS AND PROVIDING FOR U.S. FOODSERVICE TO LOCATE AT OR NEAR THE INTERSECTION OF CR 119 AND TURNERSVILLE, TO CREATE JOBS, AND TO PARTICIPATE IN THE ROAD IMPROVEMENT AGREEMENT [T1-1575]**

Commissioner Barton spoke of error in posting notice – referenced CR119 (Old Goforth Road) instead of CR118 (unnamed gravel road) – therefore no action will be taken today. Court will take action on August 4, 2009. Commissioner Barton gave an update on the project since the July 7<sup>th</sup> Commissioners Court session. He spoke of MUD agreement with the City of Buda and annexation issue. RPTP Director Jerry Borcharding spoke of standard road improvements versus the type of road that is being requested. City of Buda has applied for a Texas Capital Fund grant to fund part of the road upgrade. U. S. Foods is proposing that the county finance the remaining \$1,750,000 needed with a TIRZ backstopped by U.S. Foods. [T1-1969] Carol Urban made public comment. David Patterson made public comment.





**DISCUSSION REGARDING CONTINUANCE OF THE USGS JOINT FUNDING AGREEMENT INTO THE NEXT FISCAL FOR THE PURPOSE OF WATER QUALITY MONITORING ON CERTAIN CONTRIBUTING ZONE CREEKS AND WATERS WELL IN THE BARTON SEGMENT OF THE EDWARDS AQUIFER [T1-2233]**

Commissioner Ford explained that the joint funding of a USGS water quality study was approved by the court on Oct. 28, 2008 and includes LCRA, City of Austin, Dripping Springs, and BSEACD. Due to drought the study was not able to complete the base flow sampling. It has been recommended by our partners to extend the study into the next USGS fiscal, but partners will make final payments within this fiscal. No action was taken.

**26314 EXECUTIVE SESSION PURSUANT TO SECTION 552.131 OF THE TEXAS GOVERNMENT CODE, RELATED TO A POSSIBLE OFFER OF ECONOMIC DEVELOPMENT INCENTIVES TO GRIFOLS, INC. FOR THE DEVELOPMENT OF A BIOMEDICAL FACILITY IN HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-2294]**

Court convened into closed executive session at 11:45 a.m. and reconvened into open meeting at 12:43 p.m. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to offer an economic development incentive under Chapter 381 of the Texas Local Government Code to Grifols, Inc. in the form of refunds of 75% of personal property and inventory taxes paid annually for 10 years on each phase over a term of 15 years for an estimated total of \$2,080,695 in exchange for the location of a biomedical facility employing 190 full-time employees with an estimated average wage of \$38,571 in the City of San Marcos, Hays County and authorize Commissioner Ingalsbe and staff to negotiate the terms and conditions of a Chapter 381 Economic Development Agreement with Grifols, Inc. consistent with such offer in the event such offer is accepted by Grifols, Inc. with the final contract coming back to Commissioner's Court for approval. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter was not present to vote. MOTION PASSED

**DISCUSSION REGARDING THE FINDINGS OF THE PROPOSED DEVELOPMENT REGULATIONS**

Commissioner Ford spoke of Commissioner Court meeting on June 2, 2009 and citizens requesting an evening public meeting away from the Courthouse. She spoke of the Court not taking action today, but listening to the concerns from the public. Grant Jackson of Naismith Engineering spoke of changes made in Chapter 741 concerning OSSF recommendations by RTPD Department (ie: hydraulic flow). He also spoke of set of proposed findings/order. Some of the recommended changes are as follows: charging of development fees by municipality (County will have some costs which will be established by the Court), Clint Garza, Subdivision Coordinator, spoke of fees varying between each municipality, Mark Kennedy, Special Counsel, spoke of 1445 Agreements with municipalities; wording changes; 6.5 ac minimum lot size, recommended 2 ac; Chapter 705 regarding easements; spray irrigation - spacing requirements(spray drift); spray application for commercial/institutional systems; roadway offsets; requirement for signage on gated communities for emergency vehicles; Chapter 765 - conservation development - impervious cover; Chapter 799 was left blank for future use or revisions. The following people made PUBLIC COMMENT: David Glenn - Wimberley resident; Ray Whisenant - Dripping Springs resident; Dianne Wassenich - Director of San Marcos River Foundation and San Marcos resident; Mark Key - Austin resident; Ed Pope - Burnet Ranches Subdivision just West of Wimberley; Bruce Turbow - Dripping Springs resident; Jack Hollon - Wimberley Valley Watershed Association and Wimberley resident; Joe Day - Wimberley resident; Jim McMeans - Wimberley resident; Larry Calvert - Wimberley resident; W. F. Smith - W. F. Smith Company and Dripping Springs resident; Kim Johnson - Dripping Springs Chamber of Commerce and Dripping Springs resident; Charlene Farmer - Dripping Springs resident; Alston Boyd - North Hays County resident; Louis Parks - Wimberley resident; David Baker - Executive Director of Wimberley Valley Watershed and Wimberley resident; Linda Kaye Rogers - Wimberley resident; Bill Gebhard - Wimberley resident; Jimmy Skipton - Dripping Springs resident; Terry Tull - Dripping Springs ETJ; Melanie Cambron - Dripping Springs resident; Jerry Wright - Dripping Springs resident; Kathleen Tomas - Floral Designer and Dripping Springs ETJ; Phil Savoy - Take Back Texas and Austin resident; Marvin Lehr; Hank Smith - Engineer; Andrew Backus - Board Member of Hays Trinity Groundwater Conservation District and Dripping Springs resident. After public comments were heard the Court discussed some of the changes. Commissioner Ford suggested using TCEQ rules and adjusting them a little for Hays County to use in the interim. One of the new rules is having an easement in new subdivisions of 50 acres or more for monitoring wells - that was requested by the Water Districts to monitor the aquifers. The Court suggested the easement not be located in a park and not for public use. The Court discussed Chapter 741 regarding spray applications. Commissioner Barton asked about criss-cross index and illustration and ease of understanding of all the rules. The Court discussed road speed limits and setbacks for building off different size roadways. The Court discussed lot size averaging and members of the court gave their preference.



JULY 21, 2009

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**Clerk's Note: Agenda Item #17 RE: DISCUSSION AND POSSIBLE ACTION REGARDING RADAR EQUIPMENT FOR THE BUDA PATROL IN THE HAYS COUNTY SHERIFF'S OFFICE was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

**Clerk's Note: Agenda Item #19 RE: CONVERT THE ADMINISTRATIVE ASSISTANT III POSITION IN THE CONSTABLE PCT. 1 OFFICE TO A DEPUTY CONSTABLE was PULLED**

**Clerk's Note: Agenda Item #22 RE: DISCUSSION AND POSSIBLE ACTION REGARDING ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT OFFICES; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS was PULLED**

**Clerk's Note: Agenda Item #23 RE: DISPUTE RESOLUTION CENTER, DISCUSSION WITH POSSIBLE ACTION TO FOLLOW was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

**Court was adjourned.**

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**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 JULY 21, 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:**

**08-4-67 Replat of Tract 4 Dripping Springs Ranch, Phase 2. Hold Public Hearing; Discussion and possible action to approve Final Plat and accept construction surety in the form of a \$140,760.00 cash bond.**

**TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: August 4, 2009**

**AMOUNT REQUIRED: N/A**

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

**REQUESTED BY: Garza**

**SPONSORED BY: Ford**

**SUMMARY:**

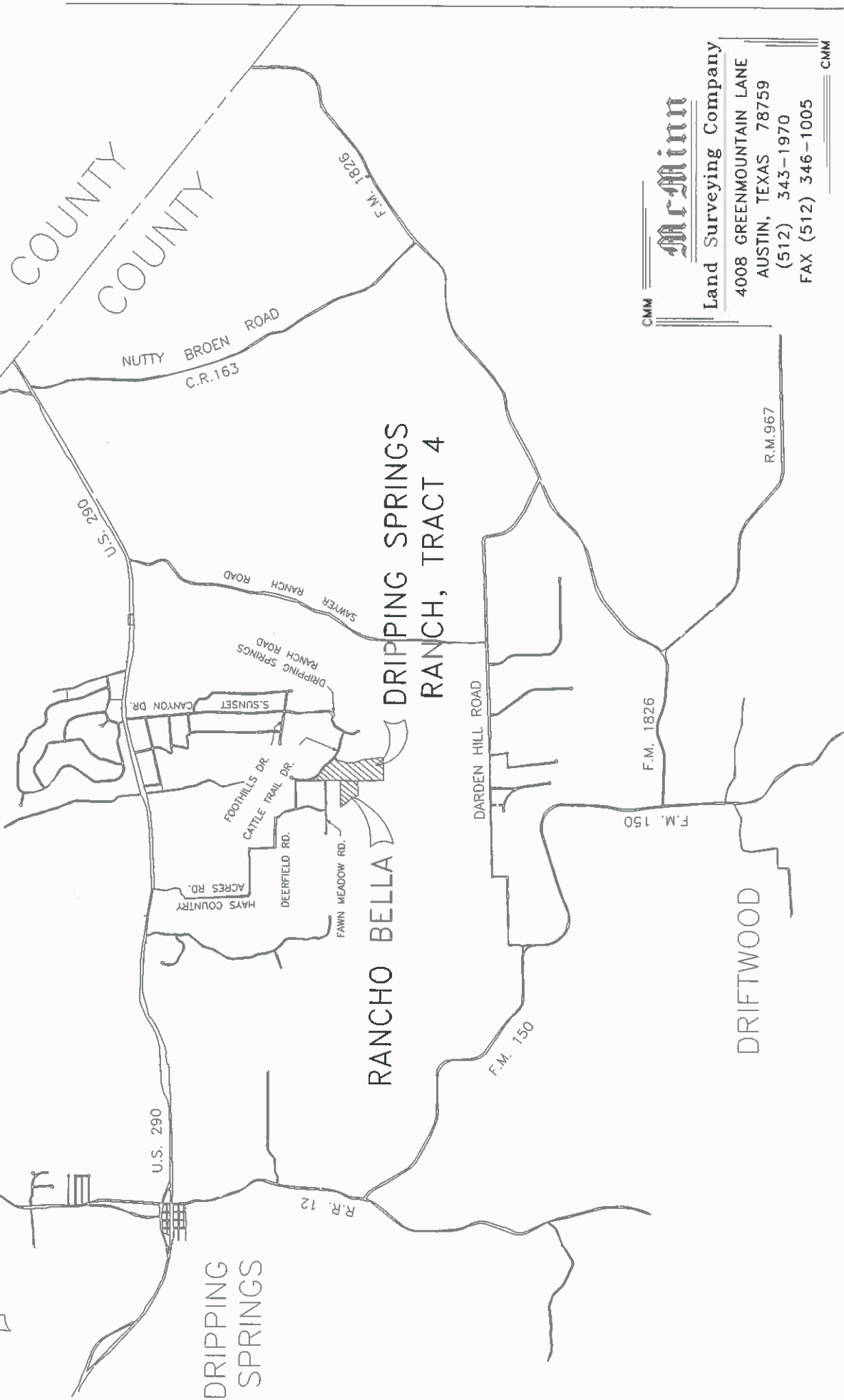
Dripping Springs Ranch is a subdivision located off of Sunset Canyon Drive in Precinct 4. Phase 2 of Dripping Springs Ranch was platted in 1997 and at that time consisted of 11 large residential lots. Currently there are 19 residential lots and the proposed replat of Tract 4 will increase the density to 26. Tract 4 is 56.77 acres in size and the developer has proposed 7 residential lots averaging 8.11 acres in size.

The developer plans on constructing a new privately maintained roadway, Horse Trail Drive, to serve these 7 lots as well as 2 lots adjacent to Tract 4. Horse Trail Drive begins at lot 7 and is accessed via Cattle Trail Drive. Cattle Trail Drive is a private road currently maintained by the existing owners in Dripping Springs Ranch, Phase 2. The maintenance of the road is coordinated through the Dripping Springs Ranch Road maintenance association. The developer has met with the members of the RMA and agreed on the lot configuration, maintenance concerns, and deed restrictions. All new lots using Cattle Trail Drive will contribute to the maintenance of that road; only the newly platted lots will maintain Horse Trail Drive.

The developer has mandated the use of rainwater collection on each lot, but has completed the necessary steps to allow for individual wells to be drilled. Each lot will also be served by an individual OSSF. There are no variances and the division is located in the ETJ of Dripping Springs. A public hearing is required prior or concurrent with final plat approval.

# VICINITY MAP

SCALE 1" = 6000'



CMM

**McMin**

Land Surveying Company

4008 GREENMOUNTAIN LANE  
AUSTIN, TEXAS 78759  
(512) 343-1970  
FAX (512) 346-1005

CMM

**Replat of Tract 4, Dripping Springs Ranch, Phase 2**

Subdivision Construction Cost Estimate

June 3, 2009

	Quantity	Unit	Unit Price	Price
<b>1.0 Erosion Controls</b>				
1.1 Stabilized Construction Entrance	1	EA	\$1,000.00	\$1,000.00
1.2 Silt Fence	3,000	LF	\$2.00	\$6,000.00
1.3 Rock Berm	18	LF	\$10.00	\$180.00
<b>Erosion Controls Subtotal</b>				<b>\$7,180.00</b>
<b>2.0 Street Improvements</b>				
2.1 Finished Grading (2,555 l.f. @ 50' ROW width)	14,200	SY	\$1.50	\$21,300.00
2.2 Subgrade Preparation (2,555 l.f. @ 22' Street width w/ Shoulder)	8,250	SY	\$2.50	\$15,625.00
2.3 Compacted Base (10" Thick, 2,555 l.f. @ 22' width w/ Shoulder)	8,250	SY	\$10.50	\$85,625.00
2.4 2 Course Surface Treatment (2,555 l.f. @ 18' Pavement width)	5,110	SY	\$5.00	\$25,550.00
2.5 Signage	1	LS	\$1,500.00	\$1,500.00
2.6 Double 24" CMP Culvert (45' length with end treatment)	1	EA	\$4,000.00	\$4,000.00
<b>Street Improvements Subtotal</b>				<b>\$133,600.00</b>
<b>Total Construction Cost Estimate for all Improvements</b>				<b>\$140,780.00</b>

# REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH PHASE 2



STATE OF TEXAS :  
COUNTY OF HAYS :  
KNOW ALL MEN BY THESE PRESENTS That we, The Harold Eugene Williams Trust, being the owner of 56.78 acres of land situated in the James B. PIER SURVEY in Hays County, Texas, and 56.78 acres of land situated in the James B. PIER SURVEY in Hays County, Texas, as recorded in Volume 7, Page 357, Plat Records of Hays County, Texas, as conveyed to us by deed from the Harold Eugene Williams Trust, do hereby certify that the plat shown hereon, to be known as:

## REPLAT OF TRACT 4, DRIPPING SPRINGS RANCH, PHASE 2

in accordance with the plat shown hereon, subject to any and all easements or restrictions herein contained, and do hereby dedicate to the owners of the property shown herein the use of all streets and easements

WITNESS OUR HANDS, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008.

Harold Eugene Williams Trust  
16640 FM 1825  
Driftwood, Texas 78620

STATE OF TEXAS :  
COUNTY OF HAYS :

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by Harold Eugene Williams, in the capacity as stated above.

Notary Public in and for  
the State of Texas

STATE OF TEXAS :  
COUNTY OF HAYS :

I, Hermann Vigil, a Registered Professional Engineer in the State of Texas, do hereby certify that all Lots have been designed in compliance with the Rules of Hays County for On-Site Sewage Facilities. This is per Minimum Lot Sizing, Subchapter B, Rule C, effective 8/29/97 from the Subdivision Development Regulations of Hays County.

Hermann Vigil, P.E.No. 50259 Date \_\_\_\_\_

## PLAT NOTES:

There shall be a 10' wide utility easement along either side of all side tract lines, and a 20' wide utility easement along either side of all roadways.

This subdivision is not within the Edwards Aquifer Recharge Zone according to the base map compiled from U.S. Geological Survey and Texas Department of Water Resources. This subdivision is within the Contributing Zone of the Barton Springs Segment of the Edwards Aquifer.

This subdivision is located within the extra territorial jurisdiction (ETJ) of the City of Dripping Springs.

No portion of this subdivision lies within the boundaries of the 100 year flood plain as delineated on Hays County Community Panel #48209C065E, effective date February 18, 1998.

Driveway culverts shall have a minimum diameter of 18 inches.

Construction of roadway and drainage improvements may begin once the Hays County Road Department has approved construction plans.

In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted to access onto a publicly dedicated roadway unless (a) a plat has been issued by the Road Department of Hays County, and (b) the driveway meets the spacing requirement for driveways set forth in Sections 7.4 and 7.5 of the Hays County Subdivision Regulations.

The requirement concerning construction standards for mailboxes installed within the right-of-way of streets and highways and requiring all such mailboxes to be made of collapsible materials, as defined in the ordinance.

All construction of roads or streets shall comply with the Temporary Construction Erosion Controls Manual of the Hays County Subdivision and Development Regulations.

No construction of other development may begin until all Hays County Development Requirements have been met.

REVISED: APRIL 28, 2009  
DATE: DECEMBER 8, 2008  
FILE: BELLA.CRD / 14P01.PL1

ACCEPTED AND AUTHORIZED FOR RECORD by the City Council of the City of Dripping Springs, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Attested By: \_\_\_\_\_  
Jo Ann Touchstone, City Secretary

## SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION

No structure in this subdivision shall be occupied until connected to an individual water supply and an individual wastewater system. Due to declining water supplies and diminishing water quality, prospective property owners are cautioned by Hays County to question the seller concerning ground water availability. Rain water collection is encouraged and in some areas may be the best renewable water source.

No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by Hays County Environmental Health.

No construction or other development within this subdivision may begin until all Hays County Development Permit requirements have been met.

Jerry Borcherting \_\_\_\_\_ Date \_\_\_\_\_  
Resource Protection, Transportation and Planning

Tom Page \_\_\_\_\_ Date \_\_\_\_\_  
Floodplain Administrator

## THE STATE OF TEXAS:

THE COUNTY OF HAYS:  
I, LINDA FRITSCH, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., THE COMMISSIONER'S COURT OF HAYS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

ELIZABETH SUMTER \_\_\_\_\_  
COUNTY JUDGE  
HAYS COUNTY, TEXAS

## THE STATE OF TEXAS:

THE COUNTY OF HAYS:  
I, LINDA FRITSCH, CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT, WHEREIN IS A CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D. AT \_\_\_\_\_.

O'CLOCK \_\_\_\_\_ M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER \_\_\_\_\_ OFFICIAL PUBLIC RECORDS OF HAYS COUNTY.  
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

LINDA FRITSCH, COUNTY CLERK  
HAYS COUNTY, TEXAS

**SHARED ACCESS DRIVEWAYS:**  
All lots served by a Shared Access Driveway are restricted to one single lot. The use of the driveway and any other development of a Dwelling Unit occurs on one of the lots obtaining Unit. Shared Access Driveways, then such new Dwelling Unit must be constructed on a separately platted lot with direct frontage onto and physical access to a Permitted Street prior to construction of the Dwelling Unit. A duplex will not be considered a single-family residence for purposes of this sub-paragraph.

The Homeowners of the Single Family Residences obtaining access through the Shared Access Driveway shall be solely responsible for all maintenance of the driveway, including maintaining any drainage structures associated with the driveway. The driveway must be maintained at all times in a condition that will permit unencumbered vehicular access by emergency vehicles.

**STREET AND RIGHT OF WAY:**  
Cattle Trail Drive is existing and currently privately maintained.  
Horse Trail Drive will be privately maintained.

**LOT SIZES:**  
This subdivision contains 7 lots, averaging 7.547 acres each in land area. There are 2 lots larger than 10 acres and 5 lots larger than 5 acres and smaller than 10 acres.

**QUALIFYING LOTS:**  
Residential lots are limited to one single-family residence per lot and THRC regulated development is prohibited.

**SCHOOL DISTRICT:**  
This subdivision is within the boundaries of the Dripping Springs Independent School District.

**UTILITY INFORMATION:**  
Each lot will be served by an individual well and on-site sewage facility. Electric utility service will be provided by Pedernales Electric Cooperative. Telephone utility service will be provided by Verizon. Gas utility service will be provided by individual propane tanks.

**McMinn**  
Land Surveying Company  
4008 GREENMOUNTAIN LANE  
AUSTIN, TEXAS 78759  
(512) 343-1970  
FAX (512) 346-1005



LOT 1	5.668 ACRES±
LOT 2	8.050 ACRES±
LOT 3	5.606 ACRES±
LOT 4	10.774 ACRES±
LOT 5	10.816 ACRES±
LOT 6	8.079 ACRES±
LOT 7	5.837 ACRES±
HORSE TRAIL, DRIVE	3.950 ACRES±
TOTAL AREA	56.780 ACRES±

COUNTY OF HAYS:  
That I, C. Michael McMillin, Jr., do hereby certify that I prepared this plat from an actual and accurate on the ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Subdivision Regulations of Hays County, Texas.

C. Michael McMinn, Jr., R.P.L.S.No. 4267 Date

RESUBMISSION OF TRACT 1B-82 OF THE  
RESUBMISSION OF TRACT 1B-8 OF THE  
RESUBMISSION OF TRACT 1B OF THE  
REPLAT OF TRACT 1 OF  
LANIER RANCH ADDITION AMENDED  
(7/293)

TRACT 1B-B2A  
LOWELL E. WILLIAMS, ET UX,  
(TRACT 1B-B2A 10.00 ACRES)

OC RANCH, LTD.  
(127.86 ACRES)  
(3182/711)  
[R17043]

E. WILLIAMS, 10  
B-B2A 10

[R71111]

MATTHEW J. SCHREINER, ET UX,  
(4.31 ACRES)  
(2489/755)

[R70372]

TRACY 6-B

CALVIN E. GOODEN, ET UX.  
(TRACT 6-B 14.13 ACRES)  
(1645/885)  
(R97842)

OF TRACT 6 IN  
RANCH PHASE 2

REVISED: APRIL 28, 2009  
DATE: DECEMBER 8, 2008  
FILE: BELLA.CRD / T4PC2.PL1

REPLAT OF TRACT 1 OF  
LANIER RANCH ADDITION - AMENDED  
(5/278)

TRACT 1A  
JULIA BETH MILES  
(A PORTION OF TRACT 1A)  
(41.57 ACRES)  
(1453/492)  
[R33770]

ALLISON HADLEY WILCOX, ET ALIUS,  
(50.478 ACRES)  
(1253/730)  
[R17055] & [R17058]

**McGinn**  
Land Surveying Company  
4008 GREENMOUNTAIN LANE  
AUSTIN, TEXAS 78759  
(512) 343-1970  
FAX (512) 346-1005

PAGE 2 OF 4

# REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH PHASE 2

ALLISON HADLEY WILCOX, ET ALIUS,  
(50.478 ACRES)  
(1253/730)

[R17055] & [R17058]

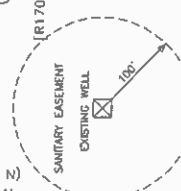
①

PROPOSED  
RANCHO BELLA

THE EUGENE HAROLD WILLIAMS TRUST  
(15,628 ACRES)  
(2952/496)

[R17054] & [R17057]

②



2

HAYS COUNTRY ACRES  
(2/67)

JAYNE ELLEN HECKMAN  
(LOT 1)  
(5.00 ACRES)  
(S186818)  
[R28797]

(N 00°21'21"E 650.51')  
< N 0°24'E 450.21' >  
N 00°24'45"E 450.09'



4-F  
8.079 ACRES±

SEE PAGE 4 OF 4

4-C

4-B

4-A

4-D  
10.774 ACRES±

4-E  
10.816 ACRES±

TRACT 5-A

HERMAN F. WATERS, ET UX,  
(TRACT 6-B, 14.98 ACRES)  
(1845/386)  
[R97841]

LEGEND

- IRON ROD FOUND
- ▲ 600 NAIL FOUND
- 1/2" IRON ROD SET

SCALE 1" = 100'

A REPLAT OF TRACT 5 IN  
DRIPPING SPRINGS RANCH PHASE 2  
(10/312)

TRACT 5-A

KEVIN ROBINSON, ET UX,  
(TRACT 5-A, 6.51 ACRES)  
(2871/456)  
[R103737]

CATTLE TRAIL DRIVE

TRACT 6-B

CALVIN E. GOODEN, ET UX,  
(TRACT 6-B, 14.13 ACRES)  
(1845/885)  
[R97842]

A REPLAT OF TRACT 6 IN  
DRIPPING SPRINGS RANCH PHASE 2  
(9/147)

REVISED: APRIL 28, 2008  
DATE: DECEMBER 6, 2006  
FILE: BELLA-CRO / TAPSCUPL1

**McMin**  
Land Surveying Company  
4008 GREENMOUNTAIN LANE  
AUSTIN, TEXAS 78759  
(512) 343-1970  
FAX (512) 346-1005  
CMA

PAGE 3 OF 4



## *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 to address remaining policies and guidelines for the proposed Hays County Development Regulations. Possible action may be taken to confirm or clarify decisions made by court.**

**TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: August 4, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: Ford**

**SUMMARY:**

Following is a partial list of items that may need to be re-addressed or reviewed in conjunction with our consultant, Grant Jackson of Naismith Engineering:

- min lot size for residential subdivisions of property reliant exclusively on groundwater within the PGMA
- easements for monitoring wells
- expiration of development authorizations
- roadway setbacks for country lane, etc.
- parkland dedication and management
- triggers to prevent a chain of subdividing and attempts to evade the rules (time, deed, plat notes)
- review language clarifications on items discussed 7/21, including but not limited to exemptions from platting and water availability requirements
- review of voluntary WQ requirements for stringency; alignment with LCRA setbacks; more focus on temporary controls
- confirm legality of TIA

## *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**

**AGENDA ITEM:** Discussion and possible action to amend the County Court at Law 1 and 2 budgets as attached.

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

**PREFERRED MEETING DATE REQUESTED:** August 4, 2009

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Rodriguez

**SPONSORED BY:** SUMTER

**SUMMARY:** Because the County Court at Law budgets were primarily budgeted in the County Court at Law 1 budget – it is necessary to amend all budget line items except the elected officials salary from County Court at Law 1 into County Court at Law 2 budget. This will allow Judge Rodriguez to continue with the administration of the County Court at Law functions.

FUND NO. 01  
FUND TITLE: GENERAL

<u>Line Item - Expenditures</u>	Appropriation before	<u>Amendment</u>		Appropriation as
	<u>Amendment</u>	<u>Increases</u>	<u>Decreases</u>	<u>Amended</u>
<b><u>COUNTY COURT AT LAW #2 (461):</u></b>				
01-461-5021 Staff	-0-	24,725		24,725
01-461-5101 FICA/Ret.	-0-	4,663		4,663
01-461-5160 Insurance	-0-	7,661		7,661
01-461-5212 Postage	1,500	660		2,160
01-461-5321 Dues & Bonds	290	100		390
		<u>37,809</u>		
<b><u>COUNTY COURT AT LAW #1 (422):</u></b>				
01-422-5021 Staff	164,831		(24,725)	140,106
01-422-5101 FICA/Ret.	50,482		(4,663)	45,819
01-422-5160 Insurance	40,525		(7,661)	32,864
01-422-5212 Postage	2,500		(270)	2,230
01-422-5711 Office Eqpt.	514		(200)	314
01-422-5489 Telephone	3,000		(104)	2,896
01-422-5335 Time Pmt	186		(186)	-0-
			<u>(37,809)</u>	

Transfer positions (4) & needed expense between County Court @ Law #1 & #2



ORDER AMENDING THE COUNTY OF HAYS BUDGET  
FOR FY ENDING SEPTEMBER 30, 2009

THE STATE OF TEXAS  
COUNTY OF HAYS

WHEREAS, on the 4<sup>th</sup> day of August, A.D., 2009, the Commissioners' Court of Hays County, Texas

has determined that a need exists for the reallocation of certain appropriations included in the FY 2009 Budget in accordance with the attached list which is hereby made a part hereof. It was also determined and agreed that the need was of such a nature as to justify and require amendment of the Budget, as provided in Section 111.010(D), Local Government Code.

NOW, THEREFORE, the COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, pursuant to the authority granted to it under Section 111.010(D), Local Government Code, ORDERS that the pertinent parts of the County of Hays Budget for the Fiscal Year ending September 30, 2009 be and they are hereby amended as indicated on the attached list.

It is the further order of the COMMISSIONERS' COURT that a copy of the amendment provided herein be filed with the Clerk of the County Court of Hays County, with instructions that it be attached to the Budget originally adopted and now on file in the office of the County Clerk.

Passed by the COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, this 4<sup>th</sup> day of August, 2009.

FOR ( ) \_\_\_\_\_  
AGAINST ( ) ELIZABETH 'LIZ' SUMTER  
ABSTAIN ( ) COUNTY JUDGE, HAYS COUNTY, TEXAS

FOR ( ) \_\_\_\_\_  
AGAINST ( ) DEBBIE GONZALES - INGALSBE  
ABSTAIN ( ) COMMISSIONER, PRECINCT 1

FOR ( ) \_\_\_\_\_  
AGAINST ( ) JEFF BARTON  
ABSTAIN ( ) COMMISSIONER, PRECINCT 2

FOR ( ) \_\_\_\_\_  
AGAINST ( ) WILL CONLEY  
ABSTAIN ( ) COMMISSIONER, PRECINCT 3

FOR ( ) \_\_\_\_\_  
AGAINST ( ) KAREN FORD  
ABSTAIN ( ) COMMISSIONER, PRECINCT 4

ATTEST:

\_\_\_\_\_  
LINDA C. FRITSCHKE  
COUNTY CLERK, 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

**AGENDA ITEM: Approve additional cost of \$500 to complete storage shed for Extensions Office and amend budget accordingly.**

**CHECK ONE: X CONSENT    ☐ ACTION    ☐ EXECUTIVE SESSION**

**☐ WORKSHOP    ☐ PROCLAMATION    ☐ PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: 8/4/09**

**AMOUNT REQUIRED: \$500**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: SCHRAMM**

**SPONSORED BY: SUMTER**

**SUMMARY: \$500 more is needed to complete the Storage shed**

# *Agenda Item Routing Form*

**DESCRIPTION OF Item:** Approve additional cost of \$500 to complete storage shed for Extensions Office and amend budget accordingly

**PREFERRED MEETING DATE REQUESTED:** August 4, 2009

## **COUNTY AUDITOR**

**Typically Requires 1 Business Day Review**

**AMOUNT AND FUND LINE ITEM NUMBER:** \$500

**COUNTY PURCHASING GUIDELINES FOLLOWED:** \_\_\_\_\_ N/A \_\_\_\_\_

**PAYMENT TERMS ACCEPTABLE:** \_\_\_\_\_ N/A \_\_\_\_\_

**COMMENTS:** Funds are available in continuing education since an extension agent position has not been filled.

**Bill Herzog**

## **SPECIAL COUNSEL**

**Typically Requires 9 Business Day Review**

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

**COMMENTS:**

## **COMMISSIONERS' COURT**

**APPROVED/DISAPPROVED AND DATE:** \_\_\_\_\_

## **COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_

## *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 award to Hunter Industries for IFB #2009-B19 "Road Improvements/Hot-Mix Overlay for Various Roads".**

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

**PREFERRED MEETING DATE REQUESTED: August 4, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Herzog/Maiorka**

**SPONSORED BY: Commissioner Ingalsbe**

**SUMMARY: See attached specifications**

Road Improvements-Hot Mix OverLays

PROJECT SITES	Tons	HUNTER INDUSTRIES		ASPHALT PAVING		LONE STAR PAVING		WHEELER COATING		AUSTIN BRIDGE & ROAD											
1. Green Acres CR 279, 5,231' x 20' x 2', Pct 3	1,300	\$	43.31	\$	56,303.00	\$	47.80	\$	62,140.00	\$	53.90	\$	70,070.00	\$	51.46	\$	66,898.00	\$	71.00	\$	92,300.00
2. Old Stagecoach Road, CR 136, 12,144' x 36' x 2", Pct 1	5,400	\$	43.31	\$	233,874.00	\$	47.80	\$	258,120.00	\$	53.90	\$	291,060.00	\$	51.46	\$	277,884.00	\$	71.00	\$	383,400.00
3. Allegre Monastial Subdivision, 4,912' x 24' x 2", Pct 2	1,800	\$	43.31	\$	64,965.00	\$	47.80	\$	71,700.00	\$	53.90	\$	80,850.00	\$	51.46	\$	77,190.00	\$	71.00	\$	106,500.00
4. Darden Hill Road, CR 162 @ FM 1826, 200' x 30' x 2", PCT 4	80	\$	43.31	\$	3,464.80	\$	47.80	\$	3,824.00	\$	53.90	\$	4,312.00	\$	51.46	\$	4,118.80	\$	71.00	\$	5,680.00
Applying level-up as directed by Hays County Inspector		\$	52.66			\$	47.80				\$	65.00			\$	53.46			\$	100.00	

## *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 regarding road improvements related to the location of new business and economic development in Hays County, the possible creation of a Tax Increment Reinvestment Zone (TIRZ) related to financing these road improvements, and a possible agreement with U.S. Foodservice and/or related entities concerning the road improvements and providing for U.S. Foodservice to locate at or near the intersection of CR 118 and Turnersville Road in northeast Hays County.

**CHECK ONE:**      **CONSENT**      ☒ **ACTION**      **EXECUTIVE SESSION**

☐ **WORKSHOP**

☐ **PROCLAMATION**

☐

**PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** Aug. 4, 2009

**AMOUNT REQUIRED:** N/A

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

**REQUESTED BY:** City of Buda, U.S. Foods

**SPONSORED BY:** Commissioner Barton

**SUMMARY:** See below.

This is a follow-up to the July 7 and July 21<sup>st</sup> Commissioners Court sessions. Extensive backup was provided at those meetings. More information will be available in Court on Aug. 4. Additional backup is not feasible in this packet because of a change in agenda deadlines.



## *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 the contract between Cintas Document Management company and the Hays County Personal Health Department. This is a shredding service which will be used on an as needed basis.**

#### **CHECK ONE:**

**CONSENT**

☒ **ACTION**

☐ **EXECUTIVE SESSION**

☐ **WORKSHOP**

☐ **PROCLAMATION**

☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** 8-4 /09

**AMOUNT REQUIRED:** \$50.95 per visit

**LINE ITEM NUMBER OF FUNDS REQUIRED:** 412-5452

**REQUESTED BY:** Priscilla Hargraves

**SPONSORED BY:** Sumter

#### **SUMMARY:**

**As a clinical facility, all documents that contain identifying information must be shredded as per HIPAA regulations. This contract will facilitate in shredding the documents that are no longer needed by our facility. This service will eliminate the need to use staff hours for shredding and allows us to focus on giving excellent clinical care to our patients. As county employees we will also fulfill our social responsibility in recycling waste paper products instead of using the existing landfills.**

# *Agenda Item Routing Form*

**DESCRIPTION OF Item:** Approve the contract between Cintas Document Management company and the Hays County Personal Health Department. This is a shredding service which will be used on an as needed basis.

**PREFERRED MEETING DATE REQUESTED:** August 4, 2009

## **COUNTY AUDITOR**

*Typically Requires 1 Business Day Review*

**AMOUNT AND FUND LINE ITEM NUMBER:** \$50.95 Per Visit 35-412-5452

**COUNTY PURCHASING GUIDELINES FOLLOWED:** Yes

**PAYMENT TERMS ACCEPTABLE:** Yes

**COMMENTS:**

## **SPECIAL COUNSEL**

*Typically Requires 9 Business Day Review*

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

**COMMENTS:**

## **COMMISSIONERS' COURT**

**APPROVED/DISAPPROVED AND DATE:** \_\_\_\_\_

## **COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_



# SHREDDING SERVICE AGREEMENT

Customer Hays County Personal Health  
Address 401-A Broadway City San Marcos State TX Zip 78666

New \_\_\_\_\_ Renewal \_\_\_\_\_  
Location No \_\_\_\_\_  
Contract No \_\_\_\_\_  
Customer No \_\_\_\_\_  
Date \_\_\_\_\_  
Phone \_\_\_\_\_

The customer, its successors and assigns ("Customer") orders from Cintas Corporation No. 2 dba Cintas Document Management or any of its subsidiaries, successors and assigns ("Company") all of the Customer's shredding service requirements during the term of this agreement, all in accordance with the pricing, terms and conditions contained herein.

## ITEMS FURNISHED BY THE COMPANY:

### First Container

Collection "C" or Dock Stop "D" Service	Description	Service Frequency	Quantity	Unit Price	Replacement Value
<u>D</u>	<u>1 EXEC CAB</u>	<u>EW</u>	<u>1</u>	<u>\$36.00</u>	<u>\$100.00</u>

### Additional Services

Collection "C" or Dock Stop "D" Service	Description	Service Frequency	Quantity	Unit Price	Replacement Value
<u>D</u>	<u>1 EXEC CAB</u>	<u>EW</u>	<u>1</u>	<u>\$9.00</u>	<u>\$100.00</u>

Minimum Charge is \$45.00 Per Stop  
Service Charge is \$5.95 Per Stop

The Service Charge is used to help Company pay various current and future costs including, but limited to, costs directly or indirectly related to the environment, energy issues, service and delivery of goods and services, in addition to other miscellaneous costs incurred or that may be incurred in the future by Company.

Company will provide containers and collection or dock stop shredding of all customer's confidential information as herein provided. "Confidential Information" means any information relating to the Customer's property, business and affairs. Unless such Confidential Information was previously known to Company free of any obligation to keep it confidential, is subsequently made public by Customer or by a third party having a legal right to make such disclosure, or was known to Company prior to receipt of same from Customer, it shall be held in confidence by Company and shall be used only for the purpose provided in this Agreement.

This agreement is effective as of the date of the first invoice and shall remain in effect for sixty (60) months from the date of first invoice. This Agreement shall automatically renew for the same period of time unless the Company is notified, to the contrary, in writing sixty (60) days in advance of the expiration of the then current term. Price listed above is based on the number of containers quoted and frequency of service. Company has the right to increase prices and/or service charges and/or minimum charges. Such notice may be in the form of invoice. The Customer has the right to reject these increases. If Customer rejects the increase, Company has the right to terminate this Agreement.

Company guarantees to deliver the highest quality shredding service at all times. Any complaints about the quality of service which have not been resolved in the normal course of business must be sent by registered letter to the Company's General Manager. If the Company then fails to resolve any material complaint in a reasonable period of time, Customer may terminate this Agreement provided all containers are paid for at the then current replacement values or returned to the Company in good and usable condition.

Additional containers and services can be added to this Agreement and shall automatically be a part of and subject to the terms hereof. If this Agreement is terminated early, the parties agree that the damages sustained by Company will be substantial and hard to ascertain. Therefore, if this Agreement is terminated by Customer prior to the applicable expiration date for any reason other than for documented quality of service reasons which are not cured as set forth above, or terminated by Company for cause at any time, Customer will pay to Company, as liquidated damages and not as a penalty, 50% of the average invoice total multiplied by the number of invoices remaining in the unexpired term. Customer shall also be responsible for any unpaid charges on Customer's account prior to termination, up to and including the charges for servicing the Customer on the last pick-up. Any dispute or matter arising in connection with or relating to this agreement shall be resolved by binding and final arbitration under applicable state laws or federal laws providing for the enforcement of agreements to arbitrate disputes. Any such dispute shall be determined on an individual basis, shall be considered unique as to its facts, and shall not be consolidated in any arbitration or other proceeding with any claim or controversy of any other party.

All containers and cabinets remain the property of Company. The Customer agrees to use said containers and cabinets solely for disposal of confidential material. In the event that the containers and cabinets are lost, damaged or destroyed by any means, the Customer will pay for said containers and cabinets at the then current replacement values.

The Customer certifies that the Company is in no way infringing upon any existing contract between the Customer and another service provider.

Terms of Payment: 10<sup>th</sup> E.O.M.

Accepted by: \_\_\_\_\_  
Title: \_\_\_\_\_  
Approved by: \_\_\_\_\_

Customer \_\_\_\_\_  
By: \_\_\_\_\_  
Please Print: \_\_\_\_\_  
Name & Title: \_\_\_\_\_

☐ Check if Transfer of Custody Addendum Required

☐ Check if Business Associate Agreement Required

☐ Check if Sub Contracting 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 appoint members from Pct. 2 to the Parks and Open Space Board.

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

**PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** Aug. 4, 2009

**AMOUNT REQUIRED:** N/A

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

**REQUESTED BY:** Barton/Hauff

**SPONSORED BY:** Commissioner Barton

**SUMMARY:** See below.

We have vacancies on the Parks board from Pct. 2. I hope to have nominees and resumes for those nominees in time for our Aug. 4 meeting. I had planned to have those included in backup but found out last night that the deadlines for that backup have been advanced by a week – to today. Since we met until almost midnight in Court last night, obviously there is not time to prepare backup this morning.

## *Agenda Item Request Form*

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

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

**AGENDA ITEM:** Discussion and possible action to authorize the continuation of a temporary, part-time employee through the end of the FY2009 fiscal (9/30/09) and transfer funds from Insurance line item as allocated below.

**TYPE OF ITEM:** **ACTION**

**PREFERRED MEETING DATE REQUESTED:** August 4, 2009

**AMOUNT REQUIRED:** \$2,067.00

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

From JP4#5160 (Ins) move \$1920 to #5021 (salary) and \$147.00 to #5101 (FICA)

**REQUESTED BY:** Judge Kyle

**SPONSORED BY:** Ford

**SUMMARY:**

Currently office has two FTE and one PTE. The continuation of this position will bring staffing to two PTE. Imaging of historical JP4 date files continues and the additional PTE also fulfills much needed clerk related tasks in this busy office.



# *Agenda Item Routing Form*

**DESCRIPTION OF Item:** Temporary, part-time employee through the end of the FY2009 fiscal (9/30/09) and transfer funds from Insurance line item as allocated below.

**PREFERRED MEETING DATE REQUESTED:** August 4, 2009

## **COUNTY AUDITOR**

**Typically Requires 1 Business Day Review**

**AMOUNT AND FUND LINE ITEM NUMBER:** \$2,067.00 From JP4#5160 (Ins) move \$1920 to #5021 (salary) and \$147.00 to #5101 (FICA)

**COUNTY PURCHASING GUIDELINES FOLLOWED:** \_\_\_\_\_ N/A \_\_\_\_\_

**PAYMENT TERMS ACCEPTABLE:** \_\_\_\_\_ N/A \_\_\_\_\_

**COMMENTS:** Amend the budget accordingly.

**Bill Herzog**

## **SPECIAL COUNSEL**

**Typically Requires 9 Business Day Review**

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

**COMMENTS:**

## **COMMISSIONERS' COURT**

**APPROVED/DISAPPROVED AND DATE:** \_\_\_\_\_

## **COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_



## *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 reconfirm the use of Room 105, in the Hays County Courthouse, be dedicated to the Hays County Historical Commission.**

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

**PREFERRED MEETING DATE REQUESTED:** August 4, 2009

**AMOUNT REQUIRED:** none

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

**REQUESTED BY:** Ingalsbe/Conley

**SPONSORED BY:** Ingalsbe/Conley

**SUMMARY:** Back in 2002, because of lack of space, the Commissioner's Court voted to move the Constable Pct. 1 Office to the courthouse in the space the Historical Commission was occupying in the courthouse. This space also satisfied the requirements of a grant to have the Commission located in the courthouse.

The court determined that Room 105 would be dedicated to the Historical Commission for their use to continue satisfying the grant requirements.

It has come to my attention and others that it has become very difficult for the Commission to gain access of Room 105 due to our own needs for space. Although I believe the grant requirements to provide space to the Commission has expired, they continue to have needs for the use of space for their exhibits, files and other relevant documents.

We believe the county committed to provide space for the Commission and we want to discuss with the court our continued commitment to allow them the use of Room 105 for their services/programs

## *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 related to the death of Judge Howard Warner, adopting a resolution in his honor, replacing him on various county boards and commissions, assigning appropriate authority within the County Court-at-Law system to Judge Linda Rodriguez or other county employees, and establishing a process for considering an appointment to replace Judge Warner on the bench.

**CHECK ONE:**      **CONSENT**      ☒ **ACTION**      **EXECUTIVE SESSION**

☐ **WORKSHOP**

☐ **PROCLAMATION**

☐

**PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** Aug. 4, 2009

**AMOUNT REQUIRED:** N/A

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

**REQUESTED BY:** Barton

**SPONSORED BY:** Commissioner Barton

**SUMMARY:** See below.

Because of the late change in agenda submittal deadlines in the County Judge's office it is not possible to provide backup for this item. Backup will be provided in Court.

## *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 regarding issues related to proposed capital construction projects in Hays County, including but not limited to the government center; precinct offices; Resources Protection Transportation and Planning Department; and space needs projections for the Hays County Jail and related criminal justice analysis.**

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

**PREFERRED MEETING DATE REQUESTED:** August 4, 2009

**AMOUNT REQUIRED:** To Be Determined

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Ingalsbe/Barton

**SPONSORED BY:** Ingalsbe/Barton

**SUMMARY:**

**This is our continued "standing" agenda item for updates on the government center and progress reports on other pending projects.**

**As a reminder, a detailed description of options and considerations of jail needs was included in the June 2<sup>nd</sup> packet.**

**This item should all Broaddus and the Court to discuss the range of inter-related construction projects and studies throughout the county.**

## *Agenda Item Request Form*

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

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

**Phone (512) 393-2205**

**AGENDA ITEM: 1PM - Budget Workshop - Meetings with Department Heads and Elected Officials**

**CHECK ONE:**      **CONSENT**      ☐ **ACTION**      ☐ **EXECUTIVE SESSION**

**X** ☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: August 4, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: SUMTER**

**SUMMARY:**