



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 10TH DAY OF NOVEMBER 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. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26598 ADOPT A PROCLAMATION DECLARING THE WEEK OF NOVEMBER 8 - NOVEMBER 14, 2009 AS HAYS COUNTY "TACKLE HUNGER" WEEK [T1-60]

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a Proclamation declaring the week of November 8 - 14, 2009 as Hays County "Tackle Hunger" Week. All voting "Aye".
MOTION PASSED

26599 ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS "HOME CARE & HOSPICE MONTH" [T1-169]

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation declaring the month of November as Home Care & Hospice Month. All voting "Aye".
MOTION PASSED

26600 ADOPT A PROCLAMATION RECOGNIZING NOVEMBER 15, 2009 AS "TEXAS RECYCLES DAY" [T1-246]

Judge Sumter spoke of public shredding events to be held on Nov 13-14, 2009 in San Marcos, Wimberley, Dripping Springs and Kyle. A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation recognizing November 15, 2009 as Texas Recycles Day. All voting "Aye".
MOTION PASSED

PRESENTATION BY MEMBERS OF ECT, CAPCOG AND TPL ON THE CENTRAL TEXAS GREENPRINT FOR GROWTH INITIATIVE [T1-285]

Sean Moran (Capital Area Council of Governments) spoke of the Central Texas Greenprint for Growth Conservation and Economic Opportunity for Hays County. He spoke of meetings that were held for public input. He spoke of ways to use the greenprint tools. Sally Campbell (Envision Central Texas) spoke of brochure that will be available online at CAPCOG for everyone to be able to access (www.capcog.org). She spoke of meeting to be held this month. Lori Olson (TPL Local Project Associate) spoke briefly.

26601 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of FY09 county invoices in the amount of \$50,626.95 and FY10 county invoices in the amount of \$72,155.65 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote.
MOTION PASSED

26602 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 3, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of November 3, 2009 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote.
MOTION PASSED

**26603 APPROVE AWARD OF BID#2009-B20 EMULSION OILS TO P2 EMULSION**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of Bid #2009-B20 Emulsion Oils to P2 Emulsion. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26604 APPROVE DONATED FUNDS IN THE AMOUNT OF \$575.00 TO THE HAYS COUNTY SHERIFF'S OFFICE TO BE DEPOSITED INTO LINE ITEM 052-618-00.522 (CRIME PREVENTION PROGRAM) AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve donated funds in the amount of \$575.00 to the Hays County Sheriff's Office to be deposited into line item 052-618-00.522 (Crime Prevention Program) and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26605 ACCEPT REPORT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF OCTOBER, 2009 BY RPTP

A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept report identifying administrative approvals issued during the month of October, 2009 by RPTP. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26606 APPROVE SPECIFICATIONS FOR BID #2010-B02 FOR "ONE (1) USED SINGLE AXLE DIESEL CAB & CHASSIS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for bid #2010-B02 for "One (1) used single axle diesel cab & chassis" and authorize purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26607 APPROVE RENEWAL OF BID#2007-B08 "BRUSH CUTTING AND OTHER SERVICES" WITH ASPLUNDH TREE EXPERT COMPANY FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of bid #2007-B08 "Brush cutting and other services" with Asplundh Tree Expert Company for one (1) additional year as provided in the original bid. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26608 APPROVE RE-APPOINTMENT OF CARL SCUDDER AND CHUCK WARE TO ESD #4 EFFECTIVE JANUARY 1, 2010 UNTIL DECEMBER 31, 2011

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve re-appointment of Carl Scudder and Chuck Ware to ESD #4 effective January 1, 2010 until December 31, 2011. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26609 APPROVE SPECIFICATIONS FOR PURCHASE OF ONE (1) NEW 2000 GALLON TANK AND ONE (1) NEW TRACTOR W/SIDE MOUNT MOWER TO REPLACE A 1993 FORD MOWING TRACTOR W/2,640 HOURS OF USAGE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for purchase of one (1) new 2000 gallon tank one (1) new tractor w/side mount mower to replace a 1993 ford mowing tractor w/2,640 hours of usage and authorize purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED



DISCUSSION REGARDING AUTHORIZING PURCHASING TO PREPARE SPECIFICATIONS FOR SHOWER AND LAVATORY CONTROL VALVES FOR THE HAYS COUNTY JAIL AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

County Auditor Bill Herzog spoke of bids received – found on State contract (save \$13,000). Take out of countywide operations budget.

26610 APPROVE PURCHASE OF ONE (1) NEW ½ TON EXTENDED CAB PICKUP FOR THE ROAD & BRIDGE DEPT. TO REPLACE A 1998 CHEVROLET W/99,492 MILES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve purchase of one (1) new ½ ton extended cab pickup for the Road & Bridge Dept. to replace a 1998 Chevrolet 2/99,492 miles. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Ford voting “Aye”. Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26611 CALL FOR A PUBLIC HEARING ON NOVEMBER 24, 2009 TO ESTABLISH TRAFFIC REGULATIONS ON MCCARTY LANE EAST, CR 233 [T2-1019]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to call for a public hearing on November 24, 2009 to establish traffic regulations on McCarty Lane East, CR 233. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford voting “Aye”. Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26612 ACCEPT THE BOND FOR FISCAL SURETY FOR THE RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS IN HIGHPOINTE SUBDIVISION, PHASE 4, SECTIONS 1A & 1B [T2-1029]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept the bond for Fiscal Surety for the re-vegetation of the street and drainage improvements in Highpointe Subdivision, Phase 4, Sections 1A & 1B. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Ford voting “Aye”. Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26613 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW IN BELTERRA SUBDIVISION, PHASE 4, SECTION 1 [T2-1037]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to release the Maintenance Bond and accept for maintenance all road and drainage improvements within County ROW in Belterra Subdivision Phase 4 Section 1. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Ford voting “Aye”. Judge Sumter and Commissioner Conley were not present to vote. MOTION PASSED

26614 HOLD A PUBLIC HEARING TO CONSIDER 1) THE PROPOSED IMPROVEMENT TO OWL HOLLOW ROAD AND EAST OWL HOLLOW ROAD WITHIN THE ROCKY RANCH I SUBDIVISION IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY OF THE ROCKY RANCH I SUBDIVISION WITH ACTION [T1-2719]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Commissioner Ford requested changing the amount on the ballot to read \$54,650 and she requested a 7 year payback at \$150 per year. Special Counsel Mark Kennedy spoke of process to be followed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to move ahead with the public election for improvements to Owl Hollow Road and East Owl Hollow Road within the Rocky Ranch I Subdivision in Hays County in order to cause these roadways to comply with County Standards and pending a successful election we will be assessing part of the cost the hard cost for these pro rata against the record owners of the real property of the Rocky Ranch I Subdivision on an annual basis. All voting “Aye”. MOTION PASSED



26615 CREATE A VETERAN'S TASK FORCE FOR HAYS COUNTY CHARGED WITH REVIEWING CURRENT PROGRAMS AND SERVICES AND ASSESSING ADDITIONAL NEED AND DEMAND FROM OUR COUNTY'S VETERAN COMMUNITY [T1-3295]

Commissioner Conley spoke of this being the time to review the current services being offered through the county program and he recommended creation of a task force to take a close look to areas that could be strengthened to ensure that we are offering the best possible services to our veterans. Each member of the court will appoint two members to the task force. Commissioner Conley would like to have Dr. Bell from Texas State University be the moderator. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to create a Veteran's Task Force for Hays County charged with reviewing current programs and services and assessing additional need and demand from our County's Veteran Community. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING FUNDING FOR DISTRICT CLERK TO CREATE A PERMANENT RECORD ON FILM [T2-97]

District Clerk Cecelia Adair spoke of need to complete the task of creating microfilm from the records that were digitized. Approximate cost is \$41,800.00. Judge Sumter suggested considering hiring a consultant for records management. Commissioner Ford suggested moving forward with an RFP for records management consultant.

26616 ACCEPT THE RESIGNATION OF CHARLES BERGH FROM THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD, AND TO APPOINT NANCY GILKYSON TO THE OPEN POSITION ON THAT BOARD [T2-396]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept the resignation of Charles Bergh from the Hays County Parks and Open Space Advisory Board, and to appoint Nancy Gilkyson to the open position on that board. All voting "Aye". MOTION PASSED

26617 APPROVE A RESOLUTION OPPOSING THE PETITION FOR RULEMAKING AND PROPOSED REPEAL OF PORTIONS OF THE PROVISIONS OF 30 TEXAS ADMINISTRATIVE CODE CHAPTER 311 [T1-3098]

Adoption of the resolution resolves that the County is opposed to any immediate change in the no-discharge rule of TCEQ as presented in the petition and encourages the Commission to reconvene a stakeholder group to consider revisions to the Highland Lakes rule with the goals of (1) preserving the existing high water quality of the lakes; (2) maximizing incentives for beneficial reuse of treated effluent; (3) protecting drinking water supplies; (4) preserving recreational uses; and (5) establishing community and scientific consensus around what conditions, if any (such as independently monitored, advanced tertiary treatment), should be imposed in case the Commission determines that the rules is lifted in the future. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve a Resolution opposing the Petition for Rulemaking and Proposed Repeal of portions of the provisions of 30 Texas Administrative Code Chapter 311. All voting "Aye". MOTION PASSED**

26618 APPROVE AN \$800.00 SHREDDING EXPENDITURE FOR TEXAS RECYCLING DAY

[T1-405] **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve an \$800.00 shredding expenditure for Texas Recycling Day. All voting "Aye". MOTION PASSED**

PRESENTATION AND DISCUSSION REGARDING THE PROPOSED DAHLSTROM RANCH CONSERVATION PROJECT [T1-1735]

Commissioner Barton spoke of the Parks Advisory Team recommendation and the general terms for conservation of the Dahlstrom Ranch (a historical ranch between Buda and Dripping Springs with highly significant water recharge features. He spoke of partnerships and negotiations with the goal of a contract to govern land use and public access on what would be a landmark public-private conservation easement plan. National Park Service Community Planner Kathryn Nichols gave a powerpoint presentation regarding public access recommendations from the Dahlstrom Ranch Steering Committee. Steering Committee charges: recommend recreational and educational activities, recommend facilities to support those activities, prioritize facilities into phases, develop cost estimates by phases, recommend staffing needs and strategies, develop operations and management plan for public access component, and develop a concept plan/map with approximate trail and support facility locations. Committee recommendations include public access schedule, activities, facilities budget, and staffing needs. Activities would be an emphasis on nature experiences, environmental education about aquifer recharge and land and water conservation, hiking on trails, wildlife viewing and bird watching, picnicking (limited to tables near entrance), and potential for developing various programmed activities with partners. Phase I [cost estimate = \$418,000] would include 2 miles of natural surfaced trails and ¾ mile ADA trails, road and parking infrastructure shared with Dahlstrom family, 1-3 small



buildings to include restrooms, entry station and pavilion (all with rainwater collection), covered picnic tables, cave gates and kiosks, site work, restoration, native plant landscaping, design and engineering, permits, contingencies. Kathryn Nichols spoke of wanting to have some community meetings. Commissioner Barton spoke of partnerships with cities of Buda and Kyle, and the Hays CISD and he encouraged participation from the Dripping Springs area. Special Counsel Mark Kennedy spoke of negotiations taking place.

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS

Court convened into closed executive session at 1:15 p.m. and reconvened into open meeting at 3:45 p.m. No action taken.

26619 DISCUSSION OF ISSUES AND ACTION TAKEN 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 [T1-713]

Special Counsel Mark Kennedy spoke of possible appeal process regarding jail repairs (Title 37 Chapter 297 of the Administrative Code). Brenda Jenkins (Broaddus & Associates) spoke of already having notified contractors and getting them to look at the project on Monday. Suggested issuing RFQ's, with a 15 day review, and entering into negotiation with the top person. Brenda Jenkins spoke of alternative solutions. The roof should be completed in three weeks (by mid December) and the kitchen project would not be completed until March (5 months). Court discussed meeting that was held with the Jail Standards Commission and ongoing work to make repairs and cleanup the kitchen. Brenda Jenkins spoke of short-term plan including environmental assessment. Commissioner Conley suggested a more thorough evaluation of our options for feeding of staff and prisoners. Terry Julian (retired from Jail Standards Commission) spoke in favor of seeking an appeal. Commissioner Conley suggested having a San Marcos Health Inspector inspect the jail. Jimmy Skipton [T1-1589] made public comment. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to instruct Special Counsel to begin process of filing an appeal with Texas Jail Commission and for the Sheriff's Office and Broaddus to continue moving forward with improvements to the roof, kitchen and other areas of the jail and to ask the City of San Marcos to inspect the Jail as soon as possible. All voting "Aye". MOTION PASSED**

[T2-536] Brenda Jenkins (Broaddus & Associates) spoke of RFP's for jail improvements and gave an update on progress regarding the government center. Special Counsel Mark Kennedy spoke of contract/agreement

[T2-816] **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the provision that was added to the Design Build Contract for the Government Center and to 5th Wall Construction for the roof at the Jail titled Dispute Resolution. All voting "Aye". MOTION PASSED.**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR [T2-847]

Jeff Curren (HDR) provided a progress report related to the Hays County Pass Through Financing Program.

DISCUSSION REGARDING A CONTRACT WITH AMERICAN MOBILE KITCHENS TO CONTINUE TO PROVIDE ON-SITE FOOD SERVICE TO THE COUNTY JAIL INMATES AND EMPLOYEES [T1-654]

Sheriff Tommy Ratliff spoke of American Mobile Kitchen bid: \$3500 set-up and delivery fee plus a monthly fee of \$11,500. Discussion was had regarding improvements to be made at the jail. No action was taken.

Court was adjourned.

I, LINDA C. FRITSCHÉ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 10, 2009.



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