

**Commissioners Court -November 10, 2009  
NOTICE OF A MEETING OF THE  
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS**



This Notice is posted pursuant to the Texas Open Meetings Act. (VERNON'S TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on the 10<sup>TH</sup> day of **November, 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**

<b>PRESENTATIONS &amp; PROCLAMATIONS</b>		
1	3-4	Adopt a proclamation recognizing November 8 -- November 14, 2009 as Hunger Awareness week. <b>CONLEY</b>
2	5-6	Adopt a proclamation declaring the month of November as Home Care & Hospice Month. <b>SUMTER</b>
3	7-8	Adopt a proclamation recognizing November 15, 2009 as Texas Recycles Day. <b>SUMTER</b>
4	9	Presentation by members of ECT, CAPCOG and TPL on the Central Texas Greenprint for Growth initiative. <b>SUMTER</b>

<b>PUBLIC COMMENTS</b>	
At this time <b>3-MINUTE</b> 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. <u>Please Complete the Public Participation/ Witness Form in its Entirety.</u> NO ACTION MAY BE TAKEN BY THE COURT DURING PUBLIC COMMENTS.	

<b>CONSENT ITEMS</b>		
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		
5	10	Approve payments of county invoices. <b>HERZOG</b>
6	11-18	Approve Commissioner Court Minutes of November 3, 2009 <b>SUMTER/FRITSCH</b>
7	19-20	Approve award of Bid#2009-B20 Emulsion Oils to P2 Emulsion. <b>SUMTER/HERZOG/BORCHERDING/MAIORKA</b>
8	21-22	Approve donated funds in the amount of \$575.00 to the Hays County Sheriff's Office to be deposited into line item 052-618-00.5222 (Crime Prevention Program) and amend the budget accordingly. <b>SUMTER/RATLIFF</b>
9	23-25	Accept report identifying administrative approvals issued during the month of October, 2009 by RPTP. <b>SUMTER/WRIGHT</b>
10	26-32	Approve specifications for Bid #2010-B02 for "One (1) Used Single Axle Diesel Cab & Chassis" and authorize purchasing to solicit for bid and advertise. <b>SUMTER/HERZOG/MAIORKA/BORCHERDING</b>
11	33-35	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. <b>SUMTER/HERZOG/MAIORKA/BORCHERDING</b>
12	36	Approve re-appointment of Carl Scudder and Chuck Ware to ESD #4 effective January 1, 2010 until December 31, 2011. <b>CONLEY</b>
13	37-42	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. <b>INGALSBE/BORCHERDING</b>
14	43	Approval to authorize purchasing to prepare specifications for shower and lavatory control valves for the Hays County Jail and authorize purchasing to solicit for bid and advertise. <b>SUMTER/HERZOG/MAIORKA/RATLIFF</b>
15	44-47	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. <b>INGALSBE/BORCHERDING</b>

<b>ACTION ITEMS</b>	
<b>ROADS</b>	

16	48	Call for a public hearing on November 24, 2009 to establish traffic regulations on McCarty Lane East, CR 233. <b>INGALSBE/BORCHERDING</b>
17	49-55	Discussion and possible action 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. <b>FORD/BORCHERDING</b>
18	56-59	Discussion and possible action to release the maintenance bond and accept for maintenance all road and drainage improvements within County ROW in Belterra subdivision, Phase 4, Section 1. <b>FORD/BORCHERDING</b>
19	60-65	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, <i>pro rata</i> , against the record owners of the real property of the Rocky Ranch I Subdivision. Possible action to follow the public hearing. <b>FORD</b>

#### **MISCELLANEOUS**

20	66	Discussion and possible action 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. <b>CONLEY/FORD</b>
21	67-69	Discussion and possible action to approve funding to create a permanent record on film. <b>SUMTER/ADAIR</b>
22	70-73	Discussion and possible action 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. <b>FORD</b>
23	74	Discussion and possible action to approve a resolution opposing the Petition for Rulemaking and proposed repeal of portions of the Provisions of 30 Texas Administrative Code Chapter 311. <b>SUMTER</b>
24	75	Discussion and possible action to approve an \$800.00 shredding expenditure for Texas Recycling Day. <b>SUMTER</b>

#### **WORKSHOP**

25	76	Presentation regarding the proposed Dahlstrom Ranch conservation project with possible discussion to follow. <b>BARTON</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.

26	77	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. (see schedule below) <b>FORD/BAEN</b>
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#### **STANDING AGENDA ITEM**

27		Discussion of issues related to proposed capital construction projects in Hays County, including but not limited to the government center; precinct offices; Resources Protection Transportation and Planning Department; and space needs projections for the Hays County Jail and related criminal justice analysis. Possible action may follow. <b>INGALSBE</b>
28		Discussion of issues related to the road bond projects, including updates from Mike Weaver, Prime Strategies and Jeff Curren, HDR. Possible action may follow. <b>SUMTER</b>

#### **ADJOURNMENT**

Posted by 5:00 o'clock P.M. on the 6<sup>TH</sup> day of November, 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: ACTION:**

**Proclamation recognizing November 8 – November 14, 2009 as Hunger Awareness week.**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Pat Tessaro**

**SPONSORED BY: Commissioner Will Conley**

**SUMMARY:**



111 E. San Antonio Street  
San Marcos, Texas 78666

**Proclamation Declaring the Week of November 8<sup>th</sup> - November 14<sup>th</sup>, 2009  
Hays County "Tackle Hunger" Week**

WHEREAS, the Hays County Area Food Bank represents a community-wide effort to feed the hungry that depends upon the generous support of the Community; and

WHEREAS in 2008 the Food Bank provided Thanksgiving meals to 1,376 needy families; and

WHEREAS, the Hays County Area Food Bank represents a county-wide effort to feed the hungry that depends upon the generous support of the Community; and

WHEREAS, the Hays County Area Food Bank has begun an effort to raise enough support to assist 1,600 families this Thanksgiving by coordinating a campaign called Turkeys Tackling Hunger whereby citizens can sponsor a family for Thanksgiving for \$20 from October 5<sup>th</sup> through November 30<sup>th</sup>, in cooperation with the citizens and organizations throughout Hays County ; and

WHEREAS the Hays County Commissioners' Court wishes to demonstrate our support for the important work accomplished throughout the year by the Hays County Area Food Bank in reaching out to the most needy and hungry in our community;

NOW, THEREFORE, BE IT RESOLVED THAT the Hays County Commissioners' Court does hereby proclaim the week of November 8 - November 14, 2009 as

**Tackle Hunger Week**

And calls upon citizens of Hays County to support and participate in this worthwhile project by helping feed impoverished families and individuals in San Marcos and Hays County.

**PROCLAIMED THIS THE 10th DAY OF November, 2009**

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

\_\_\_\_\_  
Debbie Gonzales Ingalsbe, Precinct 1

\_\_\_\_\_  
Jeff Barton, Precinct 2

\_\_\_\_\_  
Will Conley, Precinct 3

\_\_\_\_\_  
Karen Ford, Precinct 4

Attest:

\_\_\_\_\_  
Linda Fritsche, County Clerk

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

Phone (512) 393-2205

**AGENDA ITEM: Proclamation Declaring November as Home Care & Hospice Month.**

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

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED: \$**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: SUMTER**

**SUMMARY:**



111 E. San Antonio Street  
San Marcos, Texas 78666

**PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS' COURT  
DECLARING THE MONTH OF NOVEMBER AS  
HOME CARE & HOSPICE MONTH**

**WHEREAS**, home care and hospice are the most humane tradition of health service delivery in Texas, enabling the aged and disabled to receive high-quality medical assistance, long-term services and support, and end-of-life care with dignity and in the comfort of their own homes; and

**WHEREAS**, home care in Texas is a growing alternative to hospitalization for acute and chronic illnesses, serving millions of Americans each year; and

**WHEREAS**, thousands of hardworking men and women, in association with more than 4,000 home care and hospice agencies, unite caring and technology in providing cost-effective home care and hospice services that stimulate quicker and better recoveries and improvements than institutional care and provides for end-of-life care; and

**WHEREAS**, these tirelessly dedicated home care and hospice professionals and volunteers form a network of caring support in our nation's vast health care system and deserve special honor and appreciation for their many contributions; and

**WHEREAS**, the Texas Association for Home Care and the more than 4,000 home and community support service agencies across Texas have declared the month of November 2009 as Texas Home Care & Hospice Month and are calling on all Texans to observe this occasion with appropriate ceremonies and activities;

**Now, therefore**, be it resolved that Hays Commissioners Court, does hereby proclaim November 2009 as

**HOME CARE & HOSPICE MONTH**

in Hays County and encourage the support and participation of all citizens in learning more about the home care concept of care for the elderly, disabled, and infirm.

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Elizabeth Sumter  
Hays County Judge

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Debbie Gonzales Ingalsbe  
Commissioner Precinct 1

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Jefferson W. 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 C. Fritsche

## *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: Proclamation recognizing November 15, 2009 as Texas Recycles Day.**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED: \$**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Jerry Pinnix**

**SPONSORED BY: SUMTER**

**SUMMARY:**



111 E. San Antonio Street  
San Marcos, Texas 78666

### PROCLAMATION

**WHEREAS**, November 15<sup>th</sup> has been designated as Texas Recycles Day and the 2009 theme is **It All Comes Back to You**; and

**WHEREAS**, Recycling could significantly decrease the amount Texans spend annually to dispose of their trash; and

**WHEREAS**, Using recycled materials for the manufacturing of new products requires less energy than extracting and refining virgin materials, thereby reducing the combustion of fossil fuels for energy and the resulting air emissions and conserving our natural resources; and

**WHEREAS**, In 2008 Hays County collected over 572 tons of recycles monthly, including 1,101 oil filters and 5,521 gallons of oil and antifreeze; resulting in \$30,488 county revenue; and

**WHEREAS**, Recycling Alliance of Texas and Keep Texas Beautiful encourage state and community leaders to spread the word about programs that involve citizens in environmentally-conscious behaviors;

**THEREFORE**, Hays County Commissioners Court does hereby proclaim November 15, 2009 as Texas Recycles Day and calls upon our citizens to join in activities that promote responsible environmental stewardship.

**SO DECLARED** on this 10<sup>th</sup> day of November, 2009.

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Elizabeth "Liz" Sumter  
Hays County Judge

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Debbie Ingalsbe, Precinct 1

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Jeff Barton, Precinct 2

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Will Conley, Precinct 3

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Karen Ford, Precinct 4

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Linda Fritsche, County Clerk



## *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: Presentation by members of ECT, CAPCOG and TPL on the Central Texas Greenprint for Growth initiative.**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: SUMTER**

**SUMMARY:**

# *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: 11/10/09**

**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 NOVEMBER 3, 2009**

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

**PREFERRED MEETING DATE REQUESTED: NOVEMBER 10, 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 3<sup>RD</sup> 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 Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Clerk's Note: Commissioner Barton was not present for consideration of consent items

**26568 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$667,163.94 for week ending October 27, 2009 and invoices in the amount of \$1,440,969.05 for week ending November 3, 2009 as submitted by the County Auditor with addition of \$7,004.44 payment on Lease Agreement with Helbar II, LLC. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

**26569 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 20, 2009**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commissioner Court Minutes of October 20, 2009 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

**26570 APPROVE SPECIFICATIONS FOR IFB #B2010 "FISCHER STORE ROAD WIDENING AND INTERSECTION IMPROVEMENTS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve specifications for IFB #B2010 "Fischer Store Road Widening and Intersection Improvements" and authorize Purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

**26571 APPROVE BUDGET AMENDMENT 10-01. FY09 EMC GRANT AWARDS NOT EXPENDED NEED TO BE ROLLED OVER INTO FY2010. PERSONAL HEALTH & CEDAR OAKS MESA GRANT AWARDS NEED TO BE BUDGETED FOR FY2010**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve budget amendment 10-01 - FY09 EMC grant awards not expended need to be rolled over into FY2010 - Personal Health & Cedar Oaks Mesa grant awards need to be budgeted for FY2010. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

**26572 APPROVE COMMERCIAL OSSF PERMIT FOR CAMP LUCY LOCATED ON THE HANCOCK/HANKS RANCH, IN PRECINCT 4**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commercial OSSF Permit for Camp Lucy located on the Hancock/Hanks Ranch, in Precinct 4. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED



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**26573 APPROVE COMMERCIAL OSSF PERMIT FOR TEXAN SELF STORAGE LOCATED AT 16955 RR 12 NORTH OF WIMBERLEY, MILAM PARK, LOT 1 IN PRECINCT 3**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commercial OSSF Permit for Texan Self Storage located at 16955 RR 12 north of Wimberley, Milam Park, Lot 1 in Precinct 3. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

**26574 APPROVE CANCELLATION OF DECEMBER 1, 2009 COMMISSIONERS COURT MEETING**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve cancellation of December 1, 2009 Commissioners Court meeting. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

**26575 RATIFY THE EXECUTION OF A GRANT CONTRACT BY THE COUNTY JUDGE WITH THE TEXAS WATER DEVELOPMENT BOARD, IN THE AMOUNT OF \$214,225.00, TO INITIATE A FLOOD PROTECTION PLANNING STUDY IN NORTHERN HAYS COUNTY [T1-1465]**

Grants Administrator Jeff Hauff explained the grant. Wes Birdwell (Halff & Associates) spoke. A motion was made by Commissioner Ford, seconded by Commissioner Conley to ratify the execution of a grant contract by the County Judge with the Texas Water Development Board, in the amount of \$214,225.00, to initiate a flood protection planning study in Northern Hays County. All voting "Aye". MOTION PASSED

**26576 APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND EMERGENCY MANAGEMENT INSTITUTE/CENTER FOR DOMESTIC PREPAREDNESS COURSE, 10-05 (PIPP) PANDEMIC INFLUENZA PLANNING AND PREPAREDNESS IN ANNISTON, ALABAMA [DECEMBER 6-10, 2009] [T2-303]**

This training is no cost to the county. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve out of state travel for Jeff Turner, Emergency Management Coordinator, to attend Emergency Management Institute/Center for Domestic Preparedness Course, 10-05 (PIPP) Pandemic Influenza Planning and Preparedness in Anniston, Alabama [Dec 6-10, 2009]. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

**26577 ACCEPT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR FY2009 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) IN THE AMOUNT OF \$84,808 [T1-1901]**

Grants Administrator Jeff Hauff explained the grant. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept award from the Bureau of Justice Assistance (BJA) for FY2009 State Criminal Alien Assistance program (SCAAP) in the amount of \$84,808. All voting "Aye". MOTION PASSED

**26578 AUTHORIZE THE PAYMENT OF \$6,292.67 TO THE CITY OF KYLE FOR WORK PERFORMED AT THE PCT 2 OFFICES AND AMEND THE BUDGET IF NECESSARY [T2-384]**

Commissioner Barton spoke of toilet overflow at the Precinct 2 offices which caused flooding. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the payment of \$6,292.67 to the City of Kyle for work performed at the Pct 2 Offices and amend the budget out of contingencies from the FY2009 budget. All voting "Aye". MOTION PASSED

**26579 ACCEPT DONATIONS TO THE HAYS COUNTY HISTORICAL COMMISSION FOR THE JACK C. HAYS DOCUMENTARY FILM AND AMEND THE BUDGET ACCORDINGLY [T2-491]**

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept donations to the Hays County Historical Commission for the Jack C. Hays Documentary Film and amend the budget accordingly. All voting "Aye". MOTION PASSED



- 26580 APPROVE A CONTRACT WITH CITY-COUNTY BENEFITS SERVICES (CCBS) FOR AN UPDATED ACTUARIAL ANALYSIS FOR COMPLIANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD GASB 43 & 45 [T2-501]**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve a Contract with the City-County Benefits Services (CCBS) for an updated actuarial analysis for Compliance with Governmental Accounting Standards Board GASB 43 & 45. All voting "Aye". MOTION PASSED

**Clerk's Note: Agenda Item #14 RE: PAY OVERTIME FOR THE CONSTABLE PRECINCT 1, 3, AND 4 OFFICES DUE TO THE ATTORNEY GENERAL CHILD SUPPORT WARRANT ROUNDUP was PULLED.**

- 26581 AUTHORIZE MARK KENNEDY TO EXECUTE A QUIT CLAIM DEED FROM HAYS COUNTY TO THE WEST CAVE ESTATES HOA, INC. REGARDING ROW AT THE ENTRANCE TO WEST CAVE ESTATES IN ORDER TO ACCURATELY REFLECT THE PERIMETERS OF THE COMMUNITY-OWNED PARK [T2-664]**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize Mark Kennedy to execute a Quit Claim Deed from Hays County to the West Cave Estates HOA, Inc. regarding ROW at the entrance to West Cave Estates in order to accurately reflect the perimeters of the Community-Owned Park. All voting "Aye". MOTION PASSED

- 26582 AMEND THE OFFICE OF EMERGENCY MANAGEMENT BUDGET FOR THE PURCHASE OF A VEHICLE [T2-712]**

A motion was made by Judge Sumter, seconded by Commissioner Ford to amend the Office of Emergency Management budget in the amount of \$1239 for the purchase of a vehicle. All voting "Aye". MOTION PASSED

- 26583 AUTHORIZE CONTRACT AMENDMENT FOR MRB GROUP FOR GEOTECHNICAL ENGINEERING AND SITE SURVEY ON THE RPTP BUILDING ADDITION AND AMEND THE BUDGET ACCORDINGLY [T1-661]**

Brenda Jenkins (Broadus & Associates) spoke of additional borings that were needed and also additional boundary points for the property survey. A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize Contract Amendment for MRB Group for Geotechnical Engineering and Site Survey on the RPTP Building Addition and amend the budget accordingly. All voting "Aye". MOTION PASSED

- 26584 ESTABLISH A LOCAL DATA ADVISORY BOARD PURSUANT TO HB2730 [T2-744]**

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to establish a Local Data Advisory Board consisting of the Sheriff/Designee, Attorney representing County Court/Designee and an Attorney representing District Court/Designee, Clerk from the District Court/Designee, Clerk from the County Court/Designee, Police Chief from a municipality with the greatest population (San Marcos)/Designee, IT Representative/Designee, Pursuant to HB2730 and designate District Attorney Sherri Tibbe as the Chair, who will coordinate the first meeting and improvement plan be submitted to Commissioners Court and furthermore the court requests that the improvement plan be brought to Commissioners Court for review by the first week of May and submitted to DPS by June 1, 2010. All voting "Aye". MOTION PASSED

#### **DISCUSSION REGARDING ROAD BOND CONSTRUCTION SIGNAGE [T1-3415]**

Lauren Chernow, Hays County Communications Specialist, submitted two proposed designs. Proposed slogans: "Working Together for Safer Roads" & "Under Construction - Safer and Better Roads". Discussed a second insert giving appropriate Commissioners contact information.



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**26585      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DESIGN/BUILD CONTRACT WITH BALFOUR-BEATTY CONSTRUCTION, LLC FOR DESIGN AND CONSTRUCTION OF THE NEW HAYS COUNTY GOVERNMENT CENTER FACILITY**

[T1-319] Brenda Jenkins (Broadus & Associates) spoke of meetings being held with departments at this time. Plans are to break ground in March 2010. Special Counsel Mark Kennedy spoke of "municipal" wording that needs to be removed and addition of Section 23.8 regarding commitment of \$2,719,800 for preconstruction services. Design-Build Budget Limitation is \$58,288,337. [T1-3053] Brenda Jenkins spoke of prevailing wage rates. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Design/Build Contract with Balfour-Beatty Construction, LLC for design and construction of the new Hays County Government Center Facility in the form of authorizing the contractor to perform part 1 preconstruction services only for the sum of \$2,719,800 and to further authorize the services shall occur only after execution of the guaranteed maximum price proposal is satisfied by the owner by bid per contract. All voting "Aye". MOTION PASSED

**26586      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AUTOMATED CLEARING HOUSE PROCESSING AGREEMENT BETWEEN HAYS COUNTY AND TELEDRAFT, INC. FOR THE PROCESSING OF ELECTRONIC CHECKS IN THE OFFICE OF TAX ASSESSOR/COLLECTOR [T1-813]**

Tax Assessor-Collector Luanne Caraway spoke. Special Counsel Mark Kennedy spoke of need to change Principal I to County Judge instead of Luanne Caraway. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute an Automated Clearing House Processing Agreement between Hays County and Teledraft, Inc. for the processing of electronic checks in the office of Tax Assessor/Collector. All voting "Aye". MOTION PASSED

**26587      ADOPT A RESOLUTION SUPPORTING THE 4-H CLUB AND THE USE OF THE CIVIC CENTER ON DESIGNATED DATES [T1-1156]**

Barry Nelson, Civic Center Manager, spoke. Requested dates are: Jan. 9, Feb. 27 & April 24. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Resolution supporting the 4-H Club and the use of the Civic Center on Designated Dates of January 9, 2010, February 27, 2010, and April 24, 2010. All voting "Aye". MOTION PASSED

**26588      APPROVE AWARD OF BID #2009-B18 REMOVAL & INSTALLATION OF NEW ROOF FOR THE HAYS COUNTY LAW ENFORCEMENT CENTER TO TEXAS FIFTH WALL ROOFING [T1-62]**

Special Counsel Mark Kennedy spoke of remediation at the jail. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award of bid #2009-B18 Removal & Installation of new roof for the Hays County Law Enforcement Center to Texas Fifth Wall Roofing and to furthermore authorize the County Judge to execute the contract subject to review by Special Counsel. All voting "Aye". MOTION PASSED

**26589      APPROVE THE SALE OF TWO PROPERTIES HELD IN TRUST [T1-843]**

Tax Assessor-Collector Luanne Caraway spoke of properties and recovery amounts. Properties are: Lot 2 Block 3 J. C. Rogers Addition to the City of San Marcos - bid amount = \$17,500. 150X45' out of Block 10 D.S. Combs Addition - bid amount = \$1,000. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the sale of two properties held in trust as submitted by the County Tax Assessor-Collector. All voting "Aye". MOTION PASSED

**26590      AUTHORIZE CLERK II PAY INCREASE OR THE ALTERNATIVE RE-GRADE THE POSITION [T1-909]**

District Clerk Cecelia Adair spoke of staff transferring to other county offices. She is requesting an increase in salary for a Family Law Specialist Clerk II so that she will not lose them. Request is to make a fulltime position ¾ time and use that money to increase the current employee. Human Resources Director Dee Dee Baen spoke of consideration of the request. A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Clerk II pay increase as requested by the District Clerk. All voting "Aye". MOTION PASSED



- 26591 APPROVE THE SELECTION OF HEJL, LEE & ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT - PHASE II AND AUTHORIZE THE GRANTS ADMINISTRATOR TO NEGOTIATE CONTRACT FOR COMMISSIONERS COURT APPROVAL AT A LATER DATE [T1-1935]**

Grants Administrator Jeff Hauff explained the grant. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the selection of Hejl, Lee & Associates, Inc. for Engineering Services for the Cedar Oak Mesa Water system Improvement Project - Phase ii and authorize the Grants Administrator to negotiate contract for Commissioners Court approval at a later date. All voting "Aye". **MOTION PASSED**

- 26592 ALLOW THE USE OF REMAINING BOND FUNDS ASSOCIATED WITH THE VILLAGE OF SAN MARCOS PARKS PROJECT FOR THE INSTALLATION OF PROTECTIVE FENCING AROUND THE ATHLETIC FIELD(S) [T1-2120]**

Commissioner Ingalsbe spoke of fencing not stated in the original contract. Special Counsel Mark Kennedy spoke of money that has not been dedicated towards work on the project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to allow the use of remaining Bond Funds associated with the Village of San Marcos Parks Project for the installation of Protective fencing around the athletic fields. All voting "Aye". **MOTION PASSED**

- 26593 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER OF INTENT TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR A ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) [T1-1989]**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute a Letter of Intent to the Texas Comptroller of Public Accounts for a Energy Efficiency and Conservation Block Grant (EECBG) through the American Recovery and Reinvestment Act (ARRA). All voting "Aye". **MOTION PASSED**

- 26594 APPROVE THE SELECTION OF LANGFORD COMMUNITY MANAGEMENT SERVICES FOR MANAGEMENT SERVICES FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT - PHASE II AND AUTHORIZE THE GRANTS ADMINISTRATOR TO NEGOTIATE CONTRACT FOR COMMISSIONERS COURT APPROVAL AT A LATER DATE [T1-1975]**

Grants Administrator Jeff Hauff explained the grant. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve the selection of Langford Community Management Services for Management Services for the Cedar Oak Mesa Water System Improvement Project - Phase II and authorize the Grants Administrator to negotiate Contract for Commissioners Court approval at a later date. All voting "Aye". **MOTION PASSED**

- 26595 APPROVE SUPPLEMENTAL AGREEMENT NO. 1 FOR PROFESSIONAL SERVICES WITH URS CORPORATION FOR WORK ON THE INTERSTATE 35 PASS THROUGH AGREEMENT, AND TO AUTHORIZE EXECUTION OF SAID AGREEMENT [T1-2423]**

Commissioner Barton spoke of additional work that needs to be performed (archeological work, borings, etc.). It is still under the estimated project cost.

**DISCUSSION RE: AUTHORIZE THE COUNTY JUDGE TO SEND A LETTER AND/OR RESOLUTION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY OPPOSING THE PETITION FOR RULEMAKING AND PROPOSED REPEAL OF PORTIONS OF THE PROVISIONS OF 30 TEXAS ADMINISTRATIVE CODE CHAPTER 311 [T2-863]**

Judge Sumter spoke and advised that she will come back to the court with a resolution at a later date. No action taken.

- 26596 APPOINT JAMES AKERS TO THE COMMUNITY ACTION, INC. OF HAYS, CALDWELL, AND BLANCO COUNTIES BOARD [T2-1196]**

A motion was made by Judge Sumter, seconded by Commissioner Ford to appoint James Akers to the Community Action, Inc. of Hays, Caldwell, and Blanco Counties Board. All voting "Aye". **MOTION PASSED**



NOVEMBER 3, 2009

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**DISCUSSION REGARDING DISTRIBUTION OF BUDGETED PAY FOR COUNTY EMPLOYEES, INCLUDING ONE-TIME SUPPLEMENTAL PAYMENTS BASED ON SALES TAX TRENDS [T2-1217]**

Commissioner Barton spoke of one-time payment to county employees that was considered during the budget process. Payment was to be contingent on sales tax trends and action is needed before payment is made. Commissioner Ford suggested putting off payment until early 2010. Court agreed to reconsider in 2010.

**26597 ACCEPT THE CITY OF SAN MARCOS TO AMEND HAYS COUNTY'S AGREEMENT FOR ASSESSMENT AND COLLECTION SERVICES WITH MCCREARY, VESELKA, BRAGG, AND ALLEN [T1-867]**

Special Counsel Mark Kennedy spoke of the amendment which expands the role of McCreary, Veselka, Bragg and Allen. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept a proposal from the City of San Marcos to amend Hays County's Agreement for Assessment and Collection Services with McCreary, Veselka, Bragg and Allen. All voting "Aye". MOTION PASSED

**26598 APPROVE \$2600.00 FOR A COUNTYWIDE SHREDDING PROGRAM [T2-1393]**

Judge Sumter spoke of plans to have a countywide shredding program. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve \$2,600.00 for a Countywide Shredding Program to be paid out of contingencies. All voting "Aye". MOTION PASSED

**HAYS COUNTY WEBSITE UPDATE AND DEVELOPMENT [T2-1554]**

Communication Specialist Lauren Chernow and IT Technician Rafael Marquez gave a presentation regarding the county website.

**DISCUSSION OF PERFORMANCE APPRAISAL SYSTEM, EVALUATION FORMS, FORMAT AND SCHEDULES, AS WELL AS OVERALL COUNTY GOALS AND OBJECTIVES AND THEIR RELATION TO DEPARTMENT GOALS. POSSIBLE ACTION MAY FOLLOW [T-2245]**

Judge Sumter was not present for this item. Short term: look at where we are right now with dept. heads – refine the form (scores). Human Resources Director Dee Baen spoke of overall county goals and objectives. Court discussed and recommended changes to the evaluation forms. Commissioner Barton left the meeting before this item was completed. The Veterans Services Dept. Head is leaving soon. Discussed creating a committee to determine needs of the veterans in Hays County.

**EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT [T2-2223]**

Court convened into closed executive session at 3:35 p.m. and reconvened into open meeting at 4:00 p.m. No action taken.

**DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-216]**

Brenda Jenkins (Broadus & Associates) spoke of letter sent to jail standards and work that has been done and work to be done. An RFP needs to be sent out for kitchen repair work. [T1-630] She spoke of RFP's for the R&B facility.

**Clerk's Note: Agenda Item #40 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**



**Clerk's Note: Agenda Item #41 RE: DISCUSSION AND POSSIBLE ACTION TO EXECUTE A RESOLUTION DECLARING A BURN BAN IN HAYS COUNTY EFFECTIVE IMMEDIATELY was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**


Court was adjourned.

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I, LINDA C. FRITSCH, 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 3, 2009.



LINDA C. FRITSCH, 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 award of Bid#2009-B20 Emulsion Oils to P2 Emulsion.**

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

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED: 020-710-00-5351**

**REQUESTED BY: Herzog/Maiorka/Borcherding**

**SPONSORED BY: SUMTER**

**SUMMARY: Purchasing received two bids. P2 Emulsion LLC and Ergon Asphalt ( See Attached tabulation)**

**#2009-B20**  
**Emulsion Oils**

		<b>P2 Emulsions</b>	<b>Ergon Asphalt</b>
<b>TACK OIL</b>	FOB Plant	<b>\$1.65 per gallon</b>	<b>\$1.75 per gallon</b>
	FOB RPTP Yard	<b>\$1.75 per gal</b>	<b>\$1.85 per gal</b>
<b>FOG-SEAL OIL</b>	FOB Plant	<b>\$2.57 per gal</b>	<b>\$3.25 per gal</b>
	FOB RPTP Yard	<b>\$2.67 per gal</b>	<b>\$3.36 per gal</b>
<b>PRIME OIL</b>	FOB Plant	<b>\$1.99 per gal</b>	<b>\$2.45 per gal</b>
	FOB RPTP Yard	<b>\$2.09 per gal</b>	<b>\$2.55 per gal</b>
<b>HFRS-2</b>	FOB Plant	<b>NO BID</b>	<b>\$1.75 per gal</b>
	FOB RPTP Yard	<b>NO BID</b>	<b>\$1.85 per gal</b>
<b>CWE-2</b>	FOB Plant	<b>\$2.52 per gal</b>	<b>NO BID</b>
	FOB RPTP Yard	<b>\$2.62 per gal</b>	<b>NO BID</b>

## *Agenda Item Request Form*

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9:00 a.m. Every Tuesday

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

**Phone (512) 393-2205**

**AGENDA ITEM: Approve donated funds in the amount of \$575.00 to the Hays County Sheriff's Office to be deposited into line item 052-618-00.5222 (Crime Prevention Program) and amend the budget accordingly.**

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

**☐ WORKSHOP    ☐ PROCLAMATION    ☐ PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: November 10 2009**

**AMOUNT REQUIRED: \$**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Sheriff Tommy Ratliff**

**SPONSORED BY: Judge Sumter**

**SUMMARY:**

DRIPPING SPRINGS COOKOFF CLUB, INC.  
P.O. BOX 297  
DRIPPING SPRINGS, TX 78620-0297

11-25-102  
1118  
7468015564

967

DATE

10-24-09

PAY TO Boys County Home Prevention \$ 575.00  
the order of five hundred seventy five dollars and 00/100

WELLS FARGO BANK, N.A.  
401 Mercer St.  
Dripping Springs, TX 78620  
wellsfargo.com

MEMO donation

Denise Jacob

## *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:**

**Report to Commissioners Court identifying administrative approvals issued during the month of October, 2009.**

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

**PREFERRED MEETING DATE REQUESTED:** November 10, 2009

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Lisa Wright, Senior Planner, Resource Protection, Transportation & Planning.

**SPONSORED BY:** Judge Elizabeth Sumter

**Summary:**

**In conformance with Hays County's Development Regulations this report identifies all administrative approvals issued by the department during the month of October, 2009.**

## HAYS COUNTY DEVELOPMENT AUTHORIZATIONS OCTOBER 2009

In accordance with Section 701.08.01(B)(2) and 711.03.01(B)(2) of the Hays County Development Regulations, the following Development Authorizations have been issued by the Department based upon and under the authority delegated it by the Commissioners Court.

LI	PERMIT #	PROPERTY OWNER	DATE	LEGAL DESCRIPTION	N/E	PB/PV	FPI/O	RCHI/O	SYSTEM	DEV TYPE	PCT.#
	2009-303	MIKE MORGAN	10/01/09	403 KC MEMORY LANE	N	PV	O	O	SPRAY	CO	4
	2009-370	DOLORES ALLEN	10/02/09	600 TWIN OAKS TRAIL	N	PV	O	O	LPD	NSF	4
	2009-313	DONALD STOTLER	10/05/09	2285 AVENIDA HIGH VIEW	N	PV	O	O	SPRAY	SF	4
	2009-40	COBY OSBORNE	10/05/09	RANCHO ENCINO LOT 68R	N	RW	O	O	SPRAY	SF	3
	2009-398	ELIAS ANDERSON	10/14/09	ONION CREEK RANCH LOT 49 BLK 1	N	PB	O	O	SPRAY	SF	4
	2009-341	MAGDALENO RIQUEJO	10/15/09	GREEN PASTURES LOT 10 BLK Q SEC 2	N	PB	O	O	ET	MH	2
	2009-145	ALBERT LOWMAN LIVING TRUST	10/16/09	214 LAZY LANE	N	PV	O	O	SPRAY	SF	3
	2009-186	EDGARDO CARRANZA	10/19/09	601 PEACEFUL VALLEY ROAD	N	PB	I	O	LPD	MH	2
	2009-286	MARIA DE LA LUZ SAENZ	10/20/09	RIVER HILLS LOT 26	N	PB	O	O	STANDARD	SF	1
	2009-394	4S RANCH & CATTLE, LLC	10/20/09	5055 WAYSIDE DRIVE	N	PV	O	O	STANDARD	MH	3
	2006-688	DAVID MELDRUM	10/27/09	ELLIOTT RANCH LOT 2 BLK A PH 4	E	PB	O	O	SPRAY	SF	2
	2009-399	WORKMAN DEVELOPMENT	10/27/09	WILDFLOWER LOT 5	N	PB	O	O	SPRAY	SF	3
	2009-402	ALESSANDRO PIERI	10/28/09	HAYS COUNTRY OAKS LOT 11B BLK C	N	PB	O	O	SPRAY	SF	2



LI	PERMIT #	PROPERTY OWNER	DATE	LEGAL DESCRIPTION	N/E	PB/PV	FPI/O	RCH/O	SYSTEM	DEV TYPE	PCT.#
	2009-403	TRACEY SUIRE	10/28/09	SUNRISE ACRES LOT 4B	N	PB	O	O	SPRAY	SF	2

**LEGEND:**

N/E	New or Existing Development	CO	Commercial
PB/PV	Public or Private Facility	SF	Single Family
FPI/O	In or Out of a Floodplain	NSF	Non-Single Family
RCH/O	In or Out of a Recharge Zone	MH	Mobile Home
SYSTEM	Type of System		
DEV TYPE	Type of Development		
PCT #	Precinct Number		

## *Agenda Item Request Form*

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

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

**AGENDA ITEM: Approve specifications for Bid #2010-B02 for "One (1) Used Single Axle Diesel Cab & Chassis" and authorize purchasing to solicit for bid and advertise.**

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

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

**PREFERRED MEETING DATE REQUESTED:** November 10, 2009

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Herzog/Maiorka/Borcherding

**SPONSORED BY:** SUMTER

**SUMMARY:** Equipment item was approved in the 2010 budget for purchase for the Road Department. (see specifications)

**Specifications for One Used Single Axle Diesel Cab & Chassis  
Hays County Road Department**

**Bid #2010-B02**

**Hays County, Texas**

**General Conditions**

1. Bids are solicited for furnishing the materials set forth in this invitation to bid. Completed bid proposals must be received in the 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.
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 Purchasing Office shall be the official time of receipt. No fax bids will be accepted.
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 purchasing agent and the approval of the Commissioners' Court.
4. The County is exempt from federal excise and state sales tax; therefore, tax must not be included in this bid.
5. The bidder agrees if this bid is accepted, to furnish any and all materials 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.
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.
7. Invoices shall be sent directly to the Hays County Auditor's Office, 111 E. San Antonio St., Ste 100, San Marcos, Texas 78666. Payments will be processed after notification that all materials have been received satisfactorily and no unauthorized materials have been received.
8. Hays County terms of invoice are net 30 days from statement date.
9. The bid award shall be based on but not limited to the following factors:
  - Unit price
  - Special needs and requirements of Hays County
  - Vendors past performance record w/Hays County and/or references
  - Hays County's evaluation of vendor's ability to perform

**Minimum Specifications**

**One (1) each Used Single Axle Diesel Cab & Chassis:**

1. No model under 2005 will be accepted.
2. Diesel engine with less than 160,000 miles or in frame overhaul.
3. Diesel engine must have a minimum of 200 hp.
4. Gross vehicle weight rating; GVWR must not be less than 25,500 lbs.
5. Front axle GAWR shall not be less than 8,000 lbs.
6. Front tires shall be 11R22.5 with at least 80% tread.
7. Rear axle GAWR shall not be less than 17,500 lbs.
8. Rear suspension must be of spring type or air ride.
9. Rear tires shall be 11R22.5 with at least 80% tread.
10. Transmission shall have at least five (5) gears forward. Can be automatic or standard.
11. Brakes shall be of air brake type with spring set parking brake.
12. Cab:
  - Tilting hood design
  - Tachometer

- Speedometer
  - Voltmeter
  - Oil pressure gauge
  - Engine temperature gauge
  - Fuel gauge
  - Air pressure gauge with low air alarm
  - Windshield wipers (air or electric)
  - Heater (fresh air type)
  - Air-conditioning
13. One (1) or two (2) fuel tanks with a capacity of 80 gallons mounted on left or right or both sides of vehicle.
  14. Chassis: back of cab to center of rear axle measurement = 102 inches, back of cab to end of frame =158 inches.
  15. Warranty: cab, chassis and drive chain to have at least thirty (30) days warranty.

**Submit sealed bids to Hays County Purchasing Office, 111 E. San Antonio St., Suite 101, San Marcos, Texas 78666. Bid due date is Monday, November 30, 2009 no later than 2:00 p.m. Hays County is not responsible for lateness of mail, carrier, etc. Bids received after the submission deadline will be returned unopened and considered void and unacceptable.**

**Bid Sheet**

**One (1) Used Single Axle Diesel Cab & Chassis  
Hays County Road Department**

**Bid #2010-B02**

**Bid Due: Monday, November 30, 2009 no later than 2:00 p.m.**

**Bid price for one (1) Used Single Axle Diesel Cab & Chassis**

**\$ \_\_\_\_\_**

**Brand name and Model bid: \_\_\_\_\_**

**Delivery: \_\_\_\_\_**

**Please include any additional charges or deviations here:**

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**The undersigned affirms that they are duly authorized to execute this contract, that this bid has not been prepared in collusion with any other bidder, and that the contents of this bid have not been communicated to any other bidder prior to the official opening.**

**Company Name \_\_\_\_\_**

**Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_**

**Phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_**

**Signature \_\_\_\_\_**

**Hays County reserves the right to accept or reject any and all bids.**

**SPECIFICATIONS FOR ONE (1) USED SINGLE AXLE DIESEL CAB & CHASSIS  
HAYS COUNTY ROAD DEPARTMENT  
BID #2010-B02**

**\*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: \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT COUNTY JUDGE

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

**\*\*Failure to sign the Contract page(s) may disqualify the bid from being considered by the Commissioners' Court. However, this contract is not valid until awarded in Commissioners' Court and signed by both parties.**

**SPECIFICATIONS FOR ONE (1) USED SINGLE AXLE DIESEL CAB & CHASSIS**  
**HAYS COUNTY ROAD DEPARTEMENT**  
**BID #2010-B02**

**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

## **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



## *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 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.**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED: 020-710-5448-010**

**REQUESTED BY: Herzog/Maiorka/Borcherding**

**SPONSORED BY: SUMTER**

**SUMMARY: All terms and conditions remain unchanged and in full force.**



**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)

Asplundh Tree Expert Company  
15660 West Hardy St., Ste 150  
Houston, Texas 77060

October 13, 2009

The bid for "Brush Cutting and Other Services" 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 original bid. If you are in agreement with this, please sign below and mail back to Hays County Purchasing Office, 111 E. San Antonio Street, Suite 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,

  
Andrea R. Soto  
Purchasing Specialist

Signature Gene Blount Date 10-28-09

Printed Name Gene Blount

Company Name Asplundh Tree Expert Com.

BRUSH CUTTING AND OTHER SERVICES FOR THE HAYS COUNTY ROAD  
DEPARTMENT

BID #2007-B08

BID SHEET

BID DUE: SEPTEMBER 13, 2007 AT 2:00 P.M.

BID PRICE PER HOUR:

Labor per person per hour: \$ 43<sup>00</sup>

The undersigned affirms that they are duly authorized to execute this contract, that the contents of this bid has not been prepared in collusion with any other bidder, and that the contents of this bid have not been communicated to any other prior to the opening of this bid.

Company Name Asplundh Tree Expert Co.

Address 15660 W. Hardy St. Rd Suite # 150 Houston Tx  
77060

Phone number 281-447-9999 Fax 281-447-9983

E-mail address gperry@Asplundh.com

Signature 

Printed signature Gene Blount

Hays County has 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.

## *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 re-appoint Carl Scudder and Chuck Ware to ESD #4.**

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

**PREFERRED MEETING DATE REQUESTED: 11/10/09**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Will Conley**

**SPONSORED BY: Will Conley**

**SUMMARY:**

**These three terms are expiring. Both wish to continue to serve.**

## *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 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..**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED: 020-710-5714**

**REQUESTED BY: Herzog/Maiorka/Borcherding**

**SPONSORED BY:**

**SUMMARY: Funds are available in the current budget.**

## **SPECIFICATION FOR NEW 2000 gal WATER TANK**

- 1. Water tank to have a 2000 gallon capacity.**
- 2. Tank dimension: 50 inch x 88 inch x 132 inch for cab to axle dimension of 102 inches.**
- 3. Tank to be of 3/16 inch construction with two (2) baffles.**
- 4. 6inch channel frame and bumper**
- 5. 2 1/2 inch fill pipe into open manway.**
- 6. Fenders with mud flap brackets.**
- 7. Rear ladder with light brackets.**
- 8. Air controlled gravity valve with 8 foot spray bar.**
- 9. PTO with 3 x 4 pump.**
- 10. Manifold with 3 inch piping to (2) Front, (2) Rear, (1) Side adjustable spray heads.**
- 11. Control tower with air controls.**
- 12. Mounted with lights, mud flaps and wiring.**
- 13. Tank body painted black.**

**MINIMUM SPECIFICATION  
For  
TRACTOR AND SIDE MOUNT MOWER**

1. Two wheel drive tractor
2. Engine:
  - Diesel
  - Glow plug starting aid
  - 268 c.i. displacement
  - 98 engine hp (SAE Net)
  - 84 PTO hp @ 2200 RPM
  - Dual Element dry type air cleaner
  - Air cleaner to be under hood
  - Vertical exhaust outside hood
  - 20 degrees antifreeze in cooling system
  - 55 amp alternator
3. PTO: 2 speed multi-disc wet clutch independent PTO
  - Brake pedals latch locked down with pullout knob for parking brake
  - Independent oil cooled disc brakes with mechanical actuation for brakes
  - Outboard planetary axle, with foot operated mechanical differential lock for rear drive axle
  - 12 x 4 partial synchro transmission with centershift on platform
4. Hydrostatic steering with fix column
  - Hydraulic system using a standard flow hydraulic pump with independent auxiliary hydraulics
  - 7.5 gpm for steering
  - 6.5 gpm for lift
  - 9.5 gpm for auxiliary
  - 2 single / double acting spool valves
5. Category 2 for 3 point linkage with fix ball ends
  - Telescopic stabilizers
  - Universal swinging drawbar with hammer strap
6. Battery wet type maintenance free with 745 cca
  - Key operated ignition with safety start
  - Engine shutoff with key
  - Two headlights, work light, two tail lights, two flashing hazard lights and turn signals

- Turn signal lighted switch
- Flasher lighted switch
- High beam indicator
- Oil pressure indicator light
- Battery / alternator indicator light
- Air filter restriction warning light
- Coolant temperature gauge
- Fuel gauge
- Analog tachometer with hour meter
- 7. Metal sun shade canopy
  - Left and right hand step
  - Hand and foot throttle
  - Pendant style (suspended) foot pedals
  - Seat belt retractable type
  - Spring suspension seat with fore / aft and height / weight adjustment
  - Armrests
  - Axle mounted ROPS
  - Tool box
  - Two year full machine warranty or 2000 hr.
  - Operator, service and parts manual to be included
- 8. Tractor to be equipped with 60 inch side mount mower
  - 60 inch cut
  - 1250 RPM Rotary
  - 1/4 inch deck skin thickness
  - 3/8 inch side skirt thickness
  - 31 inch diameter, 1 inch thick T-1 steel with six position blade holder
  - Three 360 degree full swing up lift blades
  - Chain links on front debris guarding
  - A ground roller shall be mounted to the rear discharge area of mower deck with a rear debris belt deflector
  - 90 degree up to 60 degree down working arc
  - Direct drive (no chain coupling) for motor connection
  - Electronic on/off valve with blade braking for cutter controls
  - Two spool control valve operated with joystick for hydraulic controls
  - All mechanical lift and tilt with float (no cables or pulleys)
  - 3 inch by 10 inch lift cylinder
  - 3 1/2 inch by 10 inch tilt cylinder
  - Cylinders to be single action with oil loop, operating at 3000psi
  - 65 gallon hydraulic tank



**74 GPM 10 micron oil filter in tank with restriction gauge**  
**39 GPM 3500 psi front mounted cast iron gear pump for hydraulic system**  
**Front axle bolster to rear axle mounting for side mount mower attachment**  
**One year warranty on parts and labor.**  
**Operator, service and parts manual to be included**

## **TRACTOR and MOWER VENDERS**

**Ewald Tractor, inc  
P.O. Box 1287  
Seguin, Tx 78155**

**Dietz Tractor Co.  
547 IH 10 E.  
Seguin, Tx 78155**

**Tractor City  
3030 N. Austin Street  
Seguin, Tx 78155**

**Alamo Ag Con Equipment Inc.  
2940 SE Loop 410  
San Antonio, Tx 78222**

**Mustang Equipment Co  
3540 N Loop 1604 E  
San Antonio, Tx 78222**

**Ttiple Blade & Steel, Inc.  
P. O. Box 1971  
Formey, Tx 75126**

## *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 authorize purchasing to prepare specifications for shower and lavatory control valves for the Hays County Jail and authorize purchasing to solicit for bid and advertise.**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Herzog/Maiorka/Ratliff**

**SPONSORED BY: Sumter**

**SUMMARY: The Texas Commission on Jail Standards has mandated that Hays County Jail retrofit all shower and lavatory plumbing controls. The project is estimated to cost over the \$50,000 bid limit and will need to be formally bid.**

## *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 purchase of one (1) new ½ ton extended cab pickup for the Road & Bridge Dept. to replace a 1998 Chevrolet w/99,492 miles.**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:\$20,544**

**LINE ITEM NUMBER OF FUNDS REQUIRED: 020-710-5714**

**REQUESTED BY: Herzog/Maiorka/Borcherding**

**SPONSORED BY: Ingalsbe**

**SUMMARY: Funds are available in the current budget. Available for purchase from state contract.**

# *Agenda Item Routing Form*

**DESCRIPTION OF Item:** 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.

**PREFERRED MEETING DATE REQUESTED:** November 10, 2009

## **COUNTY AUDITOR**

**Typically Requires 1 Business Day Review**

**AMOUNT AND FUND LINE ITEM NUMBER:** \$20,544      020-710-5714

**COUNTY PURCHASING GUIDELINES FOLLOWED:** \_\_\_\_ Yes \_\_\_\_

**PAYMENT TERMS ACCEPTABLE:** \_\_\_\_ Yes \_\_\_\_

**COMMENTS:** This equipment is being purchased from funding that is available from savings on previous equipment purchases.

**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:** \_\_\_\_

QUOTE# 001  
WORKSHEET

CONTRACT PRICING

End User: HAYS COUNTY			Contractor: Baby Jack Auto Group		
Contact Name: CINDY MAIORKA			CALDWELL COUNTRY CHEVROLET		
Email: CINDYM@CO.HAYS.TX.US			Prepared By: Averyt Knapp		
Phone #: 512-393-2273			Email: aknapp@caldwellcountry.com		
Fax #: 512-393-2276			Phone #: 800-299-7283 or 979-567-6116		
Location City & State: SAN MARCOS			Fax #: 979-567-0853		
Date Prepared: APRIL 28, 2009			Address: P. O. Box 27, Caldwell, TX 77836		
Contract #: TASB #281-07			Tax ID # 14-1856872		
Product Description: 2009 CHEVROLET 1500 SILVERADO					
A Base Price:					\$15,463
A					
B Published Options					
Code	Description	Cost	Code	Description	Cost
	EXTENDED CAB, 4.8LVS, AUTOMATIC, VINYL 40/20/40 SEATS, AMFM-CD, TILT, CRUISE CONTROL, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, AIR CONDITION, SHORT BOX	4681		BABY JACK II AUTOMOTIVE, LTD	
				CALDWELL COUNTRY CHEVROLET	
				PO BOX 27	
	Color interior-Charcoal			CALDWELL, TEXAS 77836	
Subtotal B					\$4,681
C Unpublished Options					
Code	Description	Cost	Code	Description	Cost
Subtotal C					
D Other Price Adjustments (Installation, Delivery, Etc..)					
Subtotal D					INCL
E Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)					\$20,144
Quantity Ordered					1
X					

Subtotal E		\$20,144
F Non-Equipment Charges (Trade-In, Warranty, Etc...)		
BUYBOARD FEE PER PO		400.00
G. Color of Vehicle: WHITE		
H. Total Purchase Price (E+F)		
		\$20,544
Estimated Delivery Date:		
		60-90 DAYS

***Subdivision/Road/Staff Review 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: Call for a public hearing on November 24, 2009 to establish traffic regulations on McCarty Lane East, CR 233.**

<b>CIRCLE ONE ACTION ITEM</b>	<b>Subdivision</b>	<b>Road</b>	<b>Staff Recommendation</b>
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**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED: n/a**

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

**REQUESTED BY: Jerry Borcharding**

**SPONSORED BY: Commissioner Ingalsbe**

**SUMMARY:**

**To establish: a speed limit of 35 MPH on the county-maintained section of McCarty Lane East, CR 233.**

**STAFF REVIEW/COMMENTS**

**ENVIRONMENTAL HEALTH DIRECTOR:**

**ROAD DIRECTOR:**

**STAFF RECOMMENDATIONS:**



***Subdivision/Road/Staff Review 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 accept the bond for fiscal surety for the revegetation of the street and drainage improvements in Highpointe subdivision, Phase 4, Sections 1A & 1B.

<b>TYPE OF AGENDA ITEM</b>	<b>Subdivision</b>	<b>Road</b>	<b>Staff Recommendation</b>
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**PREFERRED MEETING DATE REQUESTED:** November 10, 2009

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Jerry Borcharding

**SPONSORED BY:** Commissioner Ford

**SUMMARY:**

Highpointe subdivision has issued a revegetation bond for \$14,803. The Road Department has inspected and recommends acceptance.

**STAFF REVIEW/COMMENTS**

**ENVIRONMENTAL HEALTH DIRECTOR:**

**ROAD DIRECTOR:**

**STAFF RECOMMENDATIONS:**

## REVEGETATION BOND

Bond No. 5036269

Premium: \_\_\_\_\_

BENEFICIARY: Hays County Judge  
Hays County, Texas  
SUBDIVISION: HighPointe  
SUM: \$14,803.00  
DATE: October 8, 2009  
EXPIRATION DATE: 2 years from date of Commissioners Court acceptance

Pulte Homes of Texas, L.P. and Bond Safeguard Insurance Company, a Corporation authorized to write bonds in the State of Texas, are jointly and severally held and bound unto the Hays County Judge, Hays County, Texas in the above-stated sum in U.S. currency, an amount fixed by the Hays County Judge, Hays County, Texas pursuant to Chapter 232 of the Texas Local Government Code.

This Bond is conditioned on the performance of the duties of Pulte Homes of Texas, L.P. prior to the Expiration Date to provide for the re-vegetation of the street and drainage improvements in the HighPointe, as further described below, to current TCEQ requirements as judged by Hays County staff.

The County shall not make a claim on the bond unless the County reasonably determines that installation and/or continued maintenance of erosion controls is not adequately being performed during the 2-year period. If, during the 2-year period, permanent erosion control (vegetation) is established, based on TCEQ requirements, such being judged by Hays County staff, this bond will be released via action of Commissioners Court. Until action by Commissioners Court, this bond will remain in effect. Hays County may claim on the Bond at any time during the bond period if, in Hays County's determination (based on TCEQ requirements), Pulte Homes of Texas, L.P. has not adequately maintained erosion controls in HighPointe. Any claim request shall refer to the reference number assigned to this bond and shall include a statement from the Hays County Judge that: "Developer of the HighPointe Subdivision has failed to adequately maintain erosion controls in the HighPointe Subdivision."


If this Bond is unenforceable as a statutory Bond, the PRINCIPAL and SURETY shall be bound by this contract as a common law obligation.

In lieu of claiming on this BOND, Hays County Judge, Hays County, Texas, in its sole discretion, may accept a Substitute Bond in the then current amount of the estimated cost of completing of the re-vegetation in HighPointe.

DESCRIPTION: Re-vegetation for approximately 3.34 acres, per TCEQ requirements as judged by Hays County staff, and per Hays County approved engineering plans from CMA Engineering, Inc.

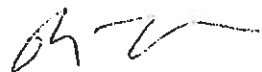
PRINCIPAL

Pulte Homes of Texas, L.P.

By:   
Name: Calvin R. Boyd  
Title: Assistant Secretary

SURETY

Bond Safeguard Insurance Company

By:   
Name: Robert Porter  
Title: Attorney-in-Fact

AO 30723

**POWER OF ATTORNEY**  
**Bond Safeguard** INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: Steven M. Cook, Bruce E. Robinson, Vincent J. Frees, Jan M. Klyn, Jane K. Botting, \*\*\*  
Colette R. Zukoff, Suzanne Treppa, Robert Porter, David J. Furstenberg, Nicole M. Ocholik, Scott II. Finch \*\*\*\*\*

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surely, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **BOND SAFEGUARD INSURANCE COMPANY** on the 7th day of November, 2001 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond, \$ 2,000,000.00 Two million dollars \*\*\*\*\*

which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **BOND SAFEGUARD INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate seal to be affixed this 7<sup>th</sup> day of November, 2001.



**BOND SAFEGUARD INSURANCE COMPANY**

BY \_\_\_\_\_

David E. Campbell  
President

**ACKNOWLEDGEMENT**

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"  
MAUREEN K. AYE  
Notary Public, State of Illinois  
My Commission Expires 09/21/09

Maureen K. Aye  
Maureen K. Aye  
Notary Public

**CERTIFICATE**

I, the undersigned, Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this 8TH Day of OCTOBER, 20 09



Donald D. Buchanan  
Donald D. Buchanan  
Secretary

STATE OF MICHIGAN )  
 )ss.  
COUNTY OF OAKLAND)

My Commission Expires: March 26, 2012

Marcia G. Howard  
Notary Public, Marcia G. Howard  
Oakland County, Michigan

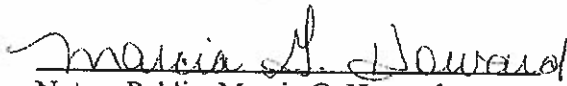
MARCIA G. HOWARD  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Mar 26, 2012

ACKNOWLEDGEMENT BY PRINCIPAL

STATE OF MICHIGAN )  
 )ss.  
COUNTY OF OAKLAND)

On this 8th day of October, 2009, before me, the undersigned authorized employee, personally appeared Calvin R. Boyd who acknowledges himself to be Assistant Secretary for Pulte Homes of Texas, and as such employee, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as such officer.

My Commission Expires: March 26, 2012

  
Notary Public, Marcia G. Howard  
Oakland County, Michigan

MARCIA G. HOWARD  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Mar 26, 2012

MH.033

# **Bond Safeguard Insurance Company**

1919 S. Highland Ave, Bldg. A, Suite 300, Lombard, IL 60148  
Phone (630) 495-9380 Fax (630) 495-9272

## **IMPORTANT NOTICE:**

To obtain information or make a complaint:

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance at:

P.O. Box 149104  
Austin, TX 78714-9104  
FAX# 1-512-475-1771

Your notice of claim against the attached bond may be given to the surety company that issued the bond by sending it to the following address:

Physical Address: Bond Safeguard Insurance Company  
1919 S. Highland Ave.,  
Bldg. A, Suite 300  
Lombard, IL 60148

You may also contact the Bond Safeguard Insurance Company office by telephone at:

Telephone Number: 1-630-495-9380

## **PREMIUM OR CLAIM DISPUTES:**

If you have a dispute concerning a premium, you should contact the agent first. If you have a dispute concerning a claim, you should contact the company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

## **ATTACH THIS NOTICE TO YOUR BOND:**

This notice is for information only and does not become a part or condition of the attached document.

***Subdivision/Road/Staff Review 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 release the maintenance bond and accept for maintenance all road and drainage improvements within County ROW in Belterra subdivision, Phase 4, Section 1.**

<b>CIRCLE ONE ACTION ITEM</b>	<b>Subdivision</b>	<b>Road</b>	<b>Staff Recommendation</b>
-------------------------------	--------------------	-------------	-----------------------------

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Jerry Borcharding**

**SPONSORED BY: Commissioner Ford**

**SUMMARY:**

The maintenance bond for Belterra subdivision, Phase 4, Section 1 expired October 30, 2009. The Road & Bridge Department has inspected and recommends its acceptance for maintenance. The road segments include: the remaining portion of Belterra Drive (5,156 ft.) from Estes Drive to Sawyer Ranch Rd.

**STAFF REVIEW/COMMENTS**

**ENVIRONMENTAL HEALTH DIRECTOR:**

**ROAD DIRECTOR:**

**STAFF RECOMMENDATIONS:**





**OFFICE OF THE COUNTY ENGINEER**

**Jerry Borcharding, P.E.**

**P. O. Box 906 San Marcos, Texas 78667**

**(512) 393-7385 Fax (512) 393-7393**

---

11/04/09

Honorable Liz Sumter  
111 E. San Antonio Street  
San Marcos, Texas 78666

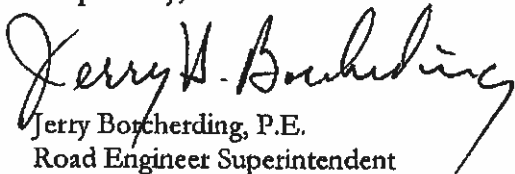
RE: Belterra Phase 4 section 1

Dear Commissioners and Judge:

MAK Foster Ranch, L.P., Owner, is requesting that Hays County release the maintenance bond and accept the maintenance of roads in Belterra Phase 4 Section 1. I have reviewed the file on this subdivision and find that all the requirements have been met per Hays County Subdivision Regulations. William B. Ball, P.E. has submitted a concurrence letter and as-built plans as required by Hays County.

I recommend that the maintenance bond be released and that the roads be accepted into County maintenance.

Respectfully,

  
Jerry Borcharding, P.E.  
Road Engineer Superintendent

Hays County Road & Bridge Department

# CMA Engineering, Inc.

Robert P. Callegari, P.E.  
Felix J. Manka, P.E.

October 23, 2007

Jerry H. Borcharding, P.E.  
County Engineer  
Hays County Road Department  
2171 Yarrington Road  
P.O. Box 906  
San Marcos, Texas 78667-0906

RE: Belterra.  
Phases 4 Section 1 Construction Completion  
CMA No. 1323-001

Dear Mr. Borcharding:

Please be advised that the referenced Project, Belterra Phase 4, Section 1, has been completed. The construction of Section 1 was completed substantially according to the Approved Plans and Specifications. Attached are "As Built" drawings.

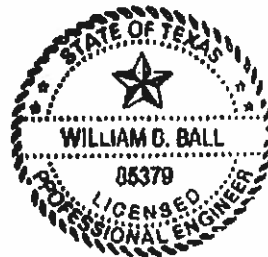
If you have any questions, or need any additional information, please feel free to call.

Sincerely,  
CMA Engineering, Inc.



William B. Ball, P.E.  
Project Manager

cc: Doug Goss- MAK Foster Ranch, LP



14101 West Highway 290, Building 600  
Phone: (512) 894-3230  
N:\1323- Belterra Drive Construction Phase\Hays County\LTR-County-ConstructionCompl.doc

Austin, Texas 78737  
Fax (512) 894-3225

**RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT**

P.O. BOX 906  
San Marcos, TX 78667  
<http://co.hays.tx.us>

512/393-7385 EXT 29  
CELL:512/738-2555  
FAX: 512/393-7391

**INSPECTION REPORT**

LOCATION:	Belterra 4-1	DATE:	9/22/2009
OWNER:	MAK Foster	WEATHER:	Rain/ overcast
CONTRACTOR:	Joe Bland Construction	TIME:	12:15p
INSPECTOR:	Todd Spencer		

**SITE OBSERVATIONS:****PUNCHLIST FOR ACCEPTANCE OF MAINTENANCE**

1. Seal Cracks in roadway
2. Clean roadway
3. all debri and trash to be removed from right-of-way
4. seal all cracks in curb
5. Kill and Grub all vegetation between curb and roadway
6. Environmental punchlist to be complete and approved by Betty Lambright

Todd Spencer, Construction Inspector

9/22/2009

Date

## *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:** 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. Possible action to follow the Public Hearing.

**TYPE OF ITEM:** ACTION

**PREFERRED MEETING DATE REQUESTED:** November 10, 2009

**AMOUNT REQUIRED:** \$54,650 (To be paid back by lot owners over a period TBD)

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

**REQUESTED BY:** FORD

**SPONSORED BY:** FORD

**SUMMARY:** This Hearing is guided by Chapter 253 of the Texas Transportation Code, which dictates that the Commissioners Court may, after finding that the proposed improvements are necessary for the public health, safety, or welfare of the residents of Hays County, Order a "mailed ballot" election of the property owners in the above-named subdivision, said mail-outs to occur no later than the 10<sup>th</sup> day after this Public Hearing. If this Court Orders an election, then not later than the 30<sup>th</sup> day after this Public Hearing all returned votes shall be tallied and results shall be declared. Granted that a majority of lot owners of the Rocky Ranch I subdivision vote in favor of the improvements and the long term pay back of costs, then construction of those improvements will begin according to scheduling priorities set by RPTP.

(A sample ballot may be found in backup.)

# *Agenda Item Routing Form*

**DESCRIPTION OF Item:** 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. Possible action to follow the Public Hearing.

**PREFERRED MEETING DATE REQUESTED:** October 10, 2009

## **COUNTY AUDITOR**

**Typically Requires 1 Business Day Review**

**AMOUNT AND FUND LINE ITEM NUMBER:** \$54,650.00 ?

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

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

**COMMENTS:** According to Jerry Borcharding, these funds are coming from RPTP budget.

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:** \_\_\_\_\_



**HAYS COUNTY  
BALLOT FOR ROAD IMPROVEMENTS**

Property Owner of Rocky Ranch I Subdivision – Please indicate your vote for or against the proposed improvement to Owl Hollow Drive by placing an “X” in one of the two boxes below, signing this ballot, and returning it to:

Linda Fritsche  
Hays County Clerk  
137 N. Guadalupe Street  
San Marcos, TX 78666

---

☐ I am...

☐ I am not...

**...in favor of improving Owl Hollow Drive within the Rocky Ranch I Subdivision in Hays County, Texas to cause the roadway to comply with Hays County road standards.**

Regardless of whether I am in favor of these improvements or not, I understand that, if this election results in a majority vote in favor of those improvements:

1. I shall be personally liable for the assessment cited below, which shall be secured by a lien against my real property located in the Rocky Ranch I Subdivision; and
2. I shall be required to pay a total assessment not to exceed \*\*\*\* dollars in United States currency (\$0.00 USD) for each property owned by me in the Rocky Ranch I Subdivision, to be paid over a \*\*\* (\*) year period with no interest accruing on that not-to-exceed amount. Said payments shall be paid in annual installments of \*\*\*\* dollars in United States currency (\$0.00 USD), made payable to “Hays County, Texas.” If the actual cost of improvements is less than one hundred, eighty-six thousand dollars in United States currency (\$186,000.00 USD). I will only be required to pay my *pro rata* share of that amount using the payment method cited, above.

---

Signature of Ballot Holder

---

Printed Name of Ballot Holder



**26338 APPROVE AWARD OF BID #2009-B17 "FIVE MILE DAM PARK PHASE 2" (IRRIGATION) TO LOWDEN EXCAVATING, INC**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of Bid #2009-B17 "Five Mile Dam Park Phase 2" (irrigation) to Lowden Excavating, Inc. All voting "Aye". MOTION PASSED

**26339 APPROVE HEALTH SERVICE AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION, INC. OF HAYS, CALDWELL AND BLANCO COUNTIES**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Health Service Agreement between Hays County Personal Health Department and Community Action, Inc. of Hays, Caldwell and Blanco Counties. All voting "Aye". MOTION PASSED

**26340 CALL FOR A PUBLIC HEARING ON AUGUST 25, 2009 TO ESTABLISH TRAFFIC REGULATIONS IN HERITAGE OAKS SUBDIVISION [T1-769]**

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on August 25, 2009 to establish traffic regulations in Heritage Oaks Subdivision. All voting "Aye". MOTION PASSED

**26341 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BUSH RANCH (A.K.A. LEDGESTONE) SUBDIVISION, PHASE 1 [T1-776]**

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 for Bush Ranch Subdivision Phase 1 (aka Ledgestone) to be limited to the first 865 feet from the entrance road. All voting "Aye". MOTION PASSED

**26342 ACCEPT OWL HOLLOW ROAD AND EAST OWL HOLLOW ROAD INTO THE COUNTY MAINTENANCE SYSTEM PENDING A SUCCESSFUL ELECTION BY RESIDENTS TO PAY FOR MATERIAL COSTS [T1-818]**

Commissioner Ford spoke of need for an election to allow property owners to vote on acceptance and equal distribution of the cost of materials in the amount of \$54,650. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept Owl Hollow Road and East Owl Hollow Road into the County Maintenance System pending a successful election by residents to pay for material costs. All voting "Aye". MOTION PASSED

**26343 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE LETTER OF AGREEMENT BETWEEN TEXHEALTH CENTRAL TEXAS, INC AND HAYS COUNTY AND TO FUND THE PROGRAM [T1-950]**

Jim Rodriguez, President & CEO of TexHealth Central Texas Inc., spoke. This is a pilot program that will assist existing small businesses to have access to affordable health care. This is a three county program [Williamson, Hays & Travis]. [www.texhealthcentraltex.org](http://www.texhealthcentraltex.org) A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute the Letter of Agreement between TexHealth Central Texas, Inc and Hays County and to fund the program in the amount of \$32,550 from contingencies. All voting "Aye". MOTION PASSED

**26344 APPROVE THE CREATION OF A MURAL IN THE JUSTICE CENTER, INVOLVING COMMUNITY CHILDREN AND PARENTS, TO BE UNVEILED ON NOVEMBER 19<sup>TH</sup>, WORLD DAY FOR THE PREVENTION OF CHILD ABUSE. SPACE AVAILABLE ON THE CORRIDOR LEADING TOWARDS COURTROOM 4 [T1-1225]**

The Hays Caldwell Women's Center Director appeared before the court and spoke of World Day for Prevention of Child Abuse. District Clerk Cecelia Adair, a member of the Women's Center Board, spoke in support of placement of a mural in the Justice Center. A motion was made by Judge Sumter, seconded by Commissioner Conley to approve the creation of a mural in the Justice Center, involving community children and parents, to be unveiled on November 19<sup>th</sup>, World Day for the prevention of child abuse to be placed on the corridor leading towards Courtroom 4. All voting "Aye". MOTION PASSED

***Subdivision/Road/Staff Review 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 agree to accept Owl Hollow Road and East Owl Hollow Road into the County maintenance system pending a successful election by residents to pay for material costs.

<b>TYPE OF AGENDA ITEM</b>	<b>ACTION</b>
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<b>PREFERRED MEETING DATE REQUESTED:</b> August 11, 2009
--

<b>AMOUNT REQUIRED:</b>
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<b>LINE ITEM NUMBER OF FUNDS REQUIRED:</b>
--

<b>REQUESTED BY:</b>
----------------------

<b>SPONSORED BY:</b> Ford
---------------------------

<p><b>SUMMARY:</b> On July 14, 2009 no action was taken on an item regarding the acceptance of Owl Hollow in to the County maintenance system pending further discussions with the Owl Hollow HOA regarding some financial participation. After talking with leaders of the HOA, we propose a neighborhood election allowing property owners to vote on (1) acceptance and equal distribution of the cost of materials (\$54,650), (2) county-provided upgrades to country lane standard, and (3) Owl Hollow becoming a county-maintained roadway. The residents will elect to pay back the cost of repairs over a period of three to five years. The statutorily authorized process of compiling a proposal and ballot language to present to residents for a formal vote is being developed. Today's discussion informs the Court of this proposal and a positive action today will assure the residents that if the proper procedure is followed, Owl Hollow Road and East Owl Hollow will become a County maintained road. HOA.</p>
---



### **PUBLIC NOTICE**

The Hays County Commissioners Court, at its regular, open meeting on November 10, 2009, in the Commissioners Courtroom at 111 E. San Antonio St., 3rd floor, San Marcos, Texas 78666, will hold a public hearing to consider: 1) the proposed improvement to 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.

## *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 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.**

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

**PREFERRED MEETING DATE REQUESTED: 11/10/09**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: Will Conley/Karen Ford**

**SUMMARY:**

**It's been some time since we have reviewed the current services being offered through the county program. We have seen a influx in our veteran population due to the wars in Iraq and Afghanistan and we believe this is the right time to assemble 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 to make sure that we are doing everything we can to enhance their quality of life. We anticipate a task force made up of ten members – each court member appoints two, at least one of which is a veteran Further, we suggest launching the task force with a facilitated discussion with a moderator. We may have recommendations on this for court's consideration on Tuesday.**

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 12:00 noon on the WEDNESDAY.

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

**AGENDA ITEM:** Funding to create a permanent record on film

**Consent, Action, Executive Session, Etc.** Action

**MEETING DATE REQUESTED:** November 10, 2009

**REQUESTED BY:** Cecelia Adair, District Clerk

**FUNDS REQUIRED:** approximately \$ 41,800.00 from the Records Preservation Fund

**SUMMARY:** We have digitized all our cases records through the year 2006 with images stored within a computer software system for fast retrieval. All film records from previous projects have been digitized as well.

To complete the projects we must create a "permanent" record to fall within State Library guidelines. Because the digitized records are on a disk of just images without knowing the case number – it is necessary to move these images to microfilm for storage by case number. The digitized records are dependent upon the software system to sort them out by case number.

According to the Auditor's office, funding is available from a dedicated fund (106-610-00.5448) which currently has a balance of \$46,758.00 in unencumbered funds. Additionally, fund 106-610-00.5201 has \$20,000.00 in available funds.

We have an estimate from CASO, who is the vendor that created our digital records and is storing our microfilm, in the amount of \$41,800.00 (see attached quote).

This vendor is on state contract (TXMAS – 7-36090)

**AGENDA ITEM – APPROVED BY:**

COUNTY JUDGE

☐

COUNTY AUDITOR

☐

COMMISSIONER PCT. 1

☐

COMMISSIONER PCT. 2

☐

COMMISSIONER PCT. 3

☐

COMMISSIONER PCT. 4

☐

**ACTION TAKEN / ACTION REQUIRED:**

# *Agenda Item Routing Form*

**DESCRIPTION OF Item:** Approve funding to create a permanent record on film

**PREFERRED MEETING DATE REQUESTED:** November 10, 2009

## **COUNTY AUDITOR**

**Typically Requires 1 Business Day Review**

**AMOUNT AND FUND LINE ITEM NUMBER:** \$41,800.00 106-610-00.5448

**COUNTY PURCHASING GUIDELINES FOLLOWED:** \_\_\_\_ Yes \_\_\_\_

**PAYMENT TERMS ACCEPTABLE:** \_\_\_\_ Yes \_\_\_\_

**COMMENTS:**

**Bill Herzog**

## **SPECIAL COUNSEL**

**Typically Requires 9 Business Day Review**

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

**COMMENTS:**

## **COMMISIONERS' COURT**

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

## **COUNTY JUDGE**

*Signature Required if Approved*

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

**CASO Document Management**  
**3453 IH-35N, Ste. 215**  
**San Antonio, TX 78219**

## Estimate

8/21/2009

Hays County District Clerk		Terms	Rep	PO #
Attn: Cecelia Adair		Net 30	IAG	
Item	Description	Quantity	Price	Total
SV1	Image to Microfilm 215' rolls - 2 boxes a roll Boxes labeled From 1st case # _____ to case# _____	2,200,000	\$ 0.019	\$ 41,800.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ 41,800.00
	Above for budgetary purposes Actual will be invoiced			
	<b>Total</b>			\$ 41,800.00

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

We Appreciate the opportunity  
to bid on your business!  
Iris A. Gilbert / VP Sales  
(210) 222-9124

Quote Valid for 90 Days

## *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 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.

**TYPE OF ITEM:** ACTION

**PREFERRED MEETING DATE REQUESTED:** 11/10/09

**AMOUNT REQUIRED:**

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

**REQUESTED BY:**

**SPONSORED BY:** FORD

**SUMMARY:** See attached letter and resume.



Nancy Gilkyson, Red Oak Ranch, 1501 Loop 165, Dripping Springs, TX 78620

November 4, 2009

Ms. Karen Ford  
Hays Co. Commissioner, Precinct 4  
195 Roger Hanks Parkway  
P.O Box 1158  
Dripping Springs, Texas 78620

Dear Karen,

I am writing you to express my interest in serving as a member of the Hays County Parks & Open Space Advisory Board.

I moved to Henly in 1999 because, like everyone, I fell in love with the beauty of the Texas Hill Country. I am an avid outdoors enthusiast, a horse-riding, hiking, biking, bird-watching, star-gazing fan of my adopted home. I have made a point of learning as much as I can about our local flora and fauna, and about our history, and I am concerned about our future as well. I would like to participate in determining the best solutions for Hays County with regard to water conservation, environmental protection, habitat preservation and air quality as we confront the inevitable demand for growth. I believe Hays County will be well-served by the creation of more parks and open spaces.

I am currently semi-retired and run a small tour management business out of my house. My flexible work hours would allow me to be available for board-related events.

I am attaching my resume, which, while not related to parks and open spaces, at least does show that I know how to work.

Thank you very much for considering me as a possible board member.

Sincerely,

Nancy Gilkyson

## NANCY H. GILKYSON

1501 Loop 165  
Dripping Springs, TX 78620

512-858-7738  
nancyg@wildblue.net

### EMPLOYMENT HISTORY

- 2006-2009      **Easy Rider Tour Management, Dripping Springs, TX**  
*Owner-Manager:* Business provides all facets of travel support for musicians on the road, including advancing shows, booking flights, cars, hotels, organizing schedules, routing, creating itineraries. Travel when required but otherwise round-the-clock support to clients
- 2003-2006      **Marcia Ball, Marcia Ball, Inc., Austin, TX**  
*Office Manager:* Non-traveling tour and office manager for Austin-based blues singer/pianist. Paid bills, read, amended and signed contracts, maintained fan database, advanced shows, handled payroll, correspondence, banking, product sales. (Part-time job)
- 1995-1999      **Warner Bros. Records, Inc., Burbank, CA**  
*Sr. Vice President, Art Production:* Managed several departments which scheduled, tracked and enabled new music and video releases for Warner Bros. and Reprise Records and various subsidiary labels. Responsible for a yearly \$6,000,000 budget  
Managed a staff of up to 48 people. Attended regular senior management strategy meetings  
  
Departmental responsibilities included overseeing the timely creation of packaging and marketing art, scheduling new releases, obtaining imagery legal clearances, processing and proofreading copy, buying color separations, overseeing printing and manufacturing, tracking recording status, checking master tapes for sampling issues and potential parental advisory problems, and publishing a plethora of new release schedules. Personally dealt directly with management and artists on big budget projects where high-level handholding was needed
- 1990-1995      **Warner Bros. Records, Inc., Burbank, CA**  
*Vice President, Art Production:* Same as above
- 1986-1990      **Warner Bros. Records, Inc., Burbank, CA**  
*Director, Graphic Arts Production:* Much of the above, fewer releases, smaller budgets, less employees to oversee
- 1982-1986      **Warner Bros. Records, Inc., Burbank, CA**  
*Manager, Graphic Arts Production:* Managed Editorial and Art Production Departments, oversaw packaging budgets and art reproduction contracts, bought color separations, enforced art and copy deadlines
- 1979-1982      **Warner Bros. Records, Inc., Burbank, CA**  
*Merchandising Coordinator:* Oversaw production of all point-of-purchase materials
- 1978-1979      **Warner Bros. Records, Inc., Burbank, CA**  
*Secretary:* Secretary to Director of Merchandising
- 1970-1977      **Odyssey Records, Santa Cruz, CA**  
*Buyer for 6-store chain, store manager, clerk*



**SKILLS:** Proficient in MS Office Suite and Quicken on Mac and PC. Excellent writer and proofreader.  
Excellent management and mediation skills

**EDUCATION:** 1966-1970 - University of Pennsylvania, Philadelphia, PA

**REFERENCES:** Available upon request

## *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 opposing the Petition for Rulemaking and proposed repeal of portions of the Provisions of 30 Texas Administrative Code Chapter 311.**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: SUMTER**

**SUMMARY: Resolution will be presented 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 to approve an \$800.00 shredding expenditure for Texas Recycling Day.**

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

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: SUMTER**

**SUMMARY: The \$800.00 will come from Pinnix, Knott and County Judge budget. As discussed last week at Commissioners Court this will coincide with the county-wide shredding program.**

## *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:**

Presentation regarding the proposed Dahlstrom Ranch conservation project, with possible discussion to follow.

<b>CHECK ONE:</b>	<b>CONSENT</b>	<b>ACTION</b>	<b>EXECUTIVE SESSION</b>
	<b>WORKSHOP</b>	<b>PROCLAMATION</b>	<b>X PRESENTATION</b>

**PREFERRED MEETING DATE REQUESTED: November 10, 2009**

**AMOUNT REQUIRED: N/A**

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

**REQUESTED BY: BARTON**

**SPONSORED BY: BARTON**

**SUMMARY:** To refresh the Court: the Parks Advisory Team last year recommended, and the Commissioners Court agreed, to general terms for conservation of the Dahlstrom Ranch, an historic ranch between Buda and Dripping Springs with highly significant water recharge features. Partners include the Hill Country Conservancy, the City of Austin, the National Park Service RTCA program, and, most of all, the Dahlstrom family. Since then, the county has entered depth 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 in the state of Texas. One of the most innovative –and challenging – aspects of the project is the proposed public access to the “Howe Pasture” – an area about the size of Austin’s Zilker Park, conceived to be for public access and education. A broad-based committee consisting of staff and stakeholders is meeting as the “Public Access Steering Committee” to work out details, while attorneys continue to work toward a final closing within the next few months. The committee includes current and former members of the county parks board, staff members, and representatives from the Barton Springs Edwards Aquifer Conservation District, the Dahlstrom family, the Hill Country Conservancy, and the parks departments of Buda and Kyle, and the City of Austin. Kathryn Nichols, a Hays County resident, long-time park advocate and an employee of the National Park Service, facilitates the meetings. Ms. Nichols will be in Court, possibly with other members of the committee, to update the Commissioners Court and public on the committee’s progress and details of the proposed plan. The committee has been working closely with Commissioner Barton and his office.

No formal action is anticipated.

## *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: 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. (see schedule below)**

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

☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐

**PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: Tuesday, November 10, 2009**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Baen**

**SPONSORED BY: Ford**

#### **SUMMARY:**

Scheduled for November 10: Personal Health Director; Civic Center Manager

(times tbd by Judge's office; we recommend scheduling in 1.5 hour increments with up to 45 minutes with each department head)

#### **Proposed Schedule:**

November 17: VA Administrator; Parks Administrator; Grants Administrator

November 24: Fire Marshal; Maintenance Coordinator; Human Resources Director

December 8: RPTP Director; IT Director

