

**Commissioners Court -January 19, 2010
NOTICE OF A MEETING OF THE
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS**



This Notice is posted pursuant to the Texas Open Meetings Act. (VERNONS TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on the **19TH day of January, 2010**, in the Hays County Courthouse, Room 301, San Marcos, Texas. An Open Meeting will be held concerning the following subjects:

INVOCATION:

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

PRESENTATIONS & PROCLAMATIONS

1	3	Adopt a proclamation declaring Cancer Awareness Month for April 2010. SUMTER
2	4-5	Presentation by Luanne Caraway, Tax Assessor about Property Tax Revenue collections. SUMTER/CARAWAY
3	6-7	Adopt a proclamation declaring January 19, 2010 as ALERRT Day. BARTON/CONLEY

PUBLIC COMMENTS

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

CONSENT ITEMS

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

4	8	Approve payments of county invoices. HERZOG
5	9-15	Approve Commissioner Court Minutes of January 12, 2010. SUMTER/FRITSCHKE
6	16-27	Approve Utility Permits. SUMTER
7	28-30	Accept TJPC Commitment Reduction program grant funding and amend the budget accordingly. SUMTER/COOPER/HERZOG
8	31-33	Amend budget for the TJPC ICBP grant in order to purchase equipment for the GED program. SUMTER/COOPER/HERZOG
9	34-35	Authorize Information Technology to dispose of Computer Equipment. (See attached list of equipment) SUMTER/HERZOG/MCGILL
10	36-37	Approve a Resolution to have Hays County construct, improve, or repair roads under an interlocal contract with the City of Mountain City, Texas. BARTON
11	38-41	Accept road and drainage improvements in Savannah Ridge subdivision, Section One and accept same into the County road maintenance system. BARTON/BORCHERDING

ACTION ITEMS

ROADS

12	42-43	Discussion and possible action to approve the naming of a private drive in the Hays Country Oaks subdivision. BARTON/BORCHERDING
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MISCELLANEOUS

13	44-49	Discussion and possible action to authorize the County Judge to execute Change Orders #1 & #2 to the construction contract with Harris Road Company, Inc. in the total amount of \$33,300.00 for the Five Mile Dam Park Phase 2 (Building) project. INGALSBIE/HAUFF
14	50-57	Discussion and possible action to authorize the County Judge to execute Change Orders #1-#3 to the construction contract with Harris Road Company, Inc. in the amount of \$24,752.50 for the Five Mile Dam Park Phase 2 (Site) project. INGALSBIE/HAUFF

15	58-63	Discussion and possible action to authorize payment of \$500.00 to the Texas Commission on Environmental Quality for an Exception Request Review for the Water Pollution Abatement Plan, under the Edwards Aquifer Protection Program, for the Spring Lake Preserve project, and to authorize the Grants Administrator to sign documents associated with this review. CONLEY/HAUFF
16	64-66	Discussion and possible action to provide an Administrative Variance to Subchapter 5 of Chapter 701 of the Hays County Development Regulations and directing staff to submit a list of possible amendments to the Court for future consideration. CONLEY/WRIGHT/GARZA
17	67-69	Discussion and possible action to approve Resolution authorizing the County Judge to submit a grant application to the Texas Water Development Board, Flood Protection Planning Program for up to \$175,000.00 and to sign all documents associated with this application. FORD/HAUFF
18	70-77	Discussion and possible action to authorize the County Judge to execute an Interlocal Development Agreement between Hays County and the City of San Marcos, Texas related to the Government Center project on Stagecoach Trail in San Marcos. INGALSBE
19	78-80	Discussion and possible action to approve the Memorandum of Understanding In and between The City of San Marcos, Texas State University and Hays County. SUMTER
20	81-84	Discussion and possible action to approve out of state travel for a representative of the Sheriff's Department. BARTON/GUTIERREZ
21	85-90	Discussion and possible action to authorize the County Judge to execute a Letter of Intent between J.E. Dunn Construction and Hays County for construction related to capital improvements in the Hays County Corrections Facility. INGALSBE

WORKSHOP

22	91	2pm Workshop on subject of Records Management – including but not limited to legal requirements, best management practices, costs & funding and compliance issues. Possible action may follow. FORD/ADAIR
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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.

23	92	Executive Session pursuant to 551.074 of the Texas Government Code, to discuss personnel matters and to deliberate the evaluation of all individual department heads. SUMTER
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ADJOURNMENT

Posted by 5:00 o'clock P.M. on the 30TH day of January, 2010.

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: Adopt a proclamation declaring Cancer Awareness Month for April 2010.

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

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: SUMTER

SUMMARY:

Dr. Lawrence Estaville has asked that this proclamation be adopted now for promotion on their website.

Agenda Item Request Form

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

AGENDA ITEM: Presentation by Luanne Caraway, Tax Assessor about Property Tax Revenue collections.

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

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Caraway

SPONSORED BY: SUMTER

SUMMARY:
See attached chart.

COLLECTION COMPARISONS 2008 TO 2009

TAXING ENTITY	10/1/08 - 1/6/09	DOLLARS COLLECTED	10/1/09 - 1/6/10	DOLLARS COLLECTED
	PERCENT COLLECTED		PERCENT COLLECTED	
HAYS COUNTY	55.18%	25,543,140	57.61%	29,528,198
DRIPPING SPRINGS ISD	58.49%	20,510,248	63.27%	23,629,441
DRIPPING SPRINGS ISD - TRAVIS CO	30.21%	44,791	41.08%	57,379
HAYS CISD	60.47%	29,879,994	63.99%	33,266,590
HAYS CISD - CALDWELL CO	31.00%	100,440	50.54%	170,798
HAYS CISD - TRAVIS CO	35.01%	38,239	31.01%	50,842
SAN MARCOS CISD	40.21%	16,172,147	41.73%	17,567,239
SAN MARCOS CISD - CALDWELL CO	34.14%	467,040	50.38%	722,965
SAN MARCOS CISD - GUADALUPE CO	33.04%	531,413	42.63%	718,704
WIMBERLEY ISD	55.66%	8,941,717	60.78%	10,249,076
WIMBERLEY ISD - COMAL CO	10.17%	478	7.10%	835

Agenda Item Request Form

for

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 adopt a proclamation declaring January 19, 2010 as ALERRT Day.

TYPE OF ITEM: Proclamation

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Pct. 2 Commissioner Jeff Barton and Pct. 3 Commissioner Will Conley

SPONSORED BY: BARTON & CONLEY

SUMMARY: See attached proclamation.



ALERRT Day PROCLAMATION

January 19, 2010

WHEREAS, the County of Hays in association with Advanced Law Enforcement Rapid Response Training (ALERRT) of Texas State University, recognize January 19, 2010 as ALERRT Day in Hays County.

WHEREAS, ALERRT, since 2002, has trained more than 22,000 first responding law enforcement officers across the nation in ALERRT's Active Shooter Response training and nearly 500 agencies are on the request list. Additionally, more than 5,000 officers have received second generation, certified instructor-led training.

WHEREAS, the recent active shooter situation at Fort Hood was stopped by officers trained by the ALERRT staff.

WHEREAS, ALERRT has received more than \$4 million dollars for training across the nation in FY10, through the Department of Defense, Bureau of Justice Assistance and the Texas Governor's Office of the Criminal Justice Division.

WHEREAS, the states of Alabama, Iowa, Louisiana, Mississippi and South Carolina have made ALERRT Active Shooter Response Training their state wide law enforcement standard and ALERRT training is mandatory in law enforcement curriculum.

NOW, THEREFORE, BE IT PROCLAIMED, by the Commissioners Court of Hays County, Texas, meeting in regular term this 19th day of January 2010 does hereby proclaim, January 19, 2010 as ALERRT Day.

ADOPTED THIS THE 19th DAY OF January, 2010.

HAYS COUNTY COMMISSIONERS COURT

Elizabeth "Liz" Sumter
Hays County Judge

Debbie Gonzales Ingalsbe
Commissioner, Pct. 1

Jefferson W. Barton
Commissioner, Pct. 2

Will Conley
Commissioner, Pct. 3

Karen Ford
Commissioner, Pct. 4

ATTEST:

Linda C. Fritsche
Hays County Clerk

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: 1/19/10

AMOUNT REQUIRED: None

LINE ITEM NUMBER OF FUNDS REQUIRED: As attached.

REQUESTED BY: Auditor's Office

SPONSORED BY: Bill Herzog

BA

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 JANUARY 12, 2010

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

PREFERRED MEETING DATE REQUESTED: JANUARY 19, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: FRITSCHÉ

SPONSORED BY: SUMTER

SUMMARY:



JANUARY 12, 2010

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF JANUARY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
DEBBIE GONZALES INGALSBE
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LIZ GONZALEZ

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Bob Smith of Power House Christian Center gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Human Resources Director Dee Dee Baen introduced new employees.

26736 ADOPT A PROCLAMATION DECLARING JANUARY 12TH AS VOLUNTEERS FOR DEMOCRACY DAY

Elections Administrator Joyce Cowan spoke of volunteers. A motion was made by Judge Sumter seconded by Commissioner Conley to adopt a Proclamation declaring January 12th as Volunteers for Democracy Day. All voting "Aye". MOTION PASSED

26737 ADOPT A PROCLAMATION PROCLAIMING JANUARY 18, 2010 AS MARTIN LUTHER KING, JR. DAY

Harvey Miller spoke of celebration on Monday January 18, 2010 at 11:00 am and spoke of shuttles from Dunbar to the Courthouse for the March. A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to adopt a Proclamation proclaiming January 18, 2010 as Martin Luther King, Jr. Day. All voting "Aye". MOTION PASSED

PUBLIC COMMENTS – Ollie Giles and Alan Cameron gave public comments.

INTRODUCTIONS OF THE LEADERSHIP SAN MARCOS CLASS OF 2010 [T2-920]

Amy Madison Economic Development Director from the City of San Marcos introduced the Leadership of San Marcos Class of 2010. This is a class that follows the City, County and other entities to help learn how each entity conducts business. Ryan Perkins asked the Court "What motivated you to seek office?". Monica Garcia asked the Court "How many years have you been on the Court and why are you running again?". Judge Sumter asked the students "What positive thing did they get out of taking this class?".

26738 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve payments of county invoices in the amount of \$652,899.15 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26739 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 22, 2009

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Commissioner Court Minutes of December 22, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26740 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN EMPG GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR UP TO \$22,000

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to submit an EMPG Grant Application to the Office of the Governor, Division of Emergency Management for up to \$22,000. All voting "Aye". MOTION PASSED



- 26741 AUTHORIZE THE COUNTY JUDGE TO RENEW THE TUBERCULOSIS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$14,710.00. NO APPLICATION FOR THIS CONTRACT WAS REQUIRED**

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to renew the Tuberculosis Contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$14,710.00. No application for the Contract was required. All voting "Aye". MOTION PASSED

- 26742 APPROVE THE REAPPOINTMENTS OF LEA ANN KENWORTHY AND W. LEIGHTON STALLONES TO THE HAYS COUNTY ESD #3 FOR AN ADDITIONAL TWO YEAR TERM BEGINNING JANUARY 1, 2010 TO DECEMBER 31, 2011**

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve the reappointments of Lea Ann Kenworthy and W. Leighton Stallones to the Hays County ESD #3 for an additional two year term beginning January 1, 2010 to December 31, 2011. All voting "Aye". MOTION PASSED

- 26743 ACCEPT THE REPORT IDENTIFYING ALL ADMINISTRATIVELY APPROVED DEVELOPMENT AUTHORIZATIONS ISSUED BY THE DEVELOPMENT SERVICES DIVISION DURING DECEMBER 2009**

A motion was made by Commissioner Barton seconded by Commissioner Ford to accept the Report identifying all Administratively Approved Development Authorizations issued by the Development Services Division during December 2009. All voting "Aye". MOTION PASSED

- 26744 APPROVE AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND DR. JURAIAT MOLINA, MD FOR PEDIATRIC ALLERGY SERVICES TO BE PROVIDED IN THE PHD TO MEDICAID OR PRIVATE PAY CLIENTS**

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Agreement between Hays County Personal Health Department (PHD) and Dr. Jurairat Molina, MD for Pediatric Allergy Services to be provided in the PHD to Medicaid or private pay clients. All voting "Aye". MOTION PASSED

- 26745 APPROVE RE-APPOINTMENT OF MARILYN MILLER TO ESD #6 FOR A TWO-YEAR TERM EFFECTIVE JANUARY 1, 2010**

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve re-appointment of Marilyn Miller to ESD #6 for a two-year term effective January 1, 2010. All voting "Aye". MOTION PASSED

- 26746 APPROVE RE-APPOINTMENT OF WALT GRANER AND JAMES SPENCER TO ESD #1 EFFECTIVE JANUARY 1, 2010**

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve re-appointment of Walt Graner and James Spencer to ESD #1 effective January 1, 2010. All voting "Aye". MOTION PASSED

- 26747 ACCEPT ROAD AND DRAINAGE IMPROVEMENTS IN SAVANNAH RIDGE SUBDIVISION, SECTION TWO AND ACCEPT SAME INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-272]**

RPTP Director Jerry Borcharding gave staff recommendation. There are no other roads in Section One except for 300 feet. Special Counsel Mark Kennedy spoke of bringing Section One back on the next agenda. A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to accept road and drainage improvements in Savannah Ridge Subdivision Section Two and accept same into the County Road Maintenance System. All voting "Aye". MOTION PASSED



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26748 HOLD PUBLIC HEARING AND ESTABLISH A BIKE LANE ON BELTERRA DRIVE
 [T1-366]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RTP Director Jerry Borchering gave staff recommendation. This will establish a bike lane within Belterra Subdivision on Belterra Drive, from SH 290 to Sawyer Ranch Road. It will be located on both sides of the roadway except for the section of Belterra Drive that changes from two lanes to four lanes. Lanes will be marked with a direction arrow throughout. A motion was made by Commissioner Ford seconded by Commissioner Conley to establish a bike lane on Belterra Drive. All voting "Aye". MOTION PASSED

26749 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION [T1-399]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RTP Director Jerry Borchering gave staff recommendation. This will reduce the speed limit from 30 MPH to 25 MPH. Roads include: Abbey Drive, Abbott Drive, Aberdeen Court, Bolton Drive, Brighton Lane, Canterbury Drive, Cork Lane, Dorset Lane, Eaton Lane, Grafton Lane, Granite Lane, Holly Court, Kensington Lane, Kingston Way, Lexington Drive, Longmont Lane, Manchester Lane, Monarch Lane, Oxford Court, Palisade Drive, Serenity Court, Stratton Court, Torrington Drive, and Victoria Court. A motion was made by Commissioner Ford seconded by Commissioner Conley to establish traffic regulations in Belterra Subdivision reducing the speed limit from 30 MPH to 25 MPH. All voting "Aye". MOTION PASSED

26750 RELEASE \$15,025 RE-VEGETATION SURETY FOR MUSTANG VALLEY, SECTION 1 [T1-418]

Programs Manager Development Services, Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Conley seconded by Commissioner Ford to release \$15,025 Re-Vegetation Surety for Mustang Valley Section 1. All voting "Aye". MOTION PASSED

26751 PURCHASE ADDITIONAL USED FURNITURE FROM THE WIRELESS STORE, ONE 11 PIECE GREY MODULAR FURNITURE SET, 3 HUTCHES, 1 CORNER HUTCH, 3 DESKS, 3 CORNER DESKS, 1 LONG TABLE AND 1 LEATHER LOVESEAT FOR \$1650.00 [T2-652]

A motion was made by Commissioner Ingalsbe seconded by Commissioner Sumter to purchase additional used furniture from the Wireless Store, one 11 piece grey modular furniture set 3 hutches, 1 corner hutch, 3 desks, 3 corner desks, 1 long table and 1 leather loveseat for \$1,650.00 money to come out of county-wide. All voting "Aye". MOTION PASSED

26752 ADOPT THE EARLY VOTING SCHEDULE FOR THE MARCH 2, 2010, PRIMARY ELECTIONS [T1-497]

Elections Administrator Joyce Cowan spoke. A motion was made by Judge Sumter seconded by Commissioner Ford to adopt the early voting schedule for the March 2, 2010, Primary Elections as presented by Elections Administrator. All voting "Aye". MOTION PASSED

26753 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT, HAZARD MITIGATION GRANT PROGRAM FOR FUNDING TO REVISE THE COUNTY'S HAZARD MITIGATION PLAN [T1-610]

Grants Administrator Jeff Hauff spoke. A motion was made by Judge Sumter seconded by Commissioner Conley to authorize the County Judge to submit a Grant Application to the Governor's Division of Emergency Management, hazard Mitigation Grant Program for funding to revise the County's Hazard Mitigation Plan. All voting "Aye". MOTION PASSED

26754 EXECUTE A RESOLUTION AUTHORIZING CERTAIN INDIVIDUALS AS SIGNATORIES FOR CONTRACT DOCUMENTS ASSOCIATED WITH THE TEXAS DEPARTMENT OF RURAL AFFAIRS, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AWARD FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT, PHASE II [T1-650]

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to execute a Resolution authorizing certain individuals as signatories for Contract Documents associated with the Texas Department of Rural Affairs, Texas Community Development Block Grant Program award for the Cedar Oak Mesa Water System Improvement Project, Phase II. All voting "Aye". MOTION PASSED



DISCUSSION TO ADOPT A RESOLUTION BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ONE OR MORE SERIES OF CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENT CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH [T1-2201]

Dan Wegmiller of Specialized Public Finance Inc. spoke. There was discussion of projected property values decreasing/increasing in Hays County. Bob Hinkle of Broadus & Associates spoke. This item will be brought back to court in the next couple of weeks. No action taken.

26755 APPROVE A SALARY VARIANCE FOR THE POSITIONS OF DEPUTY DIRECTOR OF DEVELOPMENT SERVICES/SENIOR PLANNER AND DEVELOPMENT SERVICES PROGRAM MANAGER [T2-800]

Shari Miller from the Human Resources Department gave a handout. RTP Director spoke of request for a salary variance for two individuals from within his department. Shari Miller gave an explanation of the sheet she handed out (see file). *A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve a salary variance for the positions of Deputy Director of Development Services/Senior Planner and Development Services Program Manager. An Amended Motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve a salary variance for the positions of Deputy Director of Development Services/Senior Planner at 12.5% and Development Services Program Manager to 25th percentile. All voting "Aye".* MOTION PASSED

26756 APPOINT AND RE-APPOINT COMMISSIONERS TO THE BOARD OF THE HAYS COUNTY EMERGENCY SERVICES DISTRICT NUMBER 2 [T1-434]

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to re-appoint Jim Hollis and Mark L. Iberg term ending December 2010 and re-appoint Celedonio Mendoza, Jr. and appoint Halley Ortiz to replace Sharon Faulk term ending December 2011 as Commissioners to the Board of the Hays County Emergency Services District Number 2. All voting "Aye". MOTION PASSED

26757 APPOINT AND RE-APPOINT COMMISSIONERS TO THE BOARD OF THE HAYS COUNTY EMERGENCY SERVICES DISTRICT NUMBER 5 IN THE KYLE AREA [T1-462]

A motion was made by Commissioner Barton seconded by Commissioner Ford to re-appoint Susan Meckel and John Reilly term ending December 2010 and re-appoint Chair Beth Smith, Mark Schultz and appoint Ned Arcides replacing Lyle Bollinger term ending December 2011. All voting "Aye". MOTION PASSED

26758 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY REGARDING THE FUTURE SITE OF AN HISTORIC MONUMENT HONORING LYNDON B. JOHNSON AND MARTIN LUTHER KING, JR [T1-1237]

Special Counsel Mark Kennedy spoke of Interlocal Agreement with the City of San Marcos and that the City would build a monument within 5 years or the property would revert back to the County. A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement for the purchase and sale of Real Property regarding the future site of an Historic Monument honoring Lyndon B. Johnson and Martin Luther King, Jr. All voting "Aye". MOTION PASSED

26759 AWARD BID TO A DESIGN-BUILD FIRM FOR THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING FACILITY ADDITION; AND TO AUTHORIZE COUNSEL AND BROADDUS AND ASSOCIATES TO NEGOTIATE THE CONTRACT [T1-860]

Codi Newsom of Broadus & Associates gave powerpoint presentation. Flynn gave an estimate of \$1.691 million for the construction of the RTP Building. There was discussion of adding a space for the Fire Marshal to be housed at the new RTP building with an additional \$240,000 added to the \$1.691 million for a total of \$1.94 million. 1197- A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to award bid to a Design-Build to Flynn Construction and PG Architect for the Resource Protection, Transportation and Planning Facility addition; and to authorize Counsel and Broadus and Associates to negotiate the Contract in an amount not to exceed \$1.45 million for construction costs with a total project cost is \$1.691 million. All voting "Aye". MOTION PASSED



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- 26760 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND HAYS COUNTY FOR THE COMPLETION OF THE MCCARTY LANE AND FM110 ROAD IMPROVEMENT PROJECTS [T1-1762]**

Commissioner Ingalsbe gave a brief overview. Mike Weaver of Prime Strategies spoke. A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to authorize the County Judge to execute the First Amendment to an Interlocal Agreement between the City of San Marcos and Hays County for the completion of the McCarty Lane and FM110 Road Improvement Projects with a revised change to Section 5.3 to account for no change in ROW acquisition costs. All voting "Aye". MOTION PASSED

- 26761 AUTHORIZE LEGAL COUNSEL OR THE COUNTY JUDGE TO EXECUTE CLOSING DOCUMENTS RELATED TO THE DAHLSTROM RANCH PROJECT AND AMEND THE BUDGET ACCORDINGLY [T1-1344]**

Commissioner Barton gave a brief overview of previous discussions regarding the Dahlstrom Ranch. Thomas Hall Attorney of Brown & Associates representing the Dahlstrom Family spoke. Julie Jenkins of Barton Springs Edwards Aquifer Conservation District spoke. A motion was made by Commissioner Barton seconded by Commissioner Ford to reiterate the approval of the Amendment and to authorize Legal Counsel or the County Judge to execute closing documents related to the Dahlstrom Ranch Project and amend the budget accordingly to reflect the \$4.9 million. All voting "Aye". MOTION PASSED

- 26762 APPROVE JP-5 TRANSFER TO CONTINUING EDUCATION FROM WITHIN DEPARTMENT AND AMEND BUDGET ACCORDINGLY [T2-697]**

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve JP-5 transfer to continuing education from within department and amend the budget accordingly. All voting "Aye". MOTION PASSED

- 26763 AUTHORIZE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE MOUNTAIN CITY FOR ROADWAY REPAIR [T2-705]**

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to authorize the County Judge to enter into an Interlocal Agreement with the Mountain City for roadway repair. All voting "Aye". MOTION PASSED

- 26764 APPOINT STEVE JANDA TO THE ESD #6 BOARD OF DIRECTORS TO SERVE A TWO-YEAR TERM EFFECTIVE JANUARY 12, 2010 [T2-2195]**

A motion was made by Commissioner Ford seconded by Commissioner Barton to appoint Steve Janda to the ESD #6 Board of Directors to serve a two-year term effective January 12, 2010 term ending December 2011 replacing Rob Hayden. All voting "Aye". MOTION PASSED

- 26765 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, STATE ENERGY CONSERVATION OFFICE (SECO) FOR AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) AVAILABLE THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) [T1-660]**

A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to authorize the County Judge to submit a application to the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO) for an Energy Efficiency and conservation Block Grant (EECBG) available through the American Recovery and Reinvestment Act (ARRA). All voting "Aye". MOTION PASSED

- 26766 APPOINT MIKE MENDOZA AS INTERIM VETERAN ADMINISTRATION OFFICER EFFECTIVE JANUARY 19, 2010. COURT MAY ADJOURN INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE AND DELIBERATE THE APPOINTMENT AND EMPLOYMENT OF THE INTERIM VA OFFICER. ACTION MAY FOLLOW IN OPEN COURT [T2-377]**

Commissioner Ford spoke of Tom Tvrkik retiring at the end of the month and needing someone to fill in for him in the interim. Commissioner Conley questioned Mr. Mendoza as a member of the Task Force that will make recommendations for an appointment for the VA Officer and maybe limit his input. Dee Dee Baen spoke of his vast knowledge of Title 38 of the Local Government Code. Mike Mendoza spoke of his input with the task force and how it is limited and more of an advisory one. A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to appoint Mike Mendoza as Interim Veteran Administration Officer effective January 19, 2010. All voting "Aye". MOTION PASSED



- 26767 APPROVE ENGINEERING, ENVIRONMENTAL AND LEGAL WORK ON FM 1626-A (NORTH) RELATED TO THE ON-GOING ENVIRONMENTAL PROCESS, AND TO PROVIDE PROFESSIONAL ASSISTANCE TO TXDOT WITH THE GOAL OF EXPEDITING THE PROCESS [T1-3193]**

Mike Weaver of Prime Strategies spoke. A motion was made by Commissioner Barton seconded by Commissioner Conley to authorize Commissioner Barton to execute Work Authorization No. 12 Supplemental No. 1 with Prime Strategies and authorize the County Judge to execute an Extension of the Contract with Smith Robertson as provided in the backup packets and Prime Strategies Contract not to exceed \$68,147 to be taken from the savings of the 2009 Bond on 1626 and that we put a not to exceed cap on the Smith Robertson Contract of \$40,000 to come from contingencies and FM 1626 North. All voting "Aye". MOTION PASSED

- 26768 PURCHASE SOFTWARE FOR ROAD DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY [T2-2242]**

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to purchase software for Road Department and amend the budget accordingly. All voting "Aye". MOTION PASSED

Clerk's Note - Agenda Item # 36 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW - no discussion and no action taken.

- 26769 DISCUSSION WITH ACTION OF ISSUES RELATED TO PROPOSED CAPITAL BUILDING CONSTRUCTION PROJECTS IN HAYS COUNTY. [T1-679]**

Brenda Jenkins and Bob Hinkle of Broaddus & Associates spoke of progress at the Government Center. Bob Hinkle spoke of a plat amendment on the Government Center property. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to authorize the County Judge to sign twice the Application and accompanying paperwork for a re-plat of the Government Center Property to submit to the City of San Marcos. All voting "Aye". MOTION PASSED

Court convened into closed executive session at 2:00 p.m. and reconvened into open meeting at 2:55 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO HAYS COUNTY'S ARCHITECTURAL SERVICES CONTRACT WITH PBS&J. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T2-643]

Clerk's Note - Agenda item #39 RE: EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS - was pulled

Court was adjourned.

I, LINDA C. FRITSCHKE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 12, 2010.



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

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Approve Utility Permits.

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

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

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

SPONSORED BY: SUMTER

Permit	Road Name	Type of Utility
# 801	Bunton Lane	Elect
# 802	Wayside Dr	Phone
# 803	Old Red Ranch Rd	Elect

**HAYS COUNTY RESOURCE PROTECTION, TRANSPORTATION and
PLANNING DEPARTMENT**



UTILITY PERMIT APPROVAL

Denial of Utility Permit: # 801

Application Date: 12/7/2009

Commissioner Court Approval Date: 1/19/2010

Company Name: **PEC INC**

Company Address:

Company Phone:

Company Contact:

Type of Utility: **ELECTRIC**

Road Name: **BUNTON LANE (CR 151)**

Subdivision:

Pct #: **1**

**Specs: Install 1 phase 14.4kV overhead power line on two wood poles in right-of-way of
Bunton Lane**

**County Provisions: Traffic control required; Poles to be min. 10' from edge of roadway;
Notify Hays County 24 hrs prior to construction**



Road and Bridge Department
2171 Yarrington Road
P O Box 906
San Marcos, TX 78667-0906
(512) 393-7385

Application for Installation

Utility Line on Hays County Right of Way

Date: December 7, 2009

Formal notice is hereby given that PEDERNALES ELECTRIC COOPERATIVE, INC.

Company proposes to place a 1-phase, 14.4kV overhead power line on two wood poles.

line within the right-of way of County Road 130 (Bunton Lane, just west of Heidenreich Lane.
as follows: (give location, length, general design, etc.)

Propose to install single-phase overhead power line along Bunton Lane to provide electric service to a residence. Total new line extension is 440 ft., plus two wood poles and one anchor as shown on attached sketch.

If the proposed installation is a parallel installation, then the installation shall be located two feet within the edge of right-of-way unless otherwise approved by the County.

The line will be constructed and maintained on the road right-of-way as directed by the Hays County Road Department (HCRD), an agency of the Commissioners Court of Hays County, in accordance with governing laws, including but not limited to the "Federal Clean Water Act," the "Federal Endangered Species Act," and the "Federal Historic Preservation Act." Upon request by the HCRD, proof of compliance with all governing laws, rules, and regulations will be submitted to HCRD before commencement of construction.

Our firm will use Best Management Practices to minimize erosion and sedimentation resulting from the proposed installation, and we will revegetate the project area as indicated under "General Special Provisions."

Our firm will insure that traffic control measures complying with applicable portions of the *Texas Manual of Uniform Traffic Control Devices* will be installed and maintained during this installation.

The location and description of the proposed line and appurtenances is more fully shown by three complete sets of drawings attached to this notice.

It is expressly understood that Hays County does not purport, hereby, to grant any right, claim, title, or easement in or upon this road; and it is further understood that Hays County may require the owner to relocate this line, subject to provisions of governing laws, by giving thirty (30) days' written notice.

It is understood and agreed that any damages sustained to the appurtenances installed under this proposal as a result of road construction and/or maintenance, including but not limited to mowing, ditch cleaning, culvert repair or replacement, roadway excavation and base work shall be the sole burden and expense of the owner.

Applicant agrees to notify HCRD prior to commencement of any routine of periodic maintenance which requires pruning of trees within the road right-of-way, so that the County may provide specifications for the extent and methods to govern in limbing, topping, tree balance, type of cuts, painting cuts and clean up.

The installation shall not damage any part of the road and adequate provisions must be made to cause minimum inconveniences to traffic and adjacent property owners. In the event the Applicant fails to comply with any or all of the requirements as set forth herein, Hays County may take such action as it deems appropriate to compel compliance.

Construction of this line will begin on or after the 4th day of January, 2010.

General Special Provisions:

By signing below, I certify that I am authorized to represent the Firm listed below, and that the Firm agrees to the conditions/provisions included in this permit.

Firm PEDERNALES ELECTRIC COOPERATIVE, INC.

Title District Engineering Supervisor

By (Print) George Esqueda

Address PO Box 100

Signature George Esqueda

Kyle, Texas 78640-0100

Phone 512-262-2161 ext. 7520

Approved by Hays County Road & Bridge Department

Signature

Title

Date

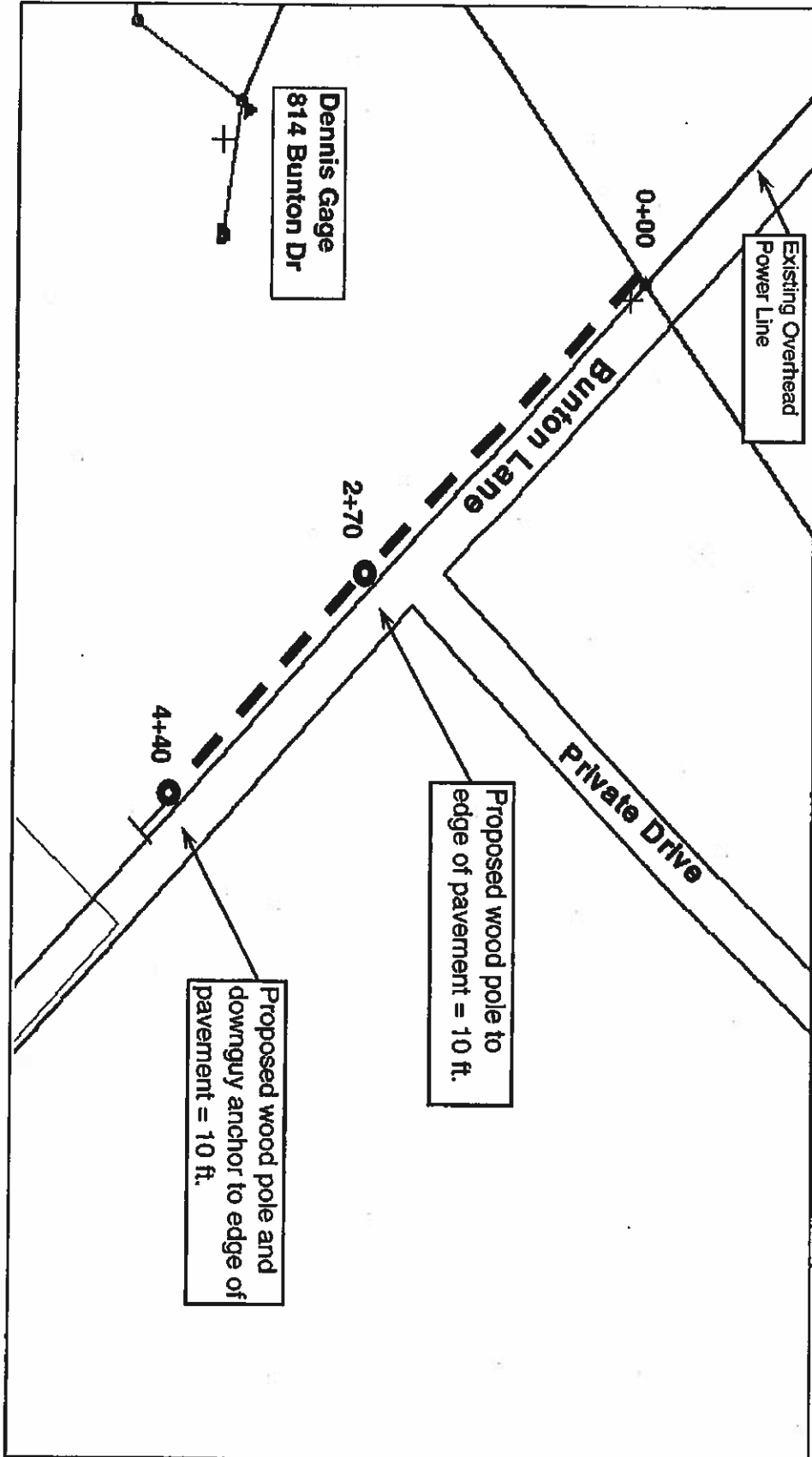
June 26, 2004



Work Order #55113

Pedernales Electric Cooperative

Map Display



**HAYS COUNTY RESOURCE PROTECTION, TRANSPORTATION and
PLANNING DEPARTMENT**



UTILITY PERMIT APPROVAL

Denial of Utility Permit: # 802

Application Date: 12/8/2009

Commissioner Court Approval Date: 1/19/2010

Company Name: **Verizon**

Company Address:

Company Phone:

Company Contact:

Type of Utility: TELEPHONE

Road Name: WAYSIDE DRIVE (CR 179)

Subdivision:

Pct #: 3

Specs: Verizon proposes to remove a pole located at 2501 Wayside Drive in Wimberley and relocate pole 40' south in ROW @2451 Wayside Drive a driveway has since been placed to access private property at 2501 Wayside Drive and is blocking driveway. Pole will be relocated to 2451 Wayside Drive and serves only this address.

County Provisions: Traffic control required; pole to be min 10' from edge of roadway; Notify Hays County 24 hrs prior to construction



Road and Bridge Department
2171 Yarrington Road
P O Box 906
San Marcos, TX 78667-0906
(512) 393-7385

Application for Installation

Utility Line on Hays County Right of Way

862

Formal notice is hereby given that VERIZON
Company proposes to place a 30' C4 pole
line within the right-of way of 2451 Wayside Dr
as follows: (give location, length, general design, etc.) Verizon proposes to remove a pole located at 2501 Wayside Dr in Wimberley and relocate pole 40' south in ROW @ 2451 Wayside Dr. A driveway has since been placed to access private property at 2501 Wayside Dr and is blocking driveway. Pole will be relocated to 2451 Wayside Dr and serve only this address.

If the proposed installation is a parallel installation, then the installation shall be located two feet within the edge of right-of-way unless otherwise approved by the County.

The line will be constructed and maintained on the road right-of-way as directed by the Hays County Road Department (HCRD), an agency of the Commissioners Court of Hays County, in accordance with governing laws, including but not limited to the "Federal Clean Water Act," the "Federal Endangered Species Act," and the "Federal Historic Preservation Act." Upon request by the HCRD, proof of compliance with all governing laws, rules, and regulations will be submitted to HCRD before commencement of construction.

Our firm will use Best Management Practices to minimize erosion and sedimentation resulting from the proposed installation, and we will revegetate the project area as indicated under "General Special Provisions."

Our firm will insure that traffic control measures complying with applicable portions of the *Texas Manual of Uniform Traffic Control Devices* will be installed and maintained during this installation.

The location and description of the proposed line and appurtenances is more fully shown by ONE(1) complete sets of drawings attached to this notice.

It is expressly understood that Hays County does not purport, hereby, to grant any right, claim, title, or easement in or upon this road; and it is further understood that Hays County may require the owner to relocate this line, subject to provisions of governing laws, by giving thirty (30) days' written notice.

It is understood and agreed that any damages sustained to the appurtenances installed under this proposal as a result of road construction and/or maintenance, including but not limited to mowing, ditch cleaning, culvert repair or replacement, roadway excavation and base work shall be the sole burden and expense of the owner.

Applicant agrees to notify HCRD prior to commencement of any routine or periodic maintenance which requires pruning of trees within the road right-of-way, so that the County may provide specifications for the extent and methods to govern in trimming, topping, tree balance, type of cuts, painting cuts and clean up.

The installation shall not damage any part of the road and adequate provisions must be made to cause minimum inconveniences to traffic and adjacent property owners. In the event the Applicant fails to comply with any or all of the requirements as set forth herein, Hays County may take such action as it deems appropriate to compel compliance.

Construction of this line will begin on or after the 8th day of December, 2009.

General Special Provisions:

By signing below, I certify that I am authorized to represent the Firm listed below, and that the Firm agrees to the conditions/provisions included in this permit.

Firm VERIZON

Title: OPT-NETWORK ENGINEER

By BRIAN VICKERS

Address: 6601 FM 3237

Signature B-V

WIMBERLEY, TX 78676

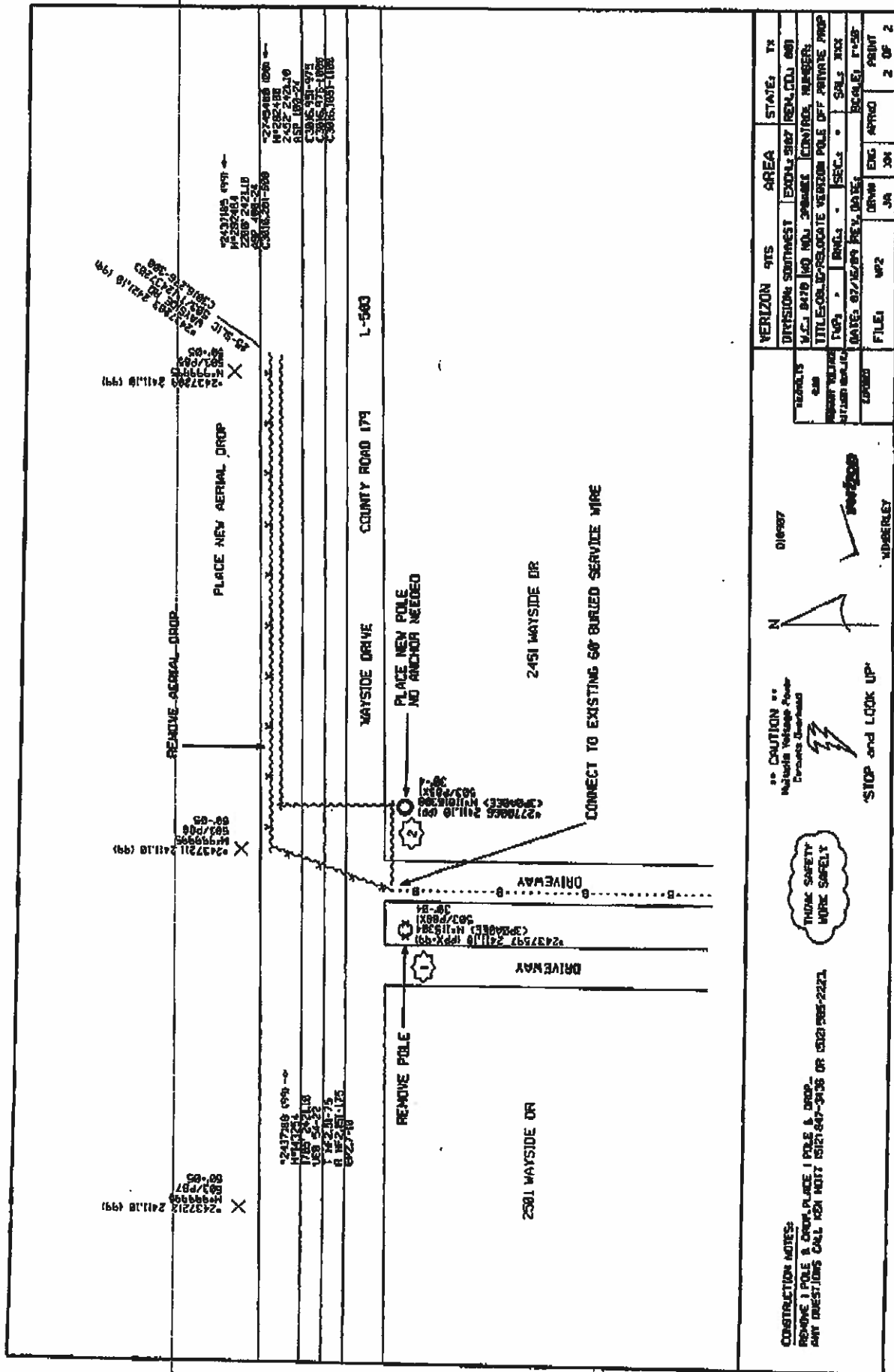
Phone: 512/847-9843

Approved by Hays County Road & Bridge Department

Signature [Signature]

Title Inspector

Date 1/11/10



c:\dgm\1847013P0A0EE\wp2.dgn 11/20/2009 3:43:55 PM

**HAYS COUNTY RESOURCE PROTECTION, TRANSPORTATION and
PLANNING DEPARTMENT**



UTILITY PERMIT APPROVAL

Denial of Utility Permit: # 803

Application Date: 12/3/2009

Commissioner Court Approval Date: 1/19/2010

Company Name: **PEC INC**

Company Address:

Company Phone:

Company Contact:

Type of Utility: **ELECTRIC**

Road Name: **OLD RED RANCH ROAD**

Subdivision: **VISTA GRANDE**

Pct #: **4**

Specs: Install 1 new pole and anchor, replace 25 existing poles with taller poles along Old Red Ranch Rd., from County Road 169 to Hidden Creek Drive

**County Provisions: Traffic control required; Poles to be min. 10' from edge of roadway;
Notify Hays County 24 hrs prior to construction**

**Notice of Proposed Installation
Utility Line on Hays County Right of Way**

Date: 12/03/2009

TO: The Hays County Road Department
c/o Permits and Inspections
2171 Yarrington Rd
P.O. Box 906
San Marcos, Texas 78667-0906

Formal notice is hereby given that Pedernales Electric
Company proposes to place a new pole and replace 25 poles in an existing
line within the right-of-way of Old Red Ranch Road
as follows: (give location, length, general design, etc.)
Install 1 new pole and anchor, replace 25 existing poles with taller poles along Old Red
Ranch Rd, from Co Rd 169 to Hidden Creek Drive

If the proposed installation is a parallel installation, then the installation shall be located two feet within the edge of right-of-way unless otherwise approved by the County.

The line will be constructed and maintained on the road right-of-way as directed by the Hays County Road Department (HCRD), an agency of the Commissioners Court of Hays County, in accordance with governing laws, including but not limited to the "Federal Clean Water Act", the "Federal Endangered Species Act", and the "Federal Historic Preservation Act". Upon request by the HCRD, proof of compliance with all governing laws, rules, and regulations will be submitted to HCRD before commencement of construction.

Our firm will use Best Management Practices to minimize erosion and sedimentation resulting from the proposed installation, and we will revegetate the project area as indicated under "General Special Provisions".

Our firm will insure that traffic control measures complying with applicable portions of the *Texas Manual of Uniform Traffic Control Devices* will be installed and maintained during this installation.

The location and description of the proposed line and appurtenances is more fully shown by 2 complete sets of drawings attached to this notice.

It is expressly understood that Hays County does not purport, hereby, to grant any right, claim, title, or easement in or upon this road; and it is further understood that Hays County may require the owner to relocate this line, subject to provisions of governing laws, by giving thirty (30) days written notice.

It is understood and agreed that any damages sustained to the appurtenances installed under this proposal as a result of road construction and/or maintenance, including but not limited to mowing, ditch cleaning, culvert repair or replacement, roadway excavation and base work shall be the sole burden and expense of the owner.

Applicant agrees to notify HCRD prior to commencement of any routine of periodic maintenance which requires pruning of trees within the road right-of-way, so that the County may provide specifications for the extent and methods to govern in trimming, topping, tree balance, type of cuts, painting cuts and clean up.

The installation shall not damage any part of the road and adequate provisions must be made to cause minimum inconveniences to traffic and adjacent property owners. In the event the Applicant fails to comply with any or all of the requirements as set forth herein, Hays County may take such action as it deems appropriate to compel compliance.

Construction of this line will begin on or after the 3rd day of December, 2009.

General Special Provisions:

By signing below, I certify that I am authorized to represent the Firm listed below, and that the Firm agrees to the conditions/provisions included in this permit.

Firm Pedernales Electric Cooperative

Title District Engineering Supervisor

By (Print) Rodney Hartmann

Address P O Box 1

Signature Rodney Hartmann

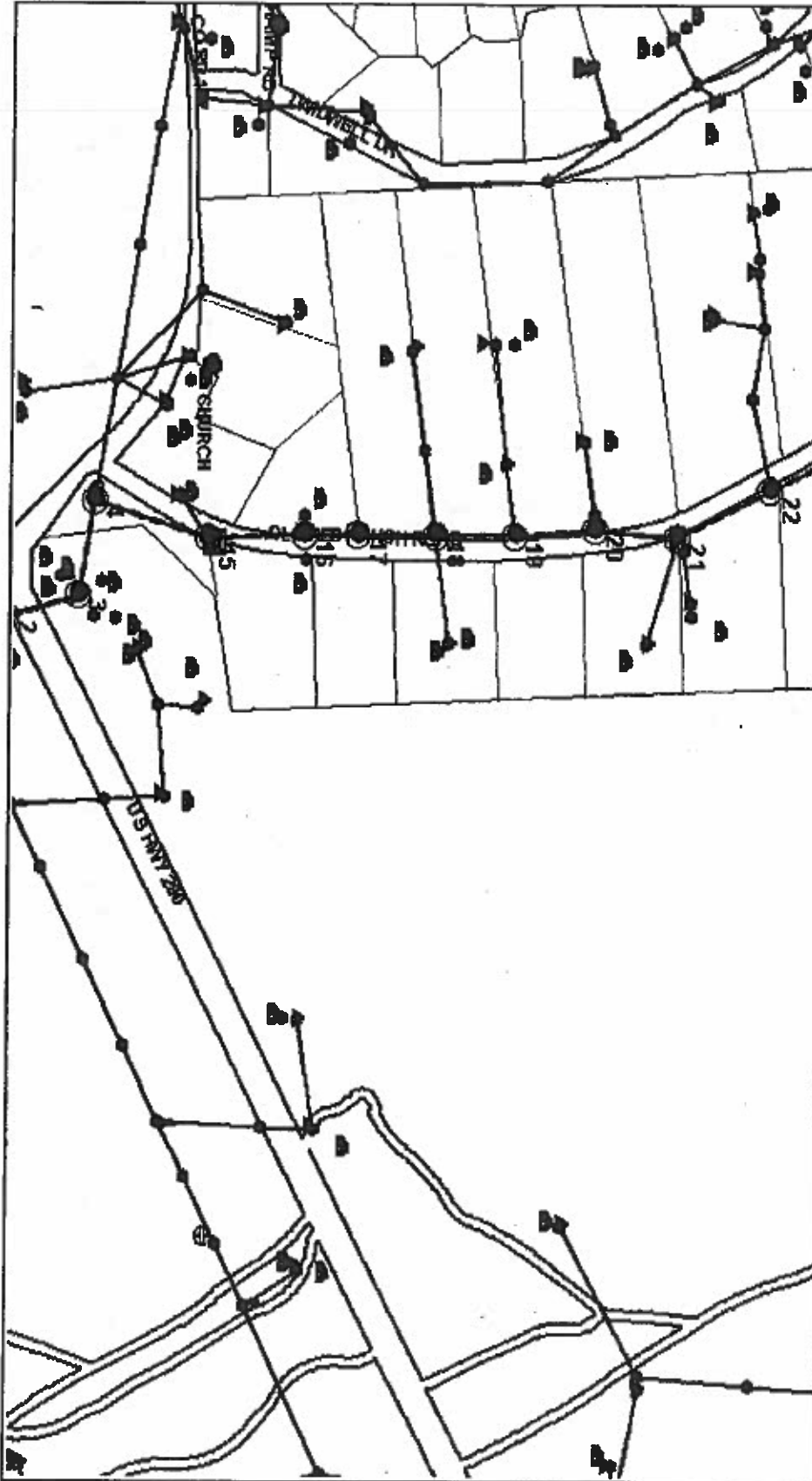
Johnson City, Texas 78636

Phone (888) 554-4732 Ext 7120



Pedernales Electric Cooperative

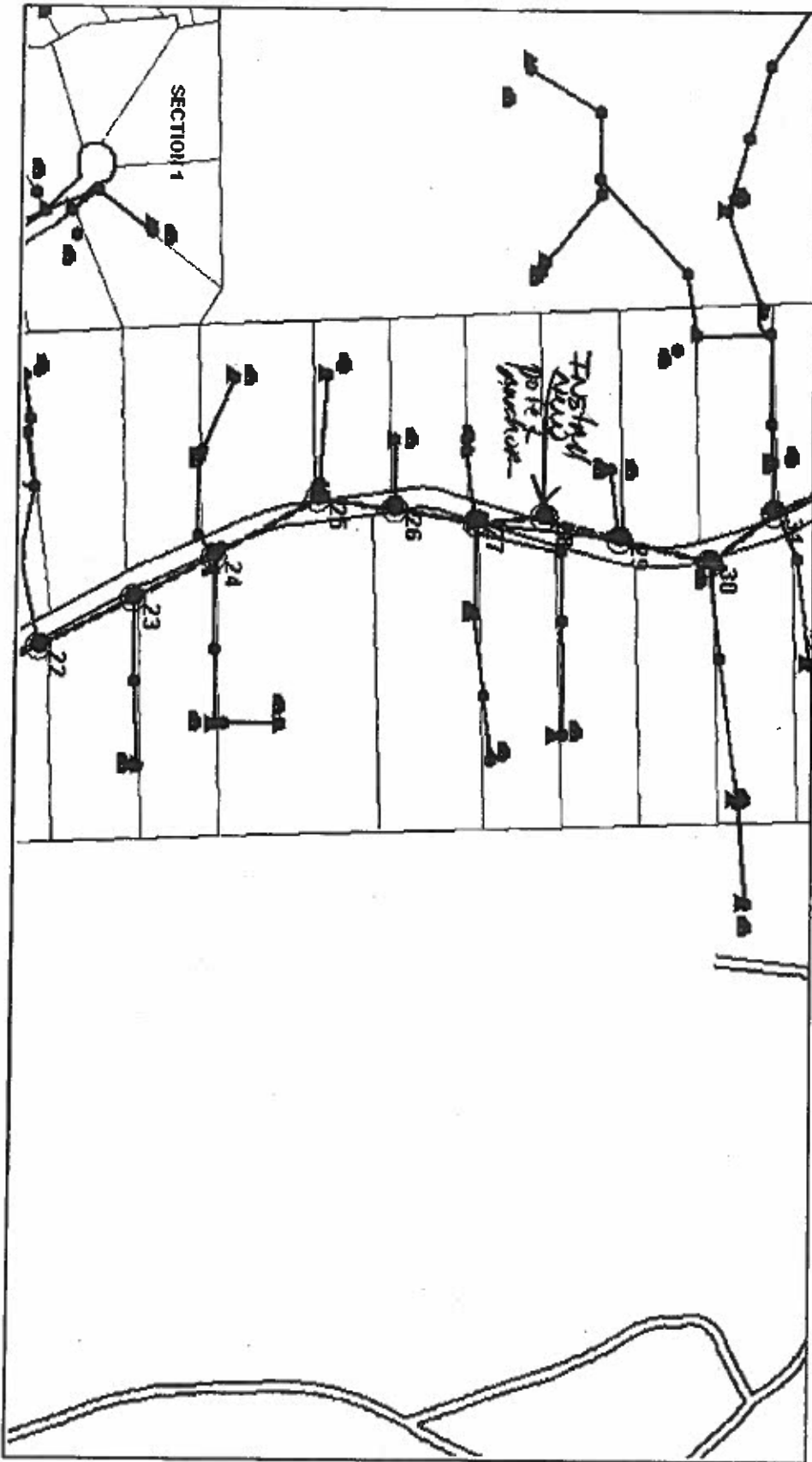
Map Display





Pedernales Electric Cooperative

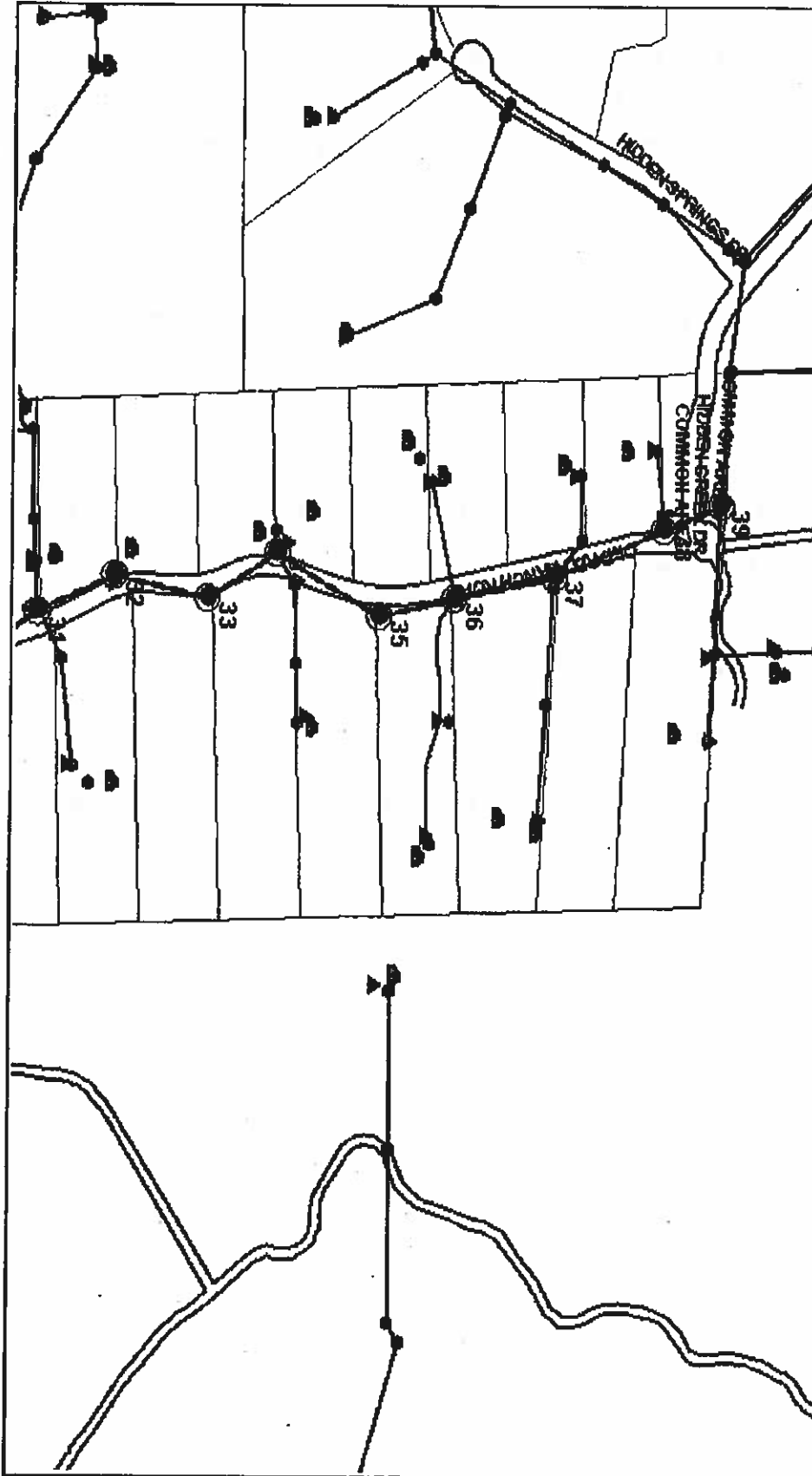
Map Display





Pedernales Electric Cooperative

Map Display



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:

Accept TJPC Commitment Reduction program grant funding and amend the budget accordingly.

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

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

PREFERRED MEETING DATE REQUESTED: 1/19/10

AMOUNT REQUIRED: 51,000 – no county match required

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Ed Cooper/Bill Herzog

SPONSORED BY: Liz Sumter

SUMMARY: The Texas Juvenile Probation Commission has awarded Hays County additional funding in the amount of \$51,000 to help cover the cost of residential expense for juvenile detention services.

Agenda Item Routing Form

DESCRIPTION OF Item: Accept TJPC Commitment Reduction program grant funding and amend the budget accordingly

PREFERRED MEETING DATE REQUESTED: January 12, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$ See Budget amendment

COUNTY PURCHASING GUIDELINES FOLLOWED: ___N/A___

PAYMENT TERMS ACCEPTABLE: ___N/A___

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: _____

LIVE - Hays County - LIVE
Journal Edit Listing

		Journal				G/L Date		Source	
Number		Type		Sub Ledger					
2010-00000953		BA		GL		1/19/2010		FY2010-12CC	
G/L Date	G/L Account Number	Account Description		Description		Source		Debit	Credit
1/19/2010	001-686-99-025.4301	Intergovernmental Revenues		Accept TJPC Commitment Reduction grant funding		FY2010-12CC			51,000
1/19/2010	001-686-99-025.5361	Contract Inmate Detention		Accept TJPC Commitment Reduction grant funding		FY2010-12CC		51,000	

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:

Amend budget for the TJPC ICBP grant in order to purchase equipment for the GED program.

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

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

PREFERRED MEETING DATE REQUESTED: 1/19/10

AMOUNT REQUIRED: 1,348 – no county match required

LINE ITEM NUMBER OF FUNDS REQUIRED: 001-686-99-035.5719

REQUESTED BY: Ed Cooper/Bill Herzog

SPONSORED BY: Liz Sumter

SUMMARY: Hays County is currently receiving funds from the Texas Juvenile Probation Commission to help cover expenses for the GED program. The following items are needed to function properly;

Television - \$348

PowerPoint projector - \$500

Combination copier/fax/printer - \$500

Total cost for all equipment needed is \$1,348 and will be covered by moving funds already budgeted from the contract services line item.

Agenda Item Routing Form

DESCRIPTION OF Item: Amend budget for the TJPC ICBP grant in order to purchase equipment for the GED program.

PREFERRED MEETING DATE REQUESTED: January 19, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$ 1,348 001-686-99-035.5719

COUNTY PURCHASING GUIDELINES FOLLOWED: _____ N/A _____

PAYMENT TERMS ACCEPTABLE: _____ N/A _____

COMMENTS: Move funds from 001-686-99-035.5448 to 001-686-99-035.5719

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: _____

LIVE - Hays County - LIVE Journal Edit Listing

Journal		Sub Ledger		Source	
Number	Type	G/L Date			
2010-00000953	BA	GL	1/19/2010		FY2010-12CC
TJPC-X ICBP Grant					
G/L Date	G/L Account Number	Account Description	Description	Source	Debit Credit
1/19/2010	001-686-99-035.5448	Contract Services	Amend TJPC-X ICBP grant for equip purchases	FY2010-12CC	1,348
1/19/2010	001-686-99-035.5719	Miscellaneous Equipment	Amend TJPC-X ICBP grant for equip purchases	FY2010-12CC	1,348
*for purchase of television, projector and copier for the GED program.					

*for purchase of television, projector and copier for the GED 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: Authorize Information Technology to dispose of Computer Equipment.
(See attached list of equipment)

TYPE OF ITEM: ☒ CONSENT- ☐ ACTION- ☐ PROCLAMATION-
☐ EXECUTIVE SESSION- ☐ WORKSHOP

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Herzog/McGill

SPONSORED BY: Sumter

SUMMARY: Goodwill has expressed an interest in receiving the computer equipment from the County. I.T. has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment as worthless (pursuant to LGC 263.152- Disposition (3) and send to Goodwill for recycling.



Hays County Information Technology

Jeff McGill, Director

Date: January 13, 2010

To: Andrea Soto

From: Marva Pearce

RE: Computer Equipment for Recycle

<u>DESCRIPTION</u>	<u>TAG #</u>
CPU	013605
CPU	012783
CPU	013628
CPU	013288
CPU	015804
CPU	012781
CPU	012779
CPU	016388
CPU	013461
CPU	11188
CPU	SEIZED
CPU	SEIZED
CPU	SEIZED
HP LAPTOP	015823
DELL 2650	SEIZED
VIEWSONIC MONITOR	13844
VIEWSONIC MONITOR	NONE
VIEWSONIC MONITOR	NONE
HP DOCKING STATION	NONE
EPSON STYLUS C84	NONE
TOUGHBOOK CF18	SEIZED
ENVISION MONITOR	012510
VIEWSONIC MONITOR	NONE
ENVISION MONITOR	012498
ACER MONITOR	015696
CANON FAXPHONE	NONE
GATEWAY LAPTOP	SEIZED
DELL LAPTOP	SEIZED
VIEWSONIC MONITOR	013329
AOC MONITOR	NONE
KDS MONITOR	NONE
ENVISION MONITOR	NONE
LEXMARK PRINTER	10096
HANSOL MONITOR	NONE
SWINTECH 700 TYPEWRITER	NONE
HP LASERJET 1022	NONE
HP LASERJET 1200	12177
ENVISION MONITOR	NONE
ENVISION MONITOR	NONE
HP 5SI PRINTER	10828
8 - HP DOCKING STATIONS	NONE
6 - BOXES: CABLES, KEYBOARDS ETC.	

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: Resolution to have Hays County construct, improve, or repair roads under an interlocal contract with the City of Mountain City, Texas.

TYPE OF ITEM: CONSENT

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: \$0.00

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: BARTON

SPONSORED BY: BARTON

SUMMARY: This resolution is a follow-up to last week's action of the Court to approve the Interlocal Agreement for Roadway Repair between Mountain City, Texas and Hays County. It is required under §791.014 of the Texas Government Code.



RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT

STATE OF TEXAS §
COUNTY OF HAYS §

WHEREAS, the Hays County Commissioners Court resolved to execute an Interlocal Agreement for Roadway Repair with the City of Mountain City, Texas on January 12, 2010; and

WHEREAS, the Interlocal Agreement for Roadway Repair between the City of Mountain City and Hays County address the ongoing maintenance and repair of roadways in the City of Mountain City, Texas; and

WHEREAS, the Interlocal Agreement for Roadway Repair between the City of Mountain City and Hays County proposes that the City of Mountain City, from time to time, make payment to Hays County as contractual consideration of supplies provided and work performed by Hays County under the Interlocal Agreement; and

WHEREAS, §791.014 of the Texas Government Code requires that the Hays County Commissioners Court “give specific written approval”... “in a document other than the interlocal contract” for any project to construct, improve, or repair a road under an interlocal contract;

NOW, THEREFORE, BE IT RESOLVED that:

- 1) for the purposes of §791.014 of the Texas Government Code, the Interlocal Agreement for Roadway Repair executed on or about January 12, 2010 between the City of Mountain City and Hays County shall be considered a single, ongoing project that requires only one approval of the Hays County Commissioners Court; and
- 2) this Resolution of the Hays County Commissioners Court shall represent a “written approval” other than the Interlocal Agreement for Roadway Repair between the City of Mountain City and Hays County.

RESOLVED by the Commissioners Court of Hays County, Texas this the 19th day of January, 2010.

ELIZABETH “LIZ” SUMTER
HAYS COUNTY JUDGE

ATTEST:

LINDA C. FRITSCHKE
COUNTY CLERK

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 road and drainage improvements in Savannah Ridge subdivision, Section One and accept same into the County road maintenance system.

CIRCLE ONE ACTION ITEM	Subdivision	Road	Staff Recommendation
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PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Jerry Borcharding

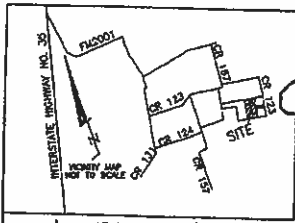
SPONSORED BY: Pct 2 Commissioner Jeff Barton

SUMMARY: Savannah Ridge subdivision, Section One includes 350 linear feet of roadway on Daywood Drive off of Mathias Lane, CR 123. Section Two was discussed at last week's Commissioners Court.

STAFF REVIEW/COMMENTS

ENVIRONMENTAL HEALTH DIRECTOR:

ROAD DIRECTOR:

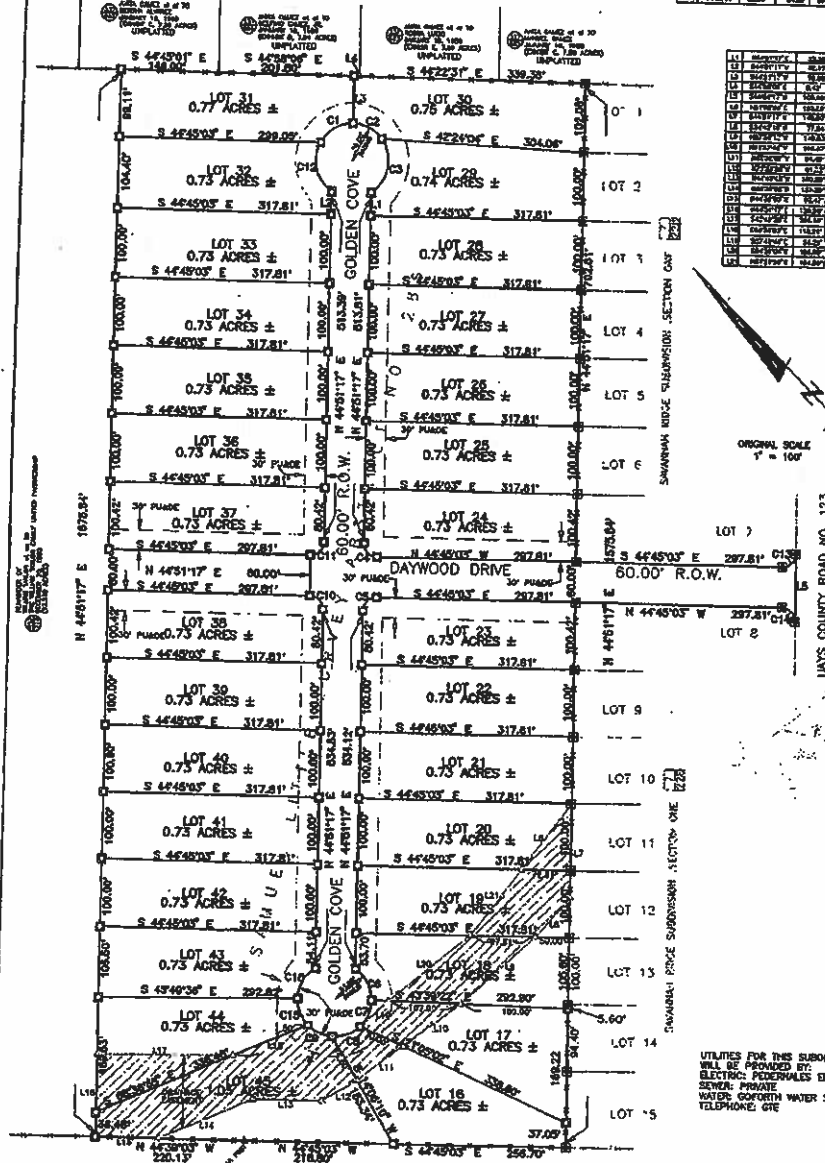


TOTAL ACRES IN LOTS=22.25 ACRES
TOTAL NUMBER LOTS=30
TOTAL LENGTH OF ALL ROADS=2083 L.F.
ROAD MAINTENANCE-HAYS COUNTY
AVERAGE LOT AREA=738 S.F.
AREA WITHIN ROAD RIGHT OF WAY=2.92 ACRES

NOTE

LOT	AREA	AREA	AREA	AREA	AREA
1	0.73	0.73	0.73	0.73	0.73
2	0.73	0.73	0.73	0.73	0.73
3	0.73	0.73	0.73	0.73	0.73
4	0.73	0.73	0.73	0.73	0.73
5	0.73	0.73	0.73	0.73	0.73
6	0.73	0.73	0.73	0.73	0.73
7	0.73	0.73	0.73	0.73	0.73
8	0.73	0.73	0.73	0.73	0.73
9	0.73	0.73	0.73	0.73	0.73
10	0.73	0.73	0.73	0.73	0.73
11	0.73	0.73	0.73	0.73	0.73
12	0.73	0.73	0.73	0.73	0.73
13	0.73	0.73	0.73	0.73	0.73
14	0.73	0.73	0.73	0.73	0.73
15	0.73	0.73	0.73	0.73	0.73
16	0.73	0.73	0.73	0.73	0.73
17	0.73	0.73	0.73	0.73	0.73
18	0.73	0.73	0.73	0.73	0.73
19	0.73	0.73	0.73	0.73	0.73
20	0.73	0.73	0.73	0.73	0.73
21	0.73	0.73	0.73	0.73	0.73
22	0.73	0.73	0.73	0.73	0.73
23	0.73	0.73	0.73	0.73	0.73
24	0.73	0.73	0.73	0.73	0.73
25	0.73	0.73	0.73	0.73	0.73
26	0.73	0.73	0.73	0.73	0.73
27	0.73	0.73	0.73	0.73	0.73
28	0.73	0.73	0.73	0.73	0.73
29	0.73	0.73	0.73	0.73	0.73
30	0.73	0.73	0.73	0.73	0.73

- LEGEND**
- HAYS COUNTY PLAT RECORDS
 - HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - 1/2" HIGH RED SET WITH PLASTIC CAP STAMPED "HAYS COUNTY"
 - 1/2" HIGH RED TONGUE WITH PLASTIC CAP STAMPED "HAYS COUNTY"
 - AVIARY MARK FOUND
 - WIRE FENCE
 - PUBLIC UTILITY AND DRAINAGE EASEMENT
 - CALCULATED POINT
 - AREA WITHIN DRAINAGE EASEMENT



ORIGINAL SCALE 1" = 100'

THIS MAP IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED. THE USER OF THIS MAP ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY THE USER OF THIS MAP.

William Taylor Family Limited Partnership

BY: *William Taylor*
DATE: 7-15-98

BY: *William Taylor*
DATE: 7-15-98

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DATE: 7-15-98

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BY: *William Taylor*
DATE: 7-15-98

BY: *William Taylor*
DATE: 7-15-98

OWNER: WILLIAM TAYLOR FAMILY LIMITED PARTNERSHIP
DATE: NOVEMBER 1, 1998
OFFICE: SCHLITZ
BY: SCHLITZ
DATE: 7/15/98
PLAT NO. S 24050-98-2

William Taylor
DATE: 7-15-98

- UTILITIES FOR THIS SUBDIVISION**
- ELECTRIC: POWERLINES ELECTRIC
 - SEWER: PRIVATE
 - WATER: GORRUTH WATER SUPPLY
 - TELEPHONE: GTE

BYRN'S ASSOCIATES, INC.
ENGINEERS SURVEYORS
1115 BROADWAY 50 EAST
P.O. BOX 1400
SANTAMARCA, TEXAS 76666
(817) 394-0279

PLAT OF
SAVANNAH RIDGE SUBDIVISION
SECTION TWO,
BEING 25.20 ACRES
IN THE SAMUEL LITTLE SURVEY
NO. 8, ABSTRACT NO. 286,
HAYS COUNTY, TEXAS

HAYS COUNTY COMMISSIONERS COURT MINUTES
VOLUME Q PAGE 68
 JULY 9, 1996

15186 SAVANNAH RIDGE SUBDIVISION * FIRST READING APPROVAL (71-393)

This is a 15 lot subdivision with public roads and accessing off CR123 being developed by William Taylor Family Ltd. Parceling - 36.064 acres out of the S. Little Surrey. Allen Walker, Environmental Health Director, gave staff approval. A motion was made by Commissioner Barton, seconded by Commissioner Payne to approve "Savannah Ridge" subdivision on first reading. All voting "Aye".

HAYS COUNTY COMMISSIONERS COURT MINUTES
VOLUME Q PAGE 110
 AUGUST 13, 1996

15280 SAVANNAH RIDGE SECTION ONE * SECOND READING APPROVAL (71-491)

This is a 15 lot subdivision with access on CR123. there is a 60 ft. x-o-w accessing the back portion of the original 92.610 acres (shown as Huntington Drive) Road Director Ron Bischoff stated that he is not sure if this portion of CR123 is county maintained (somewhere in that area county maintenance stops. Bill Taylor spoke of cemetery on the road - it was paved at one time to the middle of this property and was county maintained. Commissioner Barton spoke of possible conflict with "Huntington Drive" elsewhere. A motion was made by Commissioner Barton, seconded by Commissioner Rodriguez to approve "Savannah Ridge Section One" on second reading. All voting "Aye".

HAYS COUNTY COMMISSIONERS COURT MINUTES
AUGUST 27, 1996
VOLUME Q PAGE 155

15430 SAVANNAH RIDGE SECTION ONE * THIRD READING APPROVAL (71-229)

Allen Walker, Environmental Health Director, advised that this subdivision will have access on CR123. Ron Bischoff, Road Director, spoke of record reflecting CR123 as 1.67 miles (no beginning point) and road is actually 2.5 miles in length (beginning on CR181). Commissioner Barton spoke of this road having historically been maintained by the county up to the cemetery. A motion was made by Commissioner Barton, seconded by Commissioner Rodriguez to approve "Savannah Ridge Section One" subdivision on third reading and clarify that CR123 is a county maintained road up to the cemetery. All voting "Aye".

HAYS COUNTY COMMISSIONERS COURT MINUTES
VOLUME Q PAGE 238
 NOVEMBER 12, 1996

15611 SAVANNAH RIDGE SECTION 2 * FIRST READING APPROVAL (71-494)

Environmental Health Director Allen Walker asked about Huntington Drive stub out. Surveyor/Engineer David Williamson advised that they will put in a temporary cul-de-sac. Patsy Greiner, Mapping/Addressing Coord., suggested changing road name because there is already a Huntington Estates in this area which could cause some confusion. A motion was made by Commissioner Barton, seconded by Commissioner Molenaar to approve "Savannah Ridge Section 2" subdivision on first reading. All voting "Aye".

VOLUME R PAGE 68

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JULY 7, 1998

SAVANNAH RIDGE SECTION TWO

Environmental Health Director Allen Walther requested that this subdivision be pulled. Commissioner Barton advised that this subdivision was granted additional time to complete the platting process, however, they are not ready yet to obtain final approval. No action taken this date.

HAYS COUNTY COMMISSIONERS' COURT MINUTES

VOLUME R PAGE 74

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JULY 14, 1998

17165 SAVANNAH RIDGE SECTION 2 * APPROVE THIRD AND FINAL READING (17-23)

Environmental Health Director Allen Walther advised that he is not ready to offer final approval because there is a deficiency in providing construction security for the road and there is a drainage issue that has come up that involves work done in Section 1 that affects Section 2 (alters the drainage and increases runoff onto Section 2). Road Director Ron Bischoff spoke of drainage that was affected when a drive was put in (cut a wall out of the terrace) and has now diverted the flow of water. Allen Walther advised that a drainage easement was not indicated on the plat of Section 1. Bill Taylor, Developer, spoke of having put the driveways in and he does not remember cutting any terraces. He would like to go out on site with the Road Director. Mr. Taylor advised that property owners are advised that berms are not to be removed. Commissioner Barton spoke of options to be addressed. A copy of the Letter of Credit was submitted. A motion was made by Commissioner Barton, seconded by Commissioner Burnett, to approve Savannah Ridge Section 2* on third and final reading. All voting "Aye". Drainage issues will be worked out before Allen Walther signs off on the plat.

HAYS COUNTY COMMISSIONERS' COURT MINUTES

AUGUST 18, 1998

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VOLUME R PAGE 117

17264

APPROVE ROAD NAME CHANGE IN SAVANNAH RIDGE SECTION 1 FROM "HUNTINGTON DRIVE" TO "DAYWOOD DRIVE" (17-72)

Environmental Health Director Allen Walther spoke of final recorded plat reflecting a road name of "Huntington Drive" (which would have been a name duplication * see 8/13/98 C/110). The road has not been constructed and the change is necessary to match the road name (Daywood Drive) recently filed in Savannah Ridge Section 2. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve road name change in Savannah Ridge Section 1 from "Huntington Drive" to "Daywood Drive". All voting "Aye".

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 approve the naming of a private drive in the Hays Country Oaks subdivision.

CIRCLE ONE ACTION ITEM	Subdivision	Road	Staff Recommendation
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PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A
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REQUESTED BY: BORCHERDING

SPONSORED BY: BARTON

SUMMARY:

This action would officially name a private drive that intersects Country Oaks Drive in the Hays Country Oaks subdivision. Three residences currently use the drive to access their property. All three property owners have signed the attached letter requesting the drive's name be changed to Zach's Path.

STAFF REVIEW/COMMENTS

ENVIRONMENTAL HEALTH DIRECTOR:

ROAD DIRECTOR:

STAFF RECOMMENDATIONS:

Tim Maresch, Lucy Maresch
Martin Garcia, Linda Garcia
Albert Schlather, Beverly Schlather
Country Oaks Drive
Buda, TX, 78610
October 14, 2009

Commissioner Barton,

Over the past two years the addresses for Tim and Lucy Maresch (34C), and Martin and Linda Garcia (34B) have been changed by the United States Postal Service (USPS) to designate their homes as Apartments.

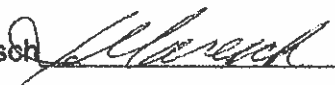
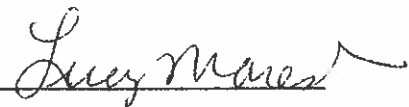

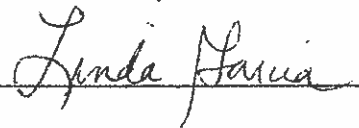


The Geographical Information System (GIS) of Hays County was contacted to correct this error. This agency contacted the San Antonio USPS and learned of an alphanumeric change in home addresses.

When the two residences were built they were assigned an alphanumeric address as 34B and 34C Country Oaks Drive, Buda, TX 78610. Now that the USPS in San Antonio no longer recognizes alphanumeric addresses, they appear as apartments.

The Geographical Information System of Hays County suggested that Tim and Lucy Maresch and Martin and Linda Garcia, as the owners of a parcel of land that connects their properties to Country Oaks Drive, and is used as their driveways, may rename it.

The residences that share the driveway are Tim and Lucy Maresch, Martin and Linda Garcia, and Albert and Beverly Schlather.

We, the undersigned, understand and agree to change the name of this drive to "Zach's Path", and that Tim Maresch and Lucy Maresch will pay the USPS and or GIS of Hays County fees associated with the change, and allow the GIS of Hays County to assign numbers to the residences that share the drive.

Tim Maresch  Lucy Maresch 
Martin Garcia  Linda Garcia 
Albert Schlather  Beverly Schlather 

Agenda Item Request Form

Hays County Commissioners' Court

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

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

AGENDA ITEM: Discussion and possible action to authorize the County Judge to execute Change Orders #1 & #2 to the construction contract with Harris Road Company, Inc. in the total amount of \$33,300.00 for the Five Mile Dam Park Phase 2 (Building) project.

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

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: \$33,300.00

LINE ITEM NUMBER OF FUNDS REQUIRED: 147-757-97-041.5611

REQUESTED BY: Hauff

SPONSORED BY: Ingalsbe

SUMMARY:

On August 18, 2009 Hays County awarded the bid (#2009-B17) for Five Mile Dam Park Phase 2 (Building) construction to Harris Road Company, Inc., in the amount of \$338,027.00. This Change Order #1 is for \$19,800 for excavation/installation of properly compacted base material for the building as recommended by geotechnical investigations, as well as to elevate the building pad to the proper grade as acceptable within the flood plain. Change Order #2 is for \$13,500 to install a 6" waste water line to connect the concessions/restroom building to an existing sewer line extension installed in Phase I of the project. The total amount of the change orders is \$33,300, increasing the total contract amount to \$371,327.00. The contract completion date has been extended by 20 days to 200 days total.

While the contract with Harris Road Company, Inc. is with the County, this project is being conducted in partnership with the City of San Marcos including the Parks and Recreation Department, the Capital Improvements Program, the Building Inspections Program, and others. Funding for Phase 2 development at Five Mile Dam Park is being provided by the City of San Marcos, and construction project oversight is primarily by the City along with approvals for contract amount changes. The project team, including Hays County staff, meets regularly to coordinate and discuss issues associated with construction activities. The City of San Marcos has approved the change orders.

Agenda Item Routing Form

DESCRIPTION OF Item: Authorize the County Judge to execute Change Orders #1 & #2 to the construction contract with Harris Road Company, Inc. in the total amount of \$33,300.00 for the Five Mile Dam Park Phase 2 (Building) project.

PREFERRED MEETING DATE REQUESTED: January 19, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$33,300.00 147-757-97-041.5611

COUNTY PURCHASING GUIDELINES FOLLOWED: _____ Yes _____

PAYMENT TERMS ACCEPTABLE: _____ Yes _____

COMMENTS: This is within the currently budgeted funds for this project.

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: _____

CHANGE ORDER #1
CITY OF SAN MARCOS, TEXAS
HAYS COUNTY
Bid #2009-B17

PROJECT: Five Mile Dam Phase 2 (Building)

CONTRACTOR: Harris Road Company

ORIGINAL CONTRACT DATE: 10/27/09

CHANGE ORDER DATE: 11/4/09

WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES

It is recommended by the geotech, Raba Kistner, that the material used for the site grading of the building pad should be native soil in 8" lifts (see specifications). This will in compass a total of 3'6" of excavation and 3'6" of back fill in 8' lifts to be no less than 95% density. Furgo will then have to do density test on each lift (testing not included in price).

Grade building pad as shown on sheet L1.01 - this does not include the plaza area. This price only includes the labor and equipment which will take approximately ten days. This fill will also bring the building pad area to grade. If additional material is need it will be the owners responsibility to provide.

The original contract sum was:	\$	<u>338,027.00</u>
Net amount of previous change orders:	\$	<u>0.00</u>
Total amount of this change order:	\$	<u>19,800.00</u>
Revised contract amount:	\$	<u>357,827.00</u>

Previous contract time of completion (substantial/final)	<u>180</u>	Days
Net increase/decrease in contract time of completion	<u>10</u>	Days
Revised contract time of completion (substantial/final)	<u>190</u>	Days

Recommended by:

Engineer:

by:


Christopher Joy – Land Design Partners

Date: 01-05-2010

Requested by:

Contractor: Harris Road Company

by: Jason Pence
Jason Pence

Date: 1/7/10
~~11/14/09~~

Printed name, Project Manager

Approved by:

City of San Marcos:

Date: 1-7-10

by: Jimmy Venable
Jimmy Venable, San Marcos Parks

Approved by:

Hays County, TX:

Date: _____

by: _____
Elizabeth Sumter, County Judge

CHANGE ORDER # 2
CITY OF SAN MARCOS, TEXAS
HAYS COUNTY
Bid #2009-B17

PROJECT: Five Mile Dam Phase 2 (Building)

CONTRACTOR: Harris Road Company

ORIGINAL CONTRACT DATE: 10/27/09

CHANGE ORDER DATE: 12/1/09

WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES

Add 6" waste water line from existing man hole along Old Stage Coach Road to the concession stand area. Approximately 243 lf. If existing manhole does not need to be bored into then there will be a deduct of \$1,500. All work to be done per plans and city codes. There will not be a new manhole installed at the building.

The original contract sum was:	\$	338,027.00
Net amount of previous change orders:	\$	19,800.00
Total amount of this change order:	\$	13,500.00
Revised contract amount:	\$	371,327.00

Previous contract time of completion (substantial/final)	_____	190	Days
Net increase/decrease in contract time of completion	_____	10	Days
Revised contract time of completion (substantial/final)	_____	200	Days

Recommended by:

Engineer:

by:



Date:

1-5-10

Christopher Joy – Land Design Partners

Requested by:

Contractor: Harris Road Company

by: Jason Pence
Jason Pence

Date: 1/7/10
~~12/1/09~~

Printed name, Project Manager

Approved by:

City of San Marcos:

Date: 1-7-10

by: Jimmy Venable
Jimmy Venable, San Marcos Parks

Approved by:

Hays County, TX:

Date: _____

by: _____
Elizabeth Sumter, County Judge

Agenda Item Request Form

Hays County Commissioners' Court

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

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

AGENDA ITEM: Discussion and possible action to authorize the County Judge to execute Change Orders #1- #3 to the construction contract with Harris Road Company, Inc. in the amount of \$24,752.50 for the Five Mile Dam Park Phase 2 (Site) project.

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

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: \$24,752.50

LINE ITEM NUMBER OF FUNDS REQUIRED: 147-757-97-041.5611

REQUESTED BY: Hauff

SPONSORED BY: Ingalsbe

SUMMARY:

On August 18, 2009 Hays County awarded the bid (#2009-B15) for Five Mile Dam Park Phase 2 (Site) construction to Harris Road Company, Inc., in the amount of \$504,037.80. The following is a list of change orders proposed:

Change Order #1 – realignment and connection of trail (480') to concessions building - \$4,815;

Change Order #2 – installation of 7 gates on park roads/fire lane - \$13,337.50;

Change Order #3 – installation of 5 electrical conduits for future parking lot lighting - \$6,600.

Additional detail is provided in the included Change Orders. The Change Orders (#1-#3) will result in an additional contract amount of \$24,752.50, to now total \$528,790.30. An additional 15 days have also been added to the contract completion date, which does not pose any problems.

While the contract with Harris Road Company, Inc. for the Site project is with the County, this project is being conducted in partnership with the City of San Marcos including the Parks and Recreation Department, the Capital Improvements Program, the Building Inspections Program, and others. Funding for Phase 2 development at Five Mile Dam Park is being provided by the City of San Marcos, and construction project oversight is primarily by the City along with approvals for contract amount changes. The project team, including Hays County staff, meets regularly to coordinate and discuss issues associated with construction activities at Five Mile Dam Park. The City of San Marcos has approved the change orders.

Agenda Item Routing Form

DESCRIPTION OF Item: Authorize the County Judge to execute Change Orders #1- #3 to the construction contract with Harris Road Company, Inc. in the amount of \$24,752.50 for the Five Mile Dam Park Phase 2 (Site) project.

PREFERRED MEETING DATE REQUESTED: January 19, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$24,752.50 147-757-97-041.5611

COUNTY PURCHASING GUIDELINES FOLLOWED: ____ Yes ____

PAYMENT TERMS ACCEPTABLE: ____ Yes ____

COMMENTS: This falls within the project 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: ____

CHANGE ORDER # 1
CITY OF SAN MARCOS, TEXAS
HAYS COUNTY
Bid #2009- B15

PROJECT: Five Mile Dam Phase 2 (Site)

CONTRACTOR: Harris Road Company

ORIGINAL CONTRACT DATE: 10/27/09

CHANGE ORDER DATE: 12/1/09

WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES

Realign existing base path to be inside the fenced area and cover up existing trail with dirt. Add walking trail parallel to the fire lane to concessions stand building. Approximately 480' of walking trails.

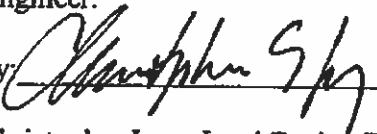
The original contract sum was:	\$	504,037.80
Net amount of previous change orders:	\$	0.00
Total amount of this change order:	\$	4,815.00
Revised contract amount:	\$	508,852.80

Previous contract time of completion (substantial/final)	180	Days
Net increase/decrease in contract time of completion	5	Days
Revised contract time of completion (substantial/final)	185	Days

Recommended by:

Engineer:

by:


Christopher Joy – Land Design Partners

Date: 1-5-10

Requested by:

Contractor: Harris Road Company

by: Jason Pence
Jason Pence

1/7/10
Date: ~~12/1/09~~

Printed name, Project Manager

Approved by:

City of San Marcos:

Date: 1-7-10

by: Jimmy Venable
Jimmy Venable, San Marcos Parks

Approved by:

Hays County, TX:

Date: _____

by: _____
Elizabeth Sumter, County Judge

CHANGE ORDER # 2
CITY OF SAN MARCOS, TEXAS
HAYS COUNTY
Bid # 2009-B15

PROJECT: Five Mile Dam Phase 2 (Site)

CONTRACTOR: Harris Road Company

ORIGINAL CONTRACT DATE: 10/27/09

CHANGE ORDER DATE: 12/10/09

WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES

Change gate dimensions to the following (2) 20' gates at the main entrance, (1) 22' gate at fire lane, (2) 20' gates at old blocked off entrance at the southeast end of site, and (2) 12' gates at the northwest corners of the park. This price does include a credit a credit of \$3,200 for the three gates included in the original bid. Specifications to remain the same other than adding a post to support the gate while being opened.

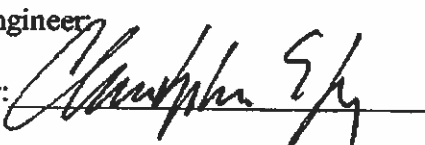
The original contract sum was:	\$	504,037.80
Net amount of previous change orders:	\$	4,815.00
Total amount of this change order:	\$	13,337.50
Revised contract amount:	\$	522,190.30

Previous contract time of completion (substantial/final)	185	Days
Net increase/decrease in contract time of completion	5	Days
Revised contract time of completion (substantial/final)	190	Days

Recommended by:

Engineer:

by:


Christopher Joy – Land Design Partners

Date:

1-5-10

Requested by:

Contractor: Harris Road Company

by: Jason Pence
Jason Pence

Date: 1/7/10
~~12/1/09~~

Printed name, Project Manager

Approved by:

City of San Marcos:

Date: 1-7-10

by: Jimmy Venable
Jimmy Venable, San Marcos Parks

Approved by:

Hays County, TX:

Date: _____

by: _____
Elizabeth Sumter, County Judge

CHANGE ORDER # 3
CITY OF SAN MARCOS, TEXAS
HAYS COUNTY
Bid #2009-B15

PROJECT: Five Mile Dam Phase 2 (Site)

CONTRACTOR: Harris Road Company

ORIGINAL CONTRACT DATE: 10/27/09

CHANGE ORDER DATE: 12/14/09

WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES

Run 5 – 1 1/4" electrical conduits to parking lots d and e for future parking lot lighting.
Approximately 1,650 lf of trenching. Installed per plans and specifications. Price does not include lights or wire.

The original contract sum was:	\$	504,037.80
Net amount of previous change orders:	\$	18,152.50
Total amount of this change order:	\$	6,600.00
Revised contract amount:	\$	528,790.30

Previous contract time of completion (substantial/final)	_____	190	Days
Net increase/decrease in contract time of completion	_____	5	Days
Revised contract time of completion (substantial/final)	_____	195	Days

Recommended by:

Engineer:

by:



Date:

1-5-10

Christopher Joy – Land Design Partners

Requested by:

Contractor: Harris Road Company

by: Jason Pence
Jason Pence

1/7/10
Date: ~~12/1/09~~

Printed name, Project Manager

Approved by:

City of San Marcos:

Date: 1-7-10

by: Jimmy Venable
Jimmy Venable, San Marcos Parks

Approved by:

Hays County, TX:

Date: _____

by: _____
Elizabeth Sumter, County Judge

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Discussion and possible action to authorize payment of \$500.00 to the Texas Commission on Environmental Quality for an Exception Request Review for the Water Pollution Abatement Plan, under the Edwards Aquifer Protection Program, for the Spring Lake Preserve project, and to authorize the Grants Administrator to sign documents associated with this review.

CHECK ONE: ☐ CONSENT ☒ ACTION ☐ EXECUTIVE SESSION

 ☐ WORKSHOP ☐ PROCLAMATION ☐ PRESENTATION

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: \$500.00

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Hauff

SPONSORED BY: Conley

SUMMARY:

On October 20, 2009 the Commissioners Court approved an Additional Services Agreement with Land Design Partners to prepare a water pollution abatement plan for the Spring Lake Preserve Project, a joint park/open space project between the City of San Marcos and the County. The project is funded primarily through a grant from the Texas Parks & Wildlife Department (TPWD). A subcontractor to Land Design Partners, Waeltz and Prete, has prepared this plan, and a fee of \$500.00 - payable to the Texas Commission on Environmental Quality (TCEQ) - is necessary for TCEQ to conduct review of this plan under the Edwards Aquifer Protection Program. The TCEQ is allowing an exception request to be filed, which significantly reduces the fee necessary for this review. Construction plans for the Spring Lake Preserve project are substantially complete, and a cultural resource survey has been conducted (report pending), hence the project is near construction.

The attached documents authorize the firm of Waeltz and Prete to act on behalf of the applicant and for submission of the required fee. It is requested that the Grants Administrator be allowed to sign the documents to allow Waeltz and Prete to submit the required Water Pollution Abatement Plan under an Exception Request to the TCEQ for review and approval. It is also requested that a check, in the amount of \$500.00 be prepared to the "Texas Commission on Environmental Quality" for submission with the application. Funds for this review are available from the TPWD grant.

Agenda Item Routing Form

DESCRIPTION OF Item: Authorize payment of \$500.00 to the Texas Commission on Environmental Quality for an Exception Request Review for the Water Pollution Abatement Plan, under the Edwards Aquifer Protection Program, for the Spring Lake Preserve project, and to authorize the Grants Administrator to sign documents associated with this review.

PREFERRED MEETING DATE REQUESTED: January 12, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$500.00 TBD Park Funds?

COUNTY PURCHASING GUIDELINES FOLLOWED: ____ N/A ____

PAYMENT TERMS ACCEPTABLE: ____ Yes ____

COMMENTS:

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: ____

**Texas Commission on Environmental Quality
Edwards Aquifer Protection Program
Application Fee Form**

NAME OF PROPOSED REGULATED ENTITY: Spring Lake Preserve
 REGULATED ENTITY LOCATION: San Marcos, Texas
 NAME OF CUSTOMER: Hays County, Texas
 CONTACT PERSON: Jeff Hauff PHONE: (512) 393-2209
 (Please Print)

Customer Reference Number (If issued): CN 601098205 (nine digits)

Regulated Entity Reference Number (If issued): RN _____ (nine digits)

Austin Regional Office (3373) ☒ Hays ☐ Travis ☐ Williamson
San Antonio Regional Office (3382) ☐ Bexar ☐ Comal ☐ Medina ☐ Kinney ☐ Uvalde

Application fees must be paid by check, certified check, or money order, payable to the Texas Commission on Environmental Quality. Your canceled check will serve as your receipt. This form must be submitted with your fee payment. This payment is being submitted to (Check One):

☒ **Austin Regional Office** ☐ **San Antonio Regional Office**
☐ **Mailed to TCEQ:** ☐ **Overnight Delivery to TCEQ:**
 TCEQ - Cashier TCEQ - Cashier
 Revenues Section 12100 Park 35 Circle
 Mail Code 214 Building A, 3rd Floor
 P.O. Box 13088 Austin, TX 78753
 Austin, TX 78711-3088 512/239-0347

Site Location (Check All That Apply): ☒ Recharge Zone ☐ Contributing Zone ☐ Transition Zone

Type of Plan	Size	Fee Due
Water Pollution Abatement Plan, Contributing Zone Plan: One Single Family Residential Dwelling	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Multiple Single Family Residential and Parks	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Non-residential	Acres	\$
Sewage Collection System	L.F.	\$
Lift Stations without sewer lines	Acres	\$
Underground or Aboveground Storage Tank Facility	Tanks	\$
Piping System(s)(only)	Each	\$
Exception	1 Each	\$ 500.00
Extension of Time	Each	\$

Signature _____

Date _____

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/480-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

TCEQ-0574 (Rev. 4/25/08)

Page 1 of 2

**Agent Authorization Form
For Required Signature
Edwards Aquifer Protection Program
Relating to 30 TAC Chapter 213
Effective June 1, 1999**

I Jeff Hauff
Print Name

Grants Administrator
Title - Owner/President/Other

of Hays County, Texas
Corporation/Partnership/Entity Name

have authorized A. William Waeltz, P.E.
Print Name of Agent/Engineer

of Waeltz & Prete, Inc.
Print Name of Firm

to represent and act on the behalf of the above named Corporation, Partnership, or Entity for the purpose of preparing and submitting this plan application to the Texas Commission on Environmental Quality (TCEQ) for the review and approval consideration of regulated activities.

I also understand that:

1. The applicant is responsible for compliance with 30 Texas Administrative Code Chapter 213 and any condition of the TCEQ's approval letter. The TCEQ is authorized to assess administrative penalties of up to \$10,000 per day per violation.
2. For applicants who are not the property owner, but who have the right to control and possess the property, additional authorization is required from the owner.
3. Application fees are due and payable at the time the application is submitted. The application fee must be sent to the TCEQ cashier or to the appropriate regional office. The application will not be considered until the correct fee is received by the commission.

4. A notarized copy of the Agent Authorization Form must be provided for the person preparing the application, and this form must accompany the completed application.

Applicant's Signature

Date

THE STATE OF _____ §

County of _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this ____ day of _____, _____.

NOTARY PUBLIC

Typed or Printed Name of Notary

MY COMMISSION EXPIRES: _____



COMMUNITY SERVICES-PARKS AND RECREATION

TCEQ Edwards Aquifer Protection Program
Austin Regional Office
Austin, Texas 78711-3087

10 December 2009

Hays County is the lead in a partnership with the City of San Marcos and Texas State University in the development of Spring Lake Preserve, a city natural area (dedicated parkland). As the lead, Hays County has applied for a Water Pollution Abatement Plan with TCEQ. However, the City of San Marcos is the owner of Spring Lake Preserve and the TCEQ Exemption Request application states that *"applicants who are not the property owner, but who have the right to control and possess the property, additional authorization is required from the owner."*

This letter serves to authorize Hays County to submit the TCEQ Exemption Request application, a Recharge and Transition Zone exemption request for regulated activities on the contributing zone of the Edwards Aquifer, for the City of San Marcos.

Please notify Melani Howard at 393.8410 if there are any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Rick Menchaca".

Rick Menchaca
City Manager

CITY HALL • 630 EAST HOPKINS • SAN MARCOS, TEXAS 78666 • 512.393.8400 • FACSIMILE
512.353.7273
SANMARCOSTX.GOV

Attachments: Sub-Chapter 5 of Chapter 701 of the Hays County Development Regulations

Sub-Chapter 5 – Outstanding Tax Liabilities

§5.01. Applicant and Permittee Requirements

Applicants and Permittees identified on Applications submitted under these regulations shall be current on all outstanding tax liabilities with the County. This requirement is independent of whether the Subject Property included in the Application is owned by the Applicant or Permittee.

§5.01. Property Requirements

Subject Properties for which an Application is submitted under these regulations shall be current on all outstanding tax liabilities with the County. This requirement is independent of whether the Subject Property included in the Application is owned by the Applicant or Permittee.

§5.01. Documentation of Tax Status

Applications submitted under these Regulations shall provide any applicable identification numbers from the Hays Central Appraisal District (HCAD) or other duly appointed tax assessing entity for the Applicant, Permittee and the Subject Property. The Department and/or its designated representatives may independently investigate the status of payment of County taxes for the Applicant, Permittee and/or the Subject Property. The Department may require the Applicant to submit tax certificates for the Applicant, Permittee and the Subject Property.

§5.01. Suspension of Processing

The County may suspend processing of any Application submitted under these regulations if the County becomes aware that either the Applicant, the Permittee or the Subject Property are delinquent in payment of any County tax liability.

§5.01. Payment of Delinquent Taxes Prior to Issuance

Payment of any delinquent taxes (including penalties, interest, late fees, etc) on behalf of the Applicant, Permittee and/or Subject Property shall be required prior to the issuance of any Development Authorization under these Regulations. As approved or delegated by the Commissioners Court, the County may settle or adjust the required payments to satisfy this requirement.

§5.01. Disputed Tax Situations

In situations where the amount of tax owed to the County is in dispute, payment of all non-disputed amounts will be required. If the dispute is resolved while the Application is under consideration, payment of the final resolution amount shall be made prior to the County issuing the Development Authorization. Any payments made to the County in excess of the final resolution amount may be credited towards other amounts due the County (e.g. review and inspection fees, payments-in-lieu, etc) or they may be refunded, at the option of the person making the excess payment.

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 Resolution authorizing the County Judge to submit a grant application to the Texas Water Development Board, Flood Protection Planning Program for up to \$175,000.00 and to sign all documents associated with this application.

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

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: Up to \$175,000 – match is 1:1

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Hauff

SPONSORED BY: Ford

SUMMARY:

On November 3, 2009 the Commissioners Court ratified a grant contract with the Texas Water Development Board to initiate a flood protection planning study associated with waterways in northern Hays County that drain into the Colorado River. This grant provided partial funding to begin studies on Onion, Bear and Little Bear Creeks and tributaries. The current application will address funding necessary to complete studies on the above, as well as address both the Pedernales and Barton Creek drainage basins. The final grant request dollar amount will be presented during discussion of the item.

Discussions are ongoing with U.S. Army Corps of Engineers (Corps) to finalize a Project Management Plan (PMP) that will address both the scope and projected cost of the study, allowing the Corps to cost-share for 50% of total project costs. The Texas Water Development Board has been involved to ensure that the PMP addresses all requirements of the grant. Upon approval of the PMP by the Corps and Hays County, an Interlocal Agreement will be developed between the Lower Colorado River Authority and the County for participation in the Lower Colorado River Basin studies program, to which the Corps is a partner. It is anticipated that these agreements can be finalized within a month. Halff Associates, who is preparing the application and has been involved in study coordination, will be available to answer any questions.

Approximately \$130,000 of County funding is needed annually to address the costs for the study over the next 3 years.

Agenda Item Routing Form

DESCRIPTION OF Item: Approve Resolution authorizing the County Judge to submit a grant application to the Texas Water Development Board, Flood Protection Planning Program for up to \$175,000.00 and to sign all documents associated with this application.

PREFERRED MEETING DATE REQUESTED: January 19, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$175,000 \$130,000 001-645-00.5448

COUNTY PURCHASING GUIDELINES FOLLOWED: N/A

PAYMENT TERMS ACCEPTABLE: N/A

COMMENTS: \$130,000 has been budgeted in FY 2010. If the entire \$175,000 is needed this year, an additional \$45,000 will need to be identified in the 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:

RESOLUTION

A RESOLUTION AUTHORIZING THE HAYS COUNTY, TEXAS APPLICATION FOR FLOOD PROTECTION PLANNING GRANT ASSISTANCE FILED WITH THE TEXAS WATER DEVELOPMENT BOARD.

WHEREAS, Hays County, Texas, desires to develop a Flood Protection Planning Study for its watersheds that drain into the Colorado River, including the Pedernales River, Onion Creek, Barton Creek, Bear Creek, and Little Bear Creek;

WHEREAS, Hays County, Texas, ensures that the proposed planning does not duplicate existing projects with the exception of updating existing flood protection plans;

WHEREAS, Hays County, Texas, will participate in the U.S. Army Corps of Engineers and Lower Colorado River Authority Colorado River Flood Damage Reduction Study, and appropriate matching funds and in-kind services, if the grant is awarded, to assist with the financing of the Flood Protection Planning Study;

WHEREAS, Hays County, Texas, will attempt to pursue implementation of viable solutions identified through the proposed planning effort and will pursue and identify potential sources of funding for implementation of viable solutions;

WHEREAS, Hays County, Texas, is currently participating in the National Flood Insurance Program making flood insurance available for all insurable structures in the unincorporated area in the County.

THEREFORE, BE IT RESOLVED that the Commissioners Court of Hays County, Texas authorizes support of this application to the Texas Water Development Board for flood protection planning grant assistance.

PASSED and APPROVED by the Hays County Commissioners Court on the 19th day of January, 2010.

Elizabeth 'Liz' Sumter, Hays County Judge

**STATE OF TEXAS
COUNTY OF HAYS**

I, Linda Fritsche, County Clerk for the Commissioners Court of Hays County, Texas do hereby certify the foregoing contains a true and correct copy of a resolution passed and adopted by the Commissioners Court of Hays County, in a Regular Meeting held on January 19, 2010.

ATTEST:

Linda Fritsche, Hays County Clerk

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: Discussion and Possible Action to authorize the County Judge to execute an Interlocal Development Agreement between Hays County and the City of San Marcos, Texas related to the Government Center project on Stagecoach Trail in San Marcos.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: INGALSBE

SPONSORED BY: INGALSBE

SUMMARY: Staff and consultants for Hays County have been in discussions with City staff, and have negotiated many terms regarding development of the Government Center project. All Parties thought it best to commit these terms to an agreement so there would be no confusion about how the Parties would interact going forward. This Development Agreement does just that.

Agenda Item Routing Form

DESCRIPTION OF Item: Authorize the County Judge to execute an Interlocal Development Agreement between Hays County and the City of San Marcos, Texas related to the Government Center project on Stagecoach Trail in San Marcos.

PREFERRED MEETING DATE REQUESTED: January 19, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$

COUNTY PURCHASING GUIDELINES FOLLOWED: _____

PAYMENT TERMS ACCEPTABLE: _____

COMMENTS:

SPECIAL COUNSEL

Typically Requires 9 Business Day Review

CONTRACT TERMS ACCEPTABLE: _____ **MDK** _____

COMMENTS:

COMMISSIONERS' COURT

APPROVED/DISAPPROVED AND DATE: _____

COUNTY JUDGE

Signature Required if Approved

DATE CONTRACT SIGNED: _____

INTERLOCAL DEVELOPMENT AGREEMENT

This INTERLOCAL DEVELOPMENT AGREEMENT (this "**Agreement**") is made as of the ____ day of _____, 20__ (the "**Effective Date**"), by and between The City of San Marcos, a Texas Municipality ("**City**"), and Hays County, a political subdivision of the State of Texas ("**County**"). City and County are hereinafter collectively referred to as "the Parties" or "the Parties to this Agreement."

ARTICLE I: Recitals.

A. WHEREAS, County intends to design, finance, develop, construct, renovate, own, operate and maintain the parcels of real property and improvements, if any thereon, ~~listed depicted on~~ in Exhibit "A" attached hereto: (hereinafter -the "**Project**"):

B. WHEREAS, City has jurisdictional authority over the development of the Project located within the City of San Marcos, County of Hays, Texas:

C. WHEREAS, County desires to vacate the existing plat of the 26.981 acres, filed of record on February 18, 2009 in Vol. 15, Page 86 of the Hays County Plat Records and re-plat the cumulative acreage of ~~38.98435.971~~ 35.971 acres, including an additional 8.99 acres, identified on Exhibit "+A" attached hereto:

WHEREAS, ~~County intends to construct, as part of the Project, a local government facility that will exceed 230,000 square feet and provide space for many of Hays County's staff and governmental services:~~

WHEREAS, ~~City recognizes that the construction of a government center as part of the Project would enhance business and economic development in the area:~~

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and intending to be legally bound hereby, City and County hereby agree as follows:

ARTICLE II: City Terms and Conditions.

2.1. Extension of Stagecoach Road City hereby agrees that until such time as ~~the~~ County applies and receives a building permit for permanent improvements on the ~~9-8.99~~ acres, ~~included in the replat referenced above~~ depicted in Exhibit "B" and attached hereto, there will be no requirement for the extension of Stagecoach Road past the existing cul-de-sac which has a final station of ~~+5921594.02~~ (per Exhibit "~~3C~~" attached hereto).

2.2. Extension of Domestic Waterline City hereby agrees that until such time as the County applies and receives a building permit for permanent improvements on the ~~9~~ 8.99 acres, ~~depicted in Exhibit "B" and attached hereto~~ included in the replat referenced above, there will be no requirement for the extension of the domestic

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waterline past its current termination point of station 1881.74 (per Exhibit "2D" attached hereto).

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- 2.3. Extension of Public Sidewalk City hereby agrees that until such time as the County applies and receives a building permit for permanent improvements on the 9-8.99 acres, depicted in Exhibit "B" and attached hereto, included in the replat referenced above, the only required public sidewalks will be along the western boundary of the 26.981 acre tract originally platted and conveyed to County by W.C. Carson.

- 2.4. Completion of Street Lights City hereby agrees to install and energize the street lights along Stagecoach Rd-Trail, which illuminate the Project, at no cost to the County on or before March 1, 2010.

Comment [PC1]: This date is creeping up fast. Should the City need additional time to perform, I'd recommend a meeting between City, County, and Broadus in early January 2010 to nail down a date certain.

- 2.5. Installation of Temporary Electrical Service City hereby agrees to provide all necessary transformers, feeders and ancillary equipment to provide the Project with temporary electrical service at no cost to the County, save and except the standard monthly usage charges on or before March 1, 2010.

- 2.6. Installation of Transformer(s) and Feeders City hereby agrees to provide all necessary primary electrical transformers and feeders for the Project at no cost to the County within ninety (90) days of notification by the County of their the Project's power requirements, or as may be mutually agreed to by the partiesParties.

- 2.7. Waiver of Certain Fees City hereby agrees to waive any and all utility connection fees, tap fees and development fees related to the development and construction of the improvements on the 26.981 acre tract.

ARTICLE III: County Terms and Conditions.

- 3.1. Payment of Certain Fees. The County hereby agrees to pay the City the cost of all building permits at the then published rates, and along with the fees related to the replatting-, which are estimated to be approximately process of \$360.00.

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- 3.2. City Wastewater Easement. County hereby agrees to dedicate, and collaborate with City regarding the location of, a utility easement on the Project that will serve a City-maintained wastewater line.

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ARTICLE IV: Interlocal Agreement.

- 4.1. This Agreement complies with Chapter 791 of the Texas Government Code, known as the Interlocal Cooperation Act.

- 4.2. The Parties recognize that, by executing this Agreement, they are each fulfilling functions that they are authorized to perform individually. The City's authority to

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regulate subdivisions and development is authorized by Chapter 212 of the Texas Local Government Code, and the County's authority to own and develop government buildings located on real property is authorized by Chapter 291 of the Texas Local Government Code.

4.2. Each individual signing below, has been duly authorized by the governing body of the Party for which he/she is signing.

4.3. Any payment made by a Party to this Agreement must be made in current funds that are available to the paying Party at the time this Agreement is executed.

ARTICLE V: Miscellaneous. ~~8. Negative Action by Either Party~~ Notwithstanding any other provisions of this Agreement, neither party shall take any action, which would alter, modify or eliminate the other parties' authority and/or jurisdiction over the Project or otherwise nullify the obligations and agreements stated herein.

95.1. **Notices** All notices, demands, comments, consents, authorizations, and approvals required, permitted or mentioned in this Lease shall be in writing and if being sent shall be sent by certified mail, return receipt requested, addressed, postage prepaid, or to be delivered by a nationally recognized overnight delivery service, for example Federal Express, to the addresses set out below, or other addresses as may hereafter be designated by the Parties by notice to the other Party.

To City: _____ City of San Marcos

City Hall

630 E. Hopkins

San Marcos, TX 78666

Attn: City Manager Laurie Moyer

To County: _____ Hays County

County Courthouse

111 E. San Antonio St.

San Marcos, TX, 78666

Attn: County Judge _____ To City: _____ Laurie
Moyer

San Marcos City Hall

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630 E. Hopkins
San Marcos, TX 78666

To County: Commissioner Debbie Ingalsbe
Hays County Courthouse
111 E. San Antonio Street
San Marcos, Texas 78666

5.2 Each Party agrees to comply with all laws, regulations, rules, and ordinances applicable to this Agreement and/or applicable to the parties performing the terms and conditions of this Agreement.

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5.3 If any Section or provision of this Agreement is held to be invalid or void, the other Sections and provisions of this Agreement shall remain in full force and effect to the greatest extent as is possible, and all remaining Sections or provisions of this Agreement shall be construed so that they are as consistent with the parties' intents as possible.

5.4 This Agreement may be executed in several counterparts, all of which taken together shall constitute one single agreement between the parties.

5.5 THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS. Any lawsuit, claim, or action, whether in law or in equity, arising from this Agreement will be brought in Hays County, Texas.

5.6 Neither party to this Agreement may assign its duties, interests, rights, benefits and/or obligations under this Agreement, in whole or in part, without the other party's prior written consent thereto.

5.7 This Agreement (including any and all Exhibits attached hereto) constitutes the entire agreement between the parties hereto with respect to the subject matter hereof. Any amendments to this Agreement must be made in writing and signed by the parties to this Agreement prior to the performance of any terms or conditions contained in said amendments.

DULY AUTHORIZED SIGNATURES FOLLOW ON THE NEXT PAGE.

The Parties to this Interlocal Development Agreement hereby agree to the terms and conditions cited above, as is evidenced by their duly authorized signatures, below.

HAYS COUNTY, TEXAS CITY OF SAN MARCOS, TEXAS

Elizabeth "Liz" Sumter Rick Menchaca
Hays County Judge City Manager

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Attest: Attest:
Hays County Clerk City Clerk

Approved as to Form:

Mark D. Kennedy Michael Cosentino

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IN WITNESS WHEREOF, the Parties hereto have executed this Development Agreement on the date first hereinabove written.

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City of San Marcos, a Texas Municipality

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By _____

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Interlocal Development Agreement Pg. - 5

Attest: _____

APPROVED AS TO FORM:

Counsel for City

Hays County, a political subdivision of the State of Texas

By _____

Attest: _____

APPROVED AS TO FORM:

Counsel for County

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Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Discussion and possible action to approve the Memorandum of Understanding In and between The City of San Marcos, Texas State University and Hays County.

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

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: SUMTER

SUMMARY:

A presentation will be given by Eric Mendelman, Program Manager, River Systems Institute, Texas State University. Resolution attached.

Memorandum of Understanding
In and between
The City of San Marcos -Hays County, Texas &
Texas State University-San Marcos

This Memorandum of Understanding (MOU) between the City of San Marcos, Hays County and Texas State University-San Marcos has been developed to promote and facilitate planning for:

- 1) a watershed protection plan for the Upper San Marcos Watershed inclusive of the Sink Creek, Sessom Creek, Willow Creek and Purgatory Creek Watersheds;
- 2) an innovative, collaborative effort to provide an environmentally sensitive, contiguous greenspace from Spring Lake Hills, along Spring Lake and the San Marcos River, to Interstate 35.

This MOU is designed to assure that planning for this effort proceeds in a manner that is fully supportive of the missions of all three entities.

It is the intent of the entities that the plan developed and implemented protects and enhances the natural resources of Spring Lake and the San Marcos River.

The entities agree to work cooperatively to raise new funds to acquire, for passive, recreational park area, the 251 acres of the Gilmore tract in Spring Lake Hills adjacent to the Texas Rivers Center property.

The entities agree to work cooperatively to raise new funds to provide improvements to the acquired land, as well as improvements to University-owned land and City-owned land in the proposed greenspace area.

The entities agree to coordinate efforts to enhance the use of the contiguous greenspace and to encourage best practices by the citizens of Hays County and the City of San Marcos and the students, faculty and staff of Texas State University-San Marcos to protect the unique natural resources of Spring Lake, the San Marcos River and the contributing watersheds.

Any of the three entities may terminate its participation in activities associated with this MOU by notifying the other entities in writing.

Hays County:

Elizabeth Sumter, County Judge

Date: _____

City of San Marcos:



Susan Narvaiz, Mayor

Date: 1/5/10

Texas State University-San Marcos:

DM Denise M. Trauth
Denise M. Trauth, President

Date: 11/10/09

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

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

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

AGENDA ITEM: Discussion and possible action to approve out of state travel for a representative of the Sheriff's Department

TYPE OF ITEM: CONSENT

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED: \$425.00

LINE ITEM NUMBER OF FUNDS REQUIRED: 001-618-00-5551

REQUESTED BY: Lt. Dennis Gutierrez

SPONSORED BY: Pct 2 Commissioner Jeff Barton

SUMMARY: Out of state travel request for Erica Carpenter to attend a Navigator Training session in regards to communication and dispatch. The majority of this trip is paid for, see attached backup information.

Agenda Item Routing Form

DESCRIPTION OF Item: Approve out of state travel for a representative of the Sheriff's Department. Out of state travel request for Erica Carpenter to attend a Navigator Training session in regards to communication and dispatch. The majority of this trip is paid for, see attached backup information.

PREFERRED MEETING DATE REQUESTED: January 12, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$425.00 001-618-00-5551

COUNTY PURCHASING GUIDELINES FOLLOWED: _____ N/A _____

PAYMENT TERMS ACCEPTABLE: _____ N/A _____

COMMENTS:

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: _____



Request for Training

Please submit the training brochure and a memo describing the benefits of training to both you and the department along with this document.

****Training Request documentation must be submitted at least 3 weeks prior to the training date.****

Requestor Information:

Member(s) requesting Training:	Date: 01/08/09
Erica Carpenter	
Title of requested training: NAED Navigator 2010 Conference	
Location of Course: Orlando, Florida	
Date(s) and Time(s) of Course: 04/27/10-04/30/10 0800-1700	
Cost of Registration: paid by NAED	
Out of Town Courses: Would you like to have a Shell Card assigned to you for the length of the requested course as a back up for your FuelMan Card? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Supervisor Information:

Supervisor's Recommendation: This national conference brings speakers from across the country to discuss the Emergency Medical and Fire Dispatch program and it's enhancements. Carpenter was selected by the National Academy of Emergency Dispatch to attend the conference. They will be paying her registration and hotel. We need to provide per diem and travel.	
Supervisor's Signature:	Date:
Lt. or Capt. Signature: <i>[Signature]</i>	Date: 01/08/10

Training Department Information: (Training Dept. use only)

Registration: <input type="checkbox"/> Request a check <input type="checkbox"/> Request a PO <input type="checkbox"/> LEOSE Account
Reservations: Number of Rooms: 0 Number of Nights: 0
Per Diem: <input checked="" type="checkbox"/> Breakfast <input checked="" type="checkbox"/> Lunch <input checked="" type="checkbox"/> Dinner
Miscellaneous Information:

Director of Training Information:

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Director's Signature: <i>[Signature]</i>	Date:

Revised 03/20/2007

Erica Carpenter

From: Adams, Dawn [dadams@capcog.org]
Sent: Thursday, December 03, 2009 1:31 PM
To: Dennis Gutierrez
Cc: Erica Carpenter
Subject: Navigator Conference April

Priority Dispatch has agreed upon my request to "comp" Erica Carpenter's hotel room and conference fee for the 2010 Navigator Conference in Orlando, FL April 28-30, 2010.

I am required to attend the pre-conference training session for instructors, therefore I will be arriving in Orlando on 4/24/2010. I have yet to book a flight, but will most likely go with the cheapest carrier to Orlando. Once in Orlando, we usually take a shuttle type service to the Disney World Resort from the airport. We normally don't get a rental car unless the conference and lodging are two different places. But in this case we will be staying in the conference hotel.

Erica would need to plan on arriving in Orlando sometime Tuesday, April 27th. Her hotel will be booked and paid for by Priority Dispatch for April 27th – April 29th (check-out morning of April 30th).

I normally fly back home on Friday. I look for a flight around noon or so.

I can let Erica know when I start to book flights. So, we could at least coordinate the return flight if necessary.

This is an awesome opportunity. Navigator is the best industry conference (in my opinion). Plus, with the increased focus on protocol and QI for the department – I'm sure Erica would get a huge amount of valuable information from this conference.

Please let me know if you need any additional information – or have any questions.

Dawn Adams, ENP
 Systems Analyst - Emergency Communications
 Capital Area Council of Governments
 Ph: 512-916-6017 ~ Cell: 512-558-1806
dadams@capcog.org ~ www.capcog.org

Blog, Tweet or Text not always best...CALL 9-1-1 if you need Police, Fire or EMS!

No electronic communication by a CAPCOG employee may legally obligate the agency

12/3/2009

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Discussion and Possible Action to authorize the County Judge to execute a Letter of Intent between J.E. Dunn Construction and Hays County for construction related to capital improvements in the Hays County Corrections Facility.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: January 12, 2010

AMOUNT REQUIRED: (GMP to be achieved in Agreement) requested budget - \$200,000.00

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: INGALSBE

SPONSORED BY: INGALSBE

SUMMARY: This Letter of Intent ("LOI") is a precursor to an Agreement for Construction Services that will be executed between the Parties. Since time is of the essence on the remodel of the kitchen at the Corrections Facility, this LOI allows the Parties to proceed under a "Cost-Plus" contract model. The LOI has been reviewed by counsel and members of Broaddus and Associates. Staff and consultants recommend execution of the LOI.

Agenda Item Routing Form

DESCRIPTION OF Item: Authorize the County Judge to execute a Letter of Intent between J.E. Dunn Construction and Hays County for construction related to capital improvements in the Hays County Corrections Facility.

PREFERRED MEETING DATE REQUESTED: January 12, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER: \$200,000.00 001-645-00.5741

COUNTY PURCHASING GUIDELINES FOLLOWED: _____ Yes _____

PAYMENT TERMS ACCEPTABLE: _____ N/A _____

COMMENTS:

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: _____



January 12, 2010

Hays County, Texas
Attn: Judge Elizabeth Sumter
Hays County Judge
100 Melody Way
Wimberley, Texas 78676

LETTER OF INTENT AND AGREEMENT

**RE: Hays County, Texas Law Enforcement Center Improvements
(the "Project")**

Dear Judge Sumter:

As you know, JE Dunn Construction Company ("JE Dunn" or "Design-Builder") has been requested to act as Design-Builder on behalf of Hays County, Texas (the "County") in connection with the above-referenced Project. The Project is generally understood to be limited to the remodel of the existing kitchen facility of the Hays County Law Enforcement Center in San Marcos, Texas. The Project shall be designed and built by Design-Builder and CasaBella Architects ("Designer"). JE Dunn and the County may be collectively referred to herein as "the Parties."

The Parties are presently negotiating the terms of an agreement. However, due to the Parties' desire to commence services promptly, this Letter of Intent and Agreement ("Agreement") is being entered into as a precursor to finalizing terms of a permanent contract that is anticipated in the very near future. On or about December 23, 2009, Broadus & Associates, Inc., on behalf of the County, notified Design-Builder in writing to commence preconstruction services, procure a mobile kitchen and perform certain other work to ensure that the mobile kitchen can be used by the Hays County Sheriff's department beginning on January 19, 2010. JE Dunn is willing to do so pursuant to the following terms:

1. This Agreement confirms that the Parties intend to enter into a final agreement between the County and Design-Builder in connection with the Project, the terms of which are being negotiated.

2. While the terms of a final agreement as referenced in Paragraph 1 above are being negotiated and until such is executed by the parties, the County agrees to pay Design-Builder for any and all costs incurred by the Design-Builder in connection with the Project ("Cost[s]"), plus a Fee (see below). Among the Costs to be incurred are Design-Builder's general conditions costs. Design-Builder's general conditions costs, and Design-Builder's Fee shall be calculated, as follows until such time as the parties executed a final agreement:

ATLANTA

AUSTIN

CHARLOTTE

COLORADO SPRINGS

DALLAS

DENVER

DES MOINES

FORT WORTH

HOUSTON

KANSAS CITY

MINNEAPOLIS

NASHVILLE

ORLANDO

PORTLAND



Page 2 of 4
 Judge Elizabeth Sumter
 Letter of Intent and Agreement
January 12, 2010

A. GENERAL CONDITIONS COSTS:

i. Personnel (Hourly Rates)

1. Group Manager	\$124.00 / hr
2. Senior Project Manager	\$100.00 / hr.
3. Commissioning	\$130.00 / hr.
4. Senior Estimator	\$96.00 / hr.
5. Project Manager / Estimator	\$78.00 / hr.
6. MEP Coordinator	\$78.00 / hr.
7. Field Engineer	\$44.00 / hr.
8. Administrative Assistant	\$39.00 / hr.
9. Safety	\$46.00 / hr.
10. Quality	\$57.00 / hr.
11. General Superintendent	\$116.00 / hr.
12. Senior Superintendent	\$96.00 / hr.
13. Superintendent	\$74.00 / hr.

ii. Insurance and Bonds

1. General and Professional Liability Ins.	0.95% of Contract Sum (Costs + Fee)
2. Design-Builder P&P Bonds	\$10,500.00 ¹
3. Builder's Risk Insurance	\$487.00 ²
4. Subcontract default program, including, but not limited to Subguard	1.5% of subcontract and major material values

iii. Equipment

1. Trailer and Misc. Small Equipment	90% of Associated Equipment Distributor (AED) rates ³
--------------------------------------	---

B. FEE (BASED ON TOTAL COST OF THE PROJECT)

1. From \$1.00 TO \$500,000.00	7%
2. From \$501,000.00 TO \$1,000,000.00	6%
3. From \$1,000,001.00 TO \$2,500,000.00	5%
4. More than \$2,500,000.00	4%

¹ This is an estimated amount based on a total Contract Sum of \$500,000.00 or less. The bond premium will increase in the event the Contract Sum exceeds \$500,000.00.

² The County shall be responsible for deductibles associated with occurrences covered by Builder's Risk insurance, if any.

³ This rate is for a trailer and small (hand) tools only. Large equipment, such as cranes, etc., is not contemplated for this Project. The applicable AED rate shall be the rate published by the AED as of the date this Agreement is signed for the trailer(s) and tool(s) most similar to those used on the Project.

ATLANTA

AUSTIN

CHARLOTTE

COLORADO SPRINGS

DALLAS

DENVER

DES MOINES

FORT WORTH

HOUSTON

KANSAS CITY

MINNEAPOLIS

NASHVILLE

ORLANDO

PORTLAND



Page 3 of 4
Judge Elizabeth Sumter
Letter of Intent and Agreement
January 12, 2010

3. Design-Builder agrees to invoice the County, and the County will make payment to Design-Builder within 30 days of the County's receipt of Design-Builder's invoice.

4. Design-Builder will provide the County copies of invoices, receipts or other supporting documentation of Costs invoiced during the time of this Agreement. The County may withhold payment for a specific Cost that is not reasonably documented until such time as the County has received supporting documentation that reasonably establishes that the Cost was made or incurred for the Project. If payment is withheld on a specific Cost, payment for an entire invoice shall not be withheld.

5. Design-Builder will provide the County with certificates of insurance evidencing the amounts and types of insurance the parties agree upon in writing as the services progress. The County shall be named as an additional insured on Design-Builder's General Liability, Automobile and Umbrella/Excess Liability insurance policies. Design-Builder agrees that its subcontractors engaged in this Project will have liability and workers' compensation coverage. The County agrees that insurance and bonds are Costs to be invoiced and reimbursed under the terms of this Agreement.

6. In consideration of the County's agreements herein, Design-Builder agrees to continue performing the services commenced on January 15, 2010 based on the County's December 23, 2009 Notice to Proceed.

7. Finally, to provide for mutual waiver of subrogation, it is agreed that the County and Design-Builder waive all rights against (a) each other and any of their subcontractors, sub-subcontractors, agents and employees, each of the other, and (b) the Designers for the Project (i.e. Designer, Designer's consultants, Engineers, etc.) for claims and damages to the extent such are covered by insurance obtained by County, Design-Builder, Designers or other insurance applicable to the work, the Project or the premises, except such rights as they have to proceeds of such insurance. This waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest in the property damaged.

ATLANTA

AUSTIN

CHARLOTTE

COLORADO SPRINGS

DALLAS

DENVER

DES MOINES

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HOUSTON

KANSAS CITY

MINNEAPOLIS

NASHVILLE

ORLANDO

PORTLAND



Page 4 of 4

Judge Elizabeth Sumter

Letter of Intent and Agreement

January 12, 2010

Please sign this Agreement in the space provided below, indicating the County's agreement to the terms set forth herein, and return it to me via facsimile.

JE Dunn is honored to have been selected to act as the County's Design-Builder in conjunction with Designer. Please do not hesitate to call me if you have any questions.

Sincerely,

JE DUNN CONSTRUCTION COMPANY

Joe Cisper,
Vice President

AGREED AND ACCEPTED on this ____ day of January, 2010:

HAYS COUNTY, TEXAS

By: _____

Printed Name: Elizabeth Sumter
Title: Hays County Judge

ATTESTED TO BY: _____

Printed Name: _____

Title: _____

Date: _____

ATLANTA

AUSTIN

CHARLOTTE

COLORADO SPRINGS

DALLAS

DENVER

DES MOINES

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

AGENDA ITEM: Workshop on subject of Records Management -- including but not limited to legal requirements, best management practices, costs & funding and compliance issues. Possible action may follow.

TYPE OF ITEM: WORKSHOP

PREFERRED MEETING DATE REQUESTED: January 19, 2010; 2-3:30 p.m.

AMOUNT REQUIRED: na

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: C. Adair

SPONSORED BY: Ford

SUMMARY:

Expect informational presentations by Ms. Arann Sheperd, Texas State Library, and Steven Broberg, Records Management for Travis 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: Executive Session pursuant to 551.074 of the Texas Government Code, to discuss personnel matters and to deliberate the evaluation of all individual department heads.

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

PREFERRED MEETING DATE REQUESTED: January 19, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: SUMTER

SUMMARY: