

Commissioners Court -October 12, 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 **12TH day of October, 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

PUBLIC COMMENTS

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

CONSENT ITEMS

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

| | | |
|---|-------|---|
| 1 | 4 | Approve payments of county invoices. HERZOG |
| 2 | 5-17 | Approve Commissioner Court Minutes of September 28 & October 5, 2010. SUMTER/FRITSCH |
| 3 | 18-19 | Accept Institutional OSSF Permit for an Auto Body Shop at 4354 Dacy Lane, Buda, Precinct 2. BARTON/PRATT |
| 4 | 20-21 | Accept Institutional OSSF Permit for a wine tasting room (existing structure remodeled) located at 13111 Silver Creek Rd., Dripping Springs in Precinct 4. FORD/PRATT |
| 5 | 22-23 | Accept Institutional OSSF Permit for Hays County for the Resource Protection Transportation and Planning Department building at 2171 Yarrington, San Marcos in Precinct 1. INGALSBE/POPE |
| 6 | 24-29 | Approve specifications for RFQ 2011-P02 Monitoring Consultant for McGregor Lane project and authorize purchasing to solicit for bid and advertise. FORD |
| 7 | 30-38 | Authorize County Judge to execute renewal of the Interlocal Agreement for Repair and Maintenance (of roadways) for the City of Woodcreek. CONLEY |
| 8 | 39-40 | Amend Information Technology FY10 budget to cover additional equipment costs. SUMTER/MCGILL |

ACTION ITEMS

ROADS

| | | |
|---|----|---|
| 9 | 41 | Discussion and possible action to accept for maintenance all road and drainage improvements within County ROW for Hawthorne Loop in Rim Rock subdivision, Phase 1, Section 4. FORD/BORCHERDING |
|---|----|---|

| SUBDIVISIONS | | |
|--------------|-------|--|
| 10 | 42-43 | 10-16-4 Partial Vacate and Replat of Lot 3 & 4, F&W Subdivision, Section 2 (2 Lots). Hold public hearing; discussion and possible action to approve final plat. FORD/GARZA |
| 11 | 44-45 | 10-17-4 Bush Ranch Phase 2 Section1. Discussion and possible action to consider acceptance of fiscal surety in the amount of \$135,275.77 for the construction of street and drainage improvements; and to approve final plat. FORD/GARZA |
| 12 | 46-47 | 10-18-4 BC Acres Subdivision (2 Lots). Discussion and possible action to consider approval of final plat. FORD/GARZA |
| 13 | 48-49 | 10-20-4 Tract 9 Pioneer Ranches Subdivision. (1 Lot) Discussion and possible action to consider approval of Final Plat. FORD/GARZA |

| MISCELLANEOUS | | |
|---------------|---------|---|
| 14 | 50 | Discussion and possible action to double fill the Justice of the Peace, Precinct 4, Clerk position in Dripping Springs. FORD/KYLE |
| 15 | 51-52 | Discussion and possible action to accept a \$1,000 donation from the Wimberley VFW to be deposited into Constable Precinct 3 line item .5206 (law enforcement supplies), to accept the donation of a gun cabinet valued at \$100 and to amend the budget accordingly. CONLEY/AYRES |
| 16 | 53-60 | Discussion and possible action to authorize the County Judge to accept and execute a grant award contract in the amount of \$15,717 from the Office of the Governor, Criminal Justice Division for the Hays County Constable's Office Precinct 1 and amend the budget accordingly. INGALSBE/PETERSON/HAUFF |
| 17 | 61 | Discussion and possible action to clarify Hays County's policies regarding the purchase of law enforcement vehicles; and to ratify the purchase of a 2010 Dodge Quad Cab for the office of Constable, Precinct 2. INGALSBE/BARTON |
| 18 | 62-65 | Discussion and possible action to adopt a Resolution in support of the new formation of the Water Development Plan and encourage the Lower Colorado River Authority to aggressively move efforts forward that will enhance water supplies for the lower basin with utilization of all interests. SUMTER |
| 19 | 66-80 | Discussion and possible action to authorize the County Judge to execute a Supplemental Agreement to the PSA with Rogers Design Service for Work Authorizations at RM 1826 @ Darden Hill and RM 1826 @ 967. FORD |
| 20 | 81-87 | Discussion and possible action to authorize the County Judge to execute a Quit Claim Deed for property (near BeBee Road in Precinct 1) that was formerly abandoned by Hays County. INGALSBE |
| 21 | 88-89 | Discussion and possible action to further clarify re-graded correction officer salary. CONLEY/RATLIFF/BRODBECK |
| 22 | 90 | Discussion and possible action to eliminate a Lieutenant position and to replace it with a Sergeant position in the Sheriff's Office. INGALSBE/RATLIFF |
| 23 | 91-111 | Discussion and possible action to authorize the execution of a professional services contract with Dannenbaum Engineering Co. and work authorization for RM 967 at Ruby Ranch Road, a priority road bond project. BARTON |
| 24 | 112-117 | Discussion and possible action to modify the Construction Mitigation Agreement between the Hill Country Conservancy and Hays County related to the McGregor Bridge project that was authorized by the Commissioners Court on or about September 28, 2010. FORD |

| 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. | | |
| 25 | 118 | Executive Session pursuant to 551.072 of the Texas Government Code, to discuss the purchase of Jacobs Well Natural area and Westridge Joint Venture property. Possible action may follow in open court. SUMTER |
| 26 | 119 | Executive Session pursuant to 551.071 of the Texas Government Code: consultation with counsel regarding collective bargaining. Possible action may follow in open Court. SUMTER |
| 27 | 120 | Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, or value of real property related to the Nicholson Ranch Acquisition. Possible action may follow in open Court. FORD |

STANDING AGENDA ITEM

| | |
|----|---|
| 28 | Discussion of issues related to proposed capital construction projects in Hays County, including but not limited to the government center; precinct offices; Resources Protection Transportation and Planning Department; and space needs projections for the Hays County Jail and related criminal justice analysis. Possible action may follow. INGALSBE |
| 29 | Discussion of issues related to the road bond projects, including updates from Mike Weaver, Prime Strategies and Jeff Curren, HDR. Possible action may follow. SUMTER |

ADJOURNMENT

Posted by 5:00 o'clock P.M. on the 8TH day of October, 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

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: 10/12/10

AMOUNT REQUIRED: None

LINE ITEM NUMBER OF FUNDS REQUIRED: As attached.

REQUESTED BY: Auditor's Office

SPONSORED BY: Bill Herzog 

SUMMARY:

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 28 & OCTOBER 5, 2010

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

PREFERRED MEETING DATE REQUESTED: OCTOBER 12, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: FRITSCHÉ

SPONSORED BY: SUMTER

SUMMARY:



SEPTEMBER 28, 2010

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 28TH DAY OF SEPTEMBER A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mark Newton of First Baptist Church of San Marcos gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter was not present at the beginning of the meeting due to her having to chair the Salary Grievance Committee. Commissioner Ingalsbe called the meeting to order.

PUBLIC COMMENTS

Constable Pct. 3 Darrell Ayres made public comment regarding collective bargaining.

PRESENTATION OF RETIREMENT GIFT TO PAULETTE BROWN

Paulette Brown is retiring from the Tax Office, September 30, 2010 with 26 years of Hays County Service.

27451 APPROVE A PROCLAMATION DECLARING OCTOBER 5TH AS NATIONAL NIGHT OUT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve a Proclamation declaring October 5th as National Night Out. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27452 APPROVE PAYMENTS OF COUNTY INVOICES

Ray Whisenant made public comment. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payments of county invoices in the amount of \$1,744,647.05 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27453 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 13 & 21, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of September 13 & 21, 2010 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27454 APPROVE SPECIFICATIONS FOR RFQ #2011-P01 HAYS COUNTY HAZARD MITIGATION ACTION PLAN UPDATE AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for RFQ #2011-P01 Hays County Hazard Mitigation Action Plan Update and authorize purchasing Manager to solicit for Proposal and advertise. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED



- 27455 AUTHORIZE COUNTY JUDGE TO EXECUTE SERVICE AGREEMENT WITH PHILIP SERVICES CORPORATION (PSC) LLC FOR RFP #2010-P08 HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT THAT WAS APPROVED IN COMMISSIONERS COURT ON JUNE 15, 2010**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize County Judge to execute Service Agreement with Philip Services Corporation (PSC) LLC for RFP #2010-P08 Household Waste Collection Event that was approved in Commissioners Court on June 15, 2010. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

- 27456 AUTHORIZE COUNTY JUDGE TO EXECUTE PROFESSIONAL AGREEMENT WITH SEBESTA BLOMBERG FOR RFQ #2010-P17 COMMISSIONING SERVICES FOR HAYS COUNTY GOVERNMENT CENTER IN AN AMOUNT NOT TO EXCEED \$295,900 APPROVED IN COMMISSIONERS COURT ON SEPTEMBER 14, 2010**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize County Judge to execute Professional Agreement with Sebesta Blomberg for RFQ #2010-P17 commissioning services for Hays County Government Center in an amount not to exceed \$295,900 approved in Commissioners Court on September 14, 2010. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

- 27457 RATIFY THE COUNTY JUDGE'S EXECUTION OF THE ADVANCE FUNDING AGREEMENT AMENDMENT #1 FOR BEBEE ROAD AT DACY LANE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to ratify the County Judge's execution of the Advance Funding Agreement Amendment #1 for Bebee Road at Dacy Lane. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

- 27458 ACCEPT A DONATION OF AN EXAM BED FROM DR. SUE ANN HARRISON TO PERSONAL HEALTH DEPARTMENT**

Dr. Sue Ann Harrison has offered an exam bed, estimated value - \$300 to the PHD to be used in the Well Child Department. This donation will allow the PHD to replace an outdated exam bed that is currently being used. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept a donation of an exam bed from Dr. Sue Ann Harrison to Personal Health Department. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

- 27459 AMEND BUDGET OF HUMAN RESOURCES FOR CONTINUING ED**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend the budget of Human Resources for Continuing Ed. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

- 27460 APPROVE EXTENSION OF PROFESSIONAL SERVICES AGREEMENT WITH TOM FRANKE FOR DRAINAGE ENGINEERING REVIEW UNTIL 9/30/11**

Tom Franke's PSA was approved by Commissioners Court on May 25, 2010. This request is to continue utilization of his services for review of projects with complex drainage components. Ray Whisenant made public comment. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize Special Counsel Mark Kennedy to draft the extension of Professional Services Agreement with Tom Franke for drainage engineering review until 9/30/11 and authorize the County Judge to sign the agreement. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Ford voting "Aye". Commissioner Conley voting "No". Judge Sumter not present to vote. MOTION PASSED

- 27461 AMEND BUDGET OF TAX OFFICE IN GENERAL FUND FOR WEBSITE FEES**

This is for the annual webhosting fee and the annual technical support service fee. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend the budget of Tax Office in General Fund for Website Fees. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED



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27462 AMEND SHERIFF OFFICE BUDGET IN GENERAL FUND FOR CONTINUING ED

Invoices on hand means line item is over \$476 with credit card bill to be paid off \$460.05, budget amendment amount is \$1,000. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend Sheriff Office Budget in General Fund for Continuing Ed. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27463 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR \$71,325

This is a formula grant available annually to the County to assist in the implementation of the provisions of the Fair Defense Act and the improvement of Indigent Criminal Defense Services. The grant funds may be used for defendants accused of crimes or juvenile offenses, for licensed investigators, forensic specialists, or mental health experts related to criminal defense of indigent defendants. The grant application submission is through on-line electronic process, with the Resolution faxed or mailed for verification authorization. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute Resolution and submit a Grant Application to the Texas Task Force on Indigent Defense for \$71,325. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27464 ACCEPT THE BOND FOR FISCAL SURETY FOR THE RE-VEGETATION OF THE GREEN ACRES DRIVE REPLACEMENT BRIDGE

The contractor has issued a re-vegetation bond for \$2,295. The Transportation Division has inspected and recommends acceptance. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept the Bond for Fiscal Surety for the re-vegetation of the Green Acres Drive replacement bridge. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27465 HOLD A PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS ON OAK GROVE ROAD AT THE INTERSECTION OF LITTLE BEAR ROAD/MOURNING DOVE LANE

Commissioner Ingalsbe Sumter the public hearing. No public input was received. Public hearing was closed. RTPD Director Jerry Borcharding gave staff recommendation. This will establish a 4-way stop on Oak Grove Road at the intersection with Little Bear Road (entrance of Elliot Ranch Subdivision on the north side) and Mourning dove Lane (entrance of Oak Forest Subdivision on the south side). There currently are stop signs on both Little Bear Road and on Mourning Dove Lane at the intersection. A motion was made by Commissioner Barton, seconded by Commissioner Ford to establish traffic regulations on Oak Grove Road at the intersection of Little Bear road/Mourning Dove Lane. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27466 HOLD A PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS IN THE VINEYARD SUBDIVISION

Commissioner Ingalsbe opened the public hearing. No public input was received. Public hearing was closed. RTPD Director Jerry Borcharding gave staff recommendation. This will establish a stop sign on Tuscan Drive at Elder Hill Rd, a stop sign on Napa Court at Tuscan Drive, a stop sign on St. Helena Court at Tuscan Drive, and stop sign on Sonoma Lane at Tuscan Drive, and a speed limit of 25 MPH within the subdivision. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations in the Vineyard Subdivision. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27467 BC ACRES SUBDIVISION [10-18-4 - 2 LOTS] APPROVE PRELIMINARY PLAN

Programs Manager Development Services, Clint Garza gave staff recommendation for approval. The proposed BC Acres subdivision is a proposed 2 lot subdivision of 11.74 acres located adjacent to Pioneer Ranches on McGregor Lane in Pct 4. If approved the newly created lots will be 3.2 and 8.5 acres in size, with each having direct frontage onto McGregor Lane. Each lot will be served by existing on-site sewage facilities and existing rainwater collection systems. There are no variances and the entire division is not located within any City's extra-territorial jurisdiction. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan of BC Acres Subdivision. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

**27468 TRACT 9 PIONEER RANCHES SUBDIVISION [10-20-4 - 1 LOT] APPROVE PRELIMINARY PLAN**

Programs Manager Development Services, Clint Garza gave staff recommendation for approval. Pioneer Ranches is an unrecorded/unplatted subdivision located off of Pioneer Trail in Pct 4. The original tracts were all 10 acres or greater in size, however there have been re-subdivisions which triggered the plat requirement for those previously exempt parcels. The owner of tract 7 is in the process of purchasing 4.99 acres from the owner of tract 9. The reduction in size will require the platting of the newly created 5.00 acre portion of tract 9. This lot will be served by a water well and existing on-site sewage facility. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan of Tract 9 Pioneer Ranches Subdivision. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27469 ACCEPT CONSTRUCTION OF THE STREET AND DRAINAGE IMPROVEMENTS IN THE DRIPPING SPRINGS RANCH SUBDIVISION, REPLAT OF TRACT 4. RELEASE CONSTRUCTION SURETY IN THE AMOUNT OF \$140,760

Programs Manager Development Services, Clint Garza gave staff recommendation for approval. The replat of Tract 4 Dripping Springs Ranch Subdivision was final platted on August 4, 2009. At that time the court approved the acceptance of construction surety in the form of a cash bond for the improvements serving newly platted lots in Dripping Springs Ranch, Tract 4 and Rancho Bella Subdivision. At this time the developer has satisfied Hays County construction requirements and would like the surety to be returned. As this is to remain a private road, no maintenance surety is required. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept construction of the street and drainage improvements in the Dripping Springs Ranch Subdivision, replat of Tract 4, release construction surety in the amount of \$140,760. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27470 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND COMMUNITY FIRST HEALTH PLANS (A MEDICAID PROGRAM)

This MOU will allow the PHD to bill Community First Health Plans for services provided to Community First clients. At this time, the PHD serves a number of community First clients but is unable to charge the clients or bill Community First for those services. This MOU will take effect on October 1, 2010. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Understanding (MOU) between Hays County Personal Health Department (PHD) and Community First Health Plans (a Medicaid Program). Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27471 ACCEPT A GRANT FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT - HAZARD MITIGATION GRANT PROGRAM FOR \$56,250

On January 10, 2010 the commissioners Court approved submission of a grant application to the Office of the Governor, division of Emergency management (now Texas Department of Public Safety, Division of Emergency Management) for funding to revise the County's Hazard Mitigation Plan. The plan must be updated every five years to maintain eligibility for various FEMA grant programs, the current Flood Protection Planning grant from the Texas Water Development board, and requirements regarding the County Emergency Management Department. Our plan will expire in October, 2011 and considerable time is necessary for plan preparation an approval by FEMA. It is critical that the plan be revised, with or without grant funding, to maintain current commitments as well as eligibility for future funding opportunities. Funding, in the amount of \$56,250 has been awarded through the Hazard Mitigation Grant Program, administered by the Federal Emergency Management Agency (FEMA), for preparation of the plan. A 20% local match (\$18,750) is required, for a total project amount of \$75,000. It is expected that other participating partners will contribute to the local match, although these amounts have not yet been determined. A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept a grant from the Texas Department of Public Safety, Division of Emergency Management - Hazard Mitigation Grant Program for \$56,250. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED



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27472 AUTHORIZE COUNSEL TO NEGOTIATE DUE DILIGENCE SERVICES RELATED TO A POTENTIAL REAL PROPERTY ACQUISITION IN KYLE, TEXAS; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE DUE DILIGENCE SERVICES AGREEMENTS NEGOTIATED BY COUNSEL

The property in question is a potential location for Hays County's Precinct 2 offices. Services to be procured include (1) Boundary and topographic survey - \$5,000, (2) environmental analysis (Ph 1) - \$2,000, (3) Geotechnical analysis (soil borings) - \$4,000 (for 4-5 borings), (4) Preliminary drainage study - \$15,000. The sum total cost for these services should be around \$26,000. To account for unforeseen factors, counsel requests authority up to \$30,000 for performance of all of the above-listed services. Counsel has been collaborating with members of Broaddus and Associates on this project. Broaddus' line-item estimates of due diligence costs is reflected above. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Counsel to negotiate due diligence services related to a potential real property acquisition in Kyle, Texas and to authorize the County Judge to execute due diligence services agreements negotiated by Counsel. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27473 AUTHORIZE THE COUNTY JUDGE TO NEGOTIATE AND EXECUTE A CONTRACTUAL AGREEMENT WITH THE GREATER SAN MARCOS ECONOMIC DEVELOPMENT CORPORATION FOR ECONOMIC DEVELOPMENT SERVICES

When the court voted to give \$15,000 to the Greater San Marcos Economic Development Corporation, Commissioner Conley neglected to negotiate and secure a written agreement with the Corporation for the deliverables and property management of taxpayer monies. This agenda item will correct that oversight by putting a contractual agreement in place, similar to the City of San Marcos Agreement with the corporation. We have begun work on the contract and will continue to negotiate in accordance with Ms. Madison presentation to the court and the requirements the county has insure proper expenditure of county funds. Because the county was invoiced the entire \$150,000, we cannot put in place monthly disbursements as the City of San Marcos in their agreement has but we can ensure that repayment of funds will occur if necessary. Mark Kennedy, Bill Herzog, (if Necessary) and County Judge will work toward an agreement as quickly as possible. Sam Brannon made public comment. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to negotiate and execute a contractual Agreement with the Greater San Marcos Economic Development Corporation for Economic Development Services described by Commissioner Conley, and that we have a committee of Judge Sumter, Bill Herzog, and Commissioner Conley to review the process. All voting "Aye". MOTION PASSED

27474 AUTHORIZE THE COUNTY JUDGE TO RE-NEW THE LEASE AGREEMENT WITH J.M. KIRKPATRICK ENTERPRISES, INC. FOR PRECINCT 3 OFFICES LOCATED IN WIMBERLEY

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize Commissioner Conley to re-new the Lease Agreement with J.M. Kirkpatrick Enterprises, Inc. for Precinct 3 Offices located in Wimberley. There was a 2 year lease signed. Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

Clerk's Note: Agenda Item #26 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT RELATED TO THE ACQUISITION OF THE NICHOLSON RANCH PROPERTY; TO PERFORM BUYER'S OBLIGATION UNDER THE PURCHASE AGREEMENT; AND TO AUTHORIZE COUNSEL TO EXECUTE CLOSING DOCUMENTS. PRIOR TO DELIBERATION OR TAKING THIS ACTION IT MAY BE NECESSARY TO CONVENE THE COURT IN EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE IN ORDER TO DELIBERATE ONE OR MORE ASPECTS OF THE FINAL REAL ESTATE NEGOTIATION AND/OR ACQUISITION was PULLED. No action taken.

HOLD A PUBLIC HEARING ON THE PROPOSED FY2011 HAYS COUNTY BUDGET

Commissioner Ford spoke of bringing the tax rate down to 46.92 cents. Commissioner Conley stated that he will not support a tax rate increase. Commissioner Barton spoke of elected officials salaries. Commissioner Ingalsbe spoke. Judge Sumter declared the public hearing open. Charlie Johnson, Donna Reeder, Lance Merrick, David Crowell, Sam Brannon, Rob Roark, Frank Wood, Mich Esser, Frank Puckett, Clint Frankmann, Josh Sanchez, Judy Clements, Conrad Fjetland, and James Kohler made public comments.



27475 SET THE SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY2011

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe not to give any salary increases to elected officials in FY2011 budget. All voting "Aye". MOTION PASSED A motion was made by Judge Sumter seconded by Commissioner Barton to follow County Policy on Longevity and increase longevity of \$60 more per year and travel allowances will be set the same as last year. All voting "Aye". MOTION PASSED

27476 ADOPT THE FY2011 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES

A motion was made by Commissioner Barton, seconded by Judge Sumter to accept the changes that were added to the budget as follows and adding \$27,840 to the FY11 budget and tax rate:

| | | | |
|-------------------|---------------------|---|----------|
| Tax Office | 001-619-00.5411 | FY11 Monthly service charge for website design(contingencies) | \$ 6,300 |
| | 001-680-00.5429 | FY11 Annual Webhosting Fee-ArcaSearch-(budget in IT) | 3,385 |
| Sheriff | 001-618-00.5021 | Crime Analyst + fringe benefits (as of 1/1/11) | 38,462 |
| | 001-680-00.5712 | laptop & desktop computer | 3,330 |
| | 001-618-00.5021 | Admin I (training) + fringe (start Jan 1, 11) | 26,606 |
| | | Desktop computer | 1,500 |
| | | Patrol Admin-salary to 25% + fringe | 3,700 |
| | 001-618-00.5713 | 1 Ford Expedition (out of Reserves) | 25,000 |
| Sheriff Bail Bond | 51-618-00.5021 | Part-time Admin I (Bail Bond Funds-bal w/reserves) | 708 |
| Jail | 001-618-03.5021 | 1 Jail Maintenance Worker + fringe (Temp Full Time-reserves) | 31,330 |
| | | Re-grade Correction Officers to Transp Deputies(w/salary svcs) | 35,831 |
| | 001-618-03.5206 | Increase law enforcement supplies | 2,000 |
| | 001-618-03.5719 | Increase misc equip for law mower expense | 500 |
| IT | 001-680-00.5712 | Treasurer's Time Keeping System (out of Reserves) | 44,500 |
| Treasurer | 001-680-00.5021 | Asst Treasurer 6% increase + fringe | 3,936 |
| County Wide | 001-645-00.5741 | LBJ Museum renovations (out of Reserves) | 225,000 |
| | | Alternative Dispute Resolution Ctr (funded FY10 reduced) | <10,000> |
| | | Partners in Progress - (funded FY10 reduced) | <49,000> |
| | 001-645-00.5718 | V Max software for Elections (move additional into Reserves) | 25,000 |
| Elections | 001-655-00.5446 | Move Maintenance to Contract Fund & budget revenue | <50,000> |
| | | Hazard Mitigation \$75K grant - (\$18,750 Matching funds - out of Reserves) | 18,750 |
| District Attorney | 001-608-00.5021 | Attorney's receive 1% merit | 6,137 |
| JP's | | All JP's printing budget to \$300 for magistration forms | 700 |
| Personal Health | 120-675-00.5712 | Electronic Medical Records System (out of Reserves) | 35,000 |
| Personal Health | | | |
| Indigent | 120-675-06.5231 | Increase medical supplies (reduced) | 25,000 |
| | 120-675-06.5431 | Increase medical services (reduced) | 25,000 |
| Personal Health | | | |
| Title V | 120-675-99-020.4301 | Increase grant revenue | <2,000> |
| Sheriff-OAG Vine | 001-618-99-004.4301 | Increase grant revenue | <602> |
| Juv Prob TJPC-A | 001-686-99-027.4301 | Increase grant revenue | <6,000> |
| Juv Prob TJPC-E | 001-686-99-034.5361 | Reduce contract inmate detention | <1,000> |
| | | Remove Elected Officials 2% salary + fringe | <29,645> |

Road Projects to rollover

| | | | |
|----------|---------------------|---|--------|
| RPTP R&B | 020-710-00.5386 | FY10 Rollover project-Mc Gregor Ln ROW Svs | 5,000 |
| | 020-710-00.5448_008 | FY10 Rollover project - Nutty Brown drainage review | 7,500 |
| | 020-710-00.5448_008 | FY10 Rollover project - Elder Hill | 20,000 |
| | 020-710-00.5713 | Vehicle | 21,777 |

Personnel

| | |
|--------------------|--|
| DA | Convert Attorney II slot 2 to Attorney I |
| Juv Detention | Title change - Detention Corr Officer to Juv Supervision Officer |
| RPTP Dev Svs | Sanitarians to receive 1% COLA & 1% merit |
| RPTP Road & Bridge | Remove Inspector slot 2 |

Grants

| | | |
|-----------------|---|----------|
| Juv Probation | Budget TJPC-C Commitment reduction grant funds | 51,100 |
| | Reduce TJPC-H grant funds to actual | <20,611> |
| | Correct TJPC-Y budget moving funds from 5361 to 5489 | 2,350 |
| | Move all TJPC local match to operating | 415,176 |
| Sheriff | Move jail radio funds to grant cost center | 39,947 |
| EMC | Budget GDEM CERT rollover funds | 642 |
| Veteran's Admin | Budget VA bus & mtc FY10 rollover funds | 74,670 |
| Personal Health | Budget Bioterrorism FY10 rollover funds to new cost ctr | 27,185 |
| | Increase Bioterrorism FY11 revenue & expenses to actual | 558 |
| | Budget H1N1 rollover - split ph 1 & 2 into 2 cost centers | 345,469 |
| DA | Budget prosecution enhancement grant funds | 12,026 |
| County-Wide | Move all phone allowances to county-wide (until policy is in place) | 2,793 |
| Historical Comm | Roll FY10 cemetery mtc savings to FY11 contract svcs | 5,000 |

Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED



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A motion was made by Commissioner Ford, seconded by Commissioner Barton to reduce fuel line item by \$100,000. All voting "Aye".

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to reduce legal fee line item by \$25,000. All voting "Aye".

A motion was made by Judge Sumter, seconded by Commissioner Barton to move \$25,000 for Redistricting, add \$25,000 for a total of \$50,000 for Transportation Committee, \$20,000 For Healthy Communities from General Fund County Wide to Reserves and reduce General Contract Services to \$25,000 from General Fund to Reserves. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Barton, seconded by Commissioner Ford to increase revenue for sales tax \$9,450,000 to \$9,500,000. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Barton to take \$176,000 savings from salary line items, eliminate a COLA this year and make increase as discretionary merits starting December 1, 2011. Motion withdrawn

A motion was made by Commissioner Ford, seconded by Commissioner Conley to take an additional \$50,000 from materials line item out of the RPTP Budget. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to reduce \$25,000 from salary adjustment line item #001-645.5091. All voting "Aye". MOTION PASSED

A motion was made by Judge Sumter, seconded by Commissioner Conley to reduce \$47,500 from general contingency line item and remove \$2,500 from training contingencies for a total of \$50,000 removed from Contingencies Line item. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton voting "No".

A motion was made by Judge Sumter, seconded by Commissioner Barton to reduce \$5,000 from membership fees general line item. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to reduce the collective bargaining budgeted amount by two months and give a 2% salary merit increases for non-collective bargaining employees to start December 1, 2010. Motion withdrawn

A motion was made by Commissioner Conley, seconded by Commissioner Ford to cut \$45,000 off of Pct. 3 Hill County Ranches Road Project. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Barton, seconded by Commissioner Ford to reduce salary line item by \$54,320 and to do away with any COLA increase and make all increases merit based to be determined by department head with no increases to take effect earlier than December 1, 2010. All voting "Aye". MOTION PASSED

Judge Sumter had to leave the meeting at this time for personal reasons.

A motion was made by Commissioner Barton, seconded by Commissioner Conley to reduce collective bargaining unit by \$50,000 and make that subject to negotiations with the collective bargaining team and place \$16,559 to balance budget and keep tax rate at 46.92¢ with remaining funds to go into contingencies to be earmarked for debt reduction or additional collective bargaining funds. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote.

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt the FY2011 Hays County Budget with final changes made this date. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote.

27477 RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY2011 HAYS COUNTY BUDGET

County Auditor Bill Herzog advised that this budget will raise more total property taxes than last year's budget by \$678,793 (1.3%) and of that amount \$1,638,588 is tax revenue to be raised from new property added to the tax roll this year. A motion was made by Commissioner Barton, seconded by Commissioner Ford to ratify the property tax increase reflected in the FY2011 Hays County budget. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote.



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27478 APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY2011 AND LEVY THE TAXES

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve an Order Adopting the Tax Rate of 46.92 cents [General Maintenance & Operations = 29.85 cents General Debt = 12.63 cents Road & Bridge M&O = 4.44 cents] for Fiscal Year 2011 and levy the taxes. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote.

EXECUTIVE SESSION PURSUANT TO 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE NICHOLSON RANCH ACQUISITION AND OPTIONS THE COUNTY HAS IN REGARDS TO THE PROJECT

Commissioners Court, Stan Snodgrass, and Mark Kennedy were in the Executive Session. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING BETWEEN HAYS COUNTY AND HCLEA, THE DESIGNATED BARGAINING AGENT FOR LAW ENFORCEMENT OFFICERS EMPLOYED BY HAYS COUNTY

Commissioners Court, Mark Kennedy, Bill Herzog, Mike Davenport, and Shari Miller were in Executive Session. No action taken.

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 SEPTEMBER 28, 2010.



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





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5TH DAY OF OCTOBER A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LINDA C. FRITSCHÉ

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

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

4-H PRESENTATION BY RICHARD PARRISH

County Extension Agent Richard Parrish spoke of 4-H programs and education and the volunteers that are dedicated to the youth of Hays County. Caresse Magee (Wimberley 4-H), Tiera Magee (Wimberley 4-H), and Hunter McDonald (Bronze Star Winner) spoke of their experience in the 4-H program.

PUBLIC COMMENT

Public comment was made by Constable Pct. 2 James Kohler, Alan Cameron (San Marcos resident) and Charlie Johnson (Wimberley resident).

PRESENTATION OF NEW DRAFT WEB DESIGN FOR HAYS COUNTY

Communications Specialist Lauren Chernow and IT technician Rafael Marquez presented the new draft web design to the court.

27479 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested that invoices in the amount of \$334,474.63 also be approved for payment to TxDot (Advanced funding for RR12 @ Sink Creek, RR12 @ Hugo Road, & the Junction - RM 32). A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of \$1,375,226.79 with addition of \$334,474.63 in invoices as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #4 RE: APPROVE AWARD OF BID # 2010-B17 CONTRACTOR FOR STABILIZATION PROJECT/OLD HAYS COUNTY JAIL TO GIFT-NEUHAUS AND AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT was **PULLED**

27480 ADOPT A RESOLUTION SUPPORTING COMBINED COMMUNITY ACTION, INC FOR THE ADMINISTRATION OF THE HOME DELIVERED MEAL GRANT PROGRAM

A motion was made by Commissioner Barton, seconded by Commissioner Ford to adopt a Resolution supporting Combined Community Action, Inc. for the administration of the home delivered meal grant program. All present voting "Aye". MOTION PASSED

27481 APPROVE THE CANCELLATION OF COMMISSIONERS' COURT ON NOVEMBER 2, 2010 (ELECTION DAY)

Historically, the Court has cancelled Commissioners Court meetings on Election Day. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the cancellation of Commissioners Court on November 2, 2010. All present voting "Aye". MOTION PASSED



OCTOBER 5, 2010

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- 27482 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SERVICE AND SUPPORT AGREEMENT WITH NEW WORLD SYSTEMS FOR THE INSTALLATION AND CONFIGURATION OF LOGOS.NET IN CONJUNCTION WITH THE INSTALLATION AND CONFIGURATION OF WINDOWS SERVER 2008 AND SQL SERVER 2008 FOR OUR FINANCIAL SYSTEM'S DATABASE**

Upgrades to our Logos.net financial system will require that our system be on a 2008 SQL Server and 2008 Windows Server. The County's Logos.net is currently running on Windows 2003 and 2005 SQL server. New World Systems recommends that they configure the 2008 SQL Server and 2008 Windows server at the same time as the Logos.net database configuration. New World Systems will be onsite to ensure that the financial database and configurations are running properly on the 2008 Windows and 2008 SQL Server. The cost for this service is \$5,000 plus travel costs and coming out of line item #001-680-00.5718. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a Service and Support Agreement with New World Systems for the installation and configuration of Logo.net in conjunction with the installation and configuration of Windows Server 2008 and SQL Server 2008 for our financial system's database. All present voting "Aye". MOTION PASSED

- 27483 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR A REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE; AND TO ACKNOWLEDGE THE DISTRICT ATTORNEY'S AUTHORITY TO EXECUTE THE "SPECIAL CONDITION-DISTRICT ATTORNEY CONTRACT" AS PART OF THE AGREEMENT**

This is a continuance of an ongoing Agreement between 17 counties and respective Sheriff's Offices for the coordination and conduct of the Regional auto Theft Enforcement Task Force. The grant funding is used to assistance in personnel salary for a field agent for the Hays County Sheriff's Office. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute an Interlocal Assistance Agreement for a Regional Auto Theft Enforcement Task Force; and to acknowledge the District Attorney's authority to execute the "Special Condition-District Attorney Contract" as part of the Agreement. All present voting "Aye". MOTION PASSED

- 27484 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN DEER CREEK SUBDIVISION**

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borchering gave staff recommendation. This will establish a speed limit of 20 MPH on Deer Creek Circle and on Green Oak Drive in Deer Creek Subdivision. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of 20 MPH speed limit on Deer Creek Circle and Green Oak Drive in the Deer Creek Subdivision. All present voting "Aye". MOTION PASSED

- 27485 RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR RIM ROCK SUBDIVISION, PHASE 1, SECTION 4**

The maintenance bond for Rim Rock Subdivision, Phase 1, Section 4 expired September 26, 2010. The Road Department has inspected and recommends its acceptance for maintenance. Roads include: Shallow Water Cove (1245 ft), Black Stone Cove (700 ft) and Pine Post Cove (981 ft). A motion was made by Commissioner Ford, seconded by Commissioner Conley to release the Maintenance bond and accept for maintenance all road and drainage improvements within County ROW for Rim Rock Subdivision Phase 1 Section 4. All present voting "Aye". MOTION PASSED

- 27486 CALL FOR A PUBLIC HEARING ON OCTOBER 18, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN SUNFIELD ESTATES**

This public hearing will be held to consider establishing a three way stop at the intersection of Spanish Trails Blvd. and Marsh Lane. A motion was made by Commissioner Barton, seconded by Commissioner Ford to call for a public hearing on October 18, 2010 to establish traffic regulations in Sunfield Estates. All present voting "Aye". MOTION PASSED



27487 DOUBLE FILL THE SITE MANAGER POSITION AT THE WIMBERLEY TRANSFER STATION

This is a request of continuance of previously approved (7/20/10) temporary help at the Wimberley Transfer Station. The Site Manager at the Wimberley Station is out on FMLA. A motion was made by Commissioner Conley, seconded by Judge Sumter to double fill the Site Manager position at the Wimberley Transfer Station. All present voting "Aye". MOTION PASSED

27488 AWARD THE BID FOR IFB #2010-B10, "THE SPRING LAKE PRESERVE", TO HARRIS ROAD COMPANY

On March 30, 2010 the Commissioners Court authorized Purchasing to solicit for construction bids on the Spring Lake Preserve project, a joint project with the City of San Marcos and Texas State University. Aon April 22, 2010 the County received five bids for the project. The bids have undergone review by the project design firm and partners, and the recommendation is to award the bid to Harris road Company of Wimberley, Texas in the amount of 4108,22. This amount includes the base bid and Alternates One, Two, Four and Five (Alternate Three - Wetland Boardwalk was not accepted). This project is funded through a grant from the Texas Parks and Wildlife Department (TPWD) and no County funds are necessary. Project award has been delayed due to environmental clearances that took longer than anticipated to obtain and that are necessary for release of the funding from TPWD. The project will include accessible and primitive trail development, interpretive signage, benches, outdoor amphitheater (sundial), composition deck boardwalk, and interpretive signs. A motion was made by Commissioner Conley, seconded by Commissioner Ford to award the bid for IFB #2010-B10, "The Spring Lake Preserve", to Harris Road Company. All present voting "Aye". MOTION PASSED

27489 ACCEPT THE ADMINISTRATIVE SETTLEMENT - CSJ #0285-03-049 FOR RR12 - JUNCTION

The Courts original approved offer was \$8,230. The Davis' counteroffer is \$25,000. The difference is due to the replacement of numerous trees that will be taken during the process of the project. The owners are concerned about environmental, safety and noise issues without the addition of these trees. Court convened into executive session at 10:05 a.m. and reconvened into open meeting at 10:30 a.m. A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept the Administrative Settlement - CSJ #0285-03-049 for RR12 - Junction in an amount not to exceed \$25,000. All present voting "Aye". MOTION PASSED

27490 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACTS FOR ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT NO. 2 TO WORK AUTHORIZATION NO. 1 AND SUPPLEMENTAL NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HRM CONSULTANTS, INC

Supplemental Agreement No.2 to Work Authorization No. 1 and Supplemental No. 2 to the Professional Services Agreement will allow for the completion of: 1) Secure title commitments and required updates as needed from the title company and coordinate curative title work as required. 2) Coordination of Capital Surveying services on updates to field notes and legal descriptions, including coordination of requests for field staking from property owners. 3) Coordination of appraisers on revised appraisals and appraisal reviews for parcel's "X" and Tract 1 - Surplus ROW. 4) Provide negotiation services including the preparation and approval/disapproval of administrative settlements. 5) Assure the recordation of original documents immediately after closing. The maximum amount payable for services under Supplemental No. 2 to Work Authorization No. 1 (without modification) is \$24,600. The Compensation Cap to the professional Services Agreement is hereby increased from #304,426.50 to \$329,026.50. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute contracts for Engineering Services Supplemental Agreement No. 2 to Work Authorization No. 1 and Supplemental No. 2 to the Professional Services Agreement with HRM Consultants, Inc. All present voting "Aye". MOTION PASSED

27491 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A STANDARD PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND LOOMIS PARTNERS, INC. FOR THE PREPARATION OF A LAND MANAGEMENT PLAN ASSOCIATED WITH THE NICHOLSON RANCH PROJECT

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a Standard Professional Services Agreement between Hays County and Loomis Partners, Inc. for the preparation of a Land Management Plan associated with the Nicholson Ranch Project in an amount not to exceed \$10,000. All present voting "Aye". MOTION PASSED



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DISCUSSION REGARDING POLICY FOR THE DISTRIBUTION OF THE 2010 HAYS COUNTY ROAD ATLAS

Steve Floyd appeared before the court. The atlases are provided to law enforcement, emergency services, Hays County staff, and the general public. Hays County total cost on unbound paper copies of the atlas is \$19.74 per book. Staff will also have a digital copy of the atlas available in a pdf format (historically sold for \$5 per disk). Staff would like direction from the court regarding the cost. Court agreed to continue with policy that has been followed over the last couple of years and the fee to be charged for hard copy @ \$20 and CD @ \$5.

27492 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS, AND NEWNAM, INC. (LAN)

Supplemental No. 3 to the Professional Services Agreement requests that the Addition of a "ROW Specialist" category be included into Exhibit II (hourly rates). This category will allow for additional duties, responsibilities, and experience to that of the "Sr. ROW Agent". The Compensation Cap to the Professional Services Agreement remains at \$1,319,422. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute a contract for Engineering Services Supplemental Agreement No. 3 to the Professional Services Agreement with Lockwood, Andrews, and Newnam, Inc. (LAN) with addition of "ROW Specialist" category to be included into Exhibit II (hourly rates). All present voting "Aye". MOTION PASSED

27493 APPROVE HUMANA'S PROPOSAL FOR 2011 FOR MEDICAL, DENTAL BENEFITS, AND SUPPLEMENTAL TERM LIFE AS RECOMMENDED BY THE INSURANCE COMMITTEE; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RENEWAL WITH HUMANA AS THE RENEWAL DATES APPROACH

Human Resources Director Dee Dee Baen and Scott Yarbrough appeared before the court. Mr. Yarbrough spoke of expected claims and recommendations of the insurance committee for the 2011 plan year. There will be a change from MetLife to Dearborn National on the voluntary term life and no change to the Medical and Dental benefits. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve Humana's proposal for 2011 for medical, dental benefits, and supplemental term life as recommended by the Insurance committee; and to authorize the County Judge to execute the Renewal with Humana as the renewal dates approach. All present voting "Aye". MOTION PASSED

27494 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A RURAL HEALTH NETWORK DEVELOPMENT PLANNING GRANT, IN THE AMOUNT OF \$85,000.00

Grants Administrator Jeff Hauff and Health Dept. Director Priscilla Hargraves appeared before the court. The grant would be utilized to employ a Project Coordinator and half-time Program Assistant, and provide funding for consulting services, legal fees, and support services to formulate a strategic plan and formalize a countywide coalition for the provision of health care services in Hays County. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to submit a Grant Application to the U.S. Department of Health and Human Services for a Rural Health Network Development Planning Grant, in the amount of \$85,000. All present voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS NEGOTIATION AND PURCHASE OF NICHOLSON RANCH

Court convened into closed executive session at 11:35 am and reconvened into open meeting at 11:50 am. No action taken.

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 OCTOBER 5, 2010.



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

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: *(Since there is nothing unusual or controversial about this Commercial OSSF permit application, it is recommended that it be placed on the Consent Agenda)*

Action to Authorize Institutional OSSF Permit for an auto body shop at 4354 Dacy Lane, Buda, in Precinct 2.

| CIRCLE ONE ACTION ITEM | Subdivision | Road | Staff Recommendation |
|------------------------|-------------|------|----------------------|
|------------------------|-------------|------|----------------------|

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: NA

LINE ITEM NUMBER OF FUNDS REQUIRED: NA

REQUESTED BY: Bob Pratt, R.S., Resource Protection, Transportation & Planning.

SPONSORED BY: Commissioner Barton, Precinct 2

SUMMARY: Mr. Edward Montalvo is proposing an OSSF to serve an auto body shop at 4354 Dacy Lane, Jesse B. Eaves Survey No. 5, Abstract No. 166 in Precinct 2. The property is 1.5 acres.

It is an Evapotranspirative (ET) System designed by Steven K. Wenzel, P.E., R.S. The On Site Sewage Facility is designed for a maximum wastewater flow of 60 gpd with a maximum of 5 employees. Water is supplied by Goforth WSC.

STAFF REVIEW/COMMENTS

Resource Protection, Transportation & Planning Director: Recommend approval.

ROAD DIRECTOR: NA

STAFF RECOMMENDATIONS: Recommend approval. No variances to the Hays County OSSF Rules were required/granted.

SITE PROFILE

Page 1
9/30/2010

OSSF Permit #: 2010-245

TYPES OF PERMITS: ☒ OSSF permit

☒ Commercial

PROPERTY ADDRESS: 4354 DACY LANE, BUDA TX 78610

NAME OF OWNER: EDWARD MONTALVO

MAILING ADDRESS: 4554 DACY LANE BUDA TX 78610

Work Phone:

Cell: (512) 923-4677

Home Phone:

Fax:

throoms: 1

Septic Type: Commercial

Reason: New

3000 Sq Ft

5 Employees

Purchased: 6/17/2010

Revision: 7/29/2010

License Date:

Field: 720

Plans: 6/9/2010

Final Inspection:

Printed:

0 0 0 0

Authorization:

Approved By:

Installed:

Other Information:

☐ Rainwater Collection

☐ City limits

☐ Public Sewer

☐ ETJ

☐ Well

☐ Water saving fixtures

☒ Public Water

☐ Recharge zone

☐ Meter / Timer Required

WaterSupply Company: Goforth Water Supply, Inc.

HAYS COUNTY

Record Set:

Volume: 3745

Page: 891

Precinct/Zone: 2

Lot/Tract:

Block:

Lot size: 1.500

Grid/Section:

Affidavit File Date:

Survey:

Subdivision:

Reference:

Evaluator's Information:

Site Evaluator: Wenzel, Steven K.

Type of soil: 4

Soil Date: 6/6/2010

60 GPD

System Information:

Manufacturer:

Distributor:

Designer: Wenzel, Steven K.

Installer: TBD

Treatment Type: Septic

Disinfectant:

Flood Plain Permit:

Disposal: ET

Drainfield: 0 x 0 x 0 - 0

Flood Plain Status:

Brand / Model

Serial Number

Date

Flood Plain Date:

System:

Flood Plain Certificate:

Aerator:

Flood Plain Complete:

Discharge:

Expiration Date:

Service and Maintenance Information

Service Provider:

Date Maintenance Contract Started:

Insp./year: 3

Date Maintenance Contract Expires:

Location of System:

GPS Latitude: N

GPS Longitude: W

Map Code:

Legal Description:

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: *(Since there is nothing unusual or controversial about this Commercial OSSF permit application, it is recommended that it be placed on the Consent Agenda)*

Action to Authorize Institutional OSSF Permit for a wine tasting room (existing structure remodeled) located at 13111 Silver Creek Rd., Dripping Springs, TX 78620, in Precinct 4.

| CIRCLE ONE ACTION ITEM | Subdivision | Road | Staff Recommendation |
|------------------------|-------------|------|----------------------|
|------------------------|-------------|------|----------------------|

PREFERRED MEETING DATE REQUESTED: October 12 , 2010

AMOUNT REQUIRED: NA

LINE ITEM NUMBER OF FUNDS REQUIRED: NA

REQUESTED BY: Bob Pratt, R.S., Resource Protection, Transportation & Planning.

SPONSORED BY: Commissioner Ford, Precinct 4

SUMMARY: Barbara Haderlein, Trustee is proposing an OSSF to serve a wine tasting room operating out of an existing remodeled structure. This property is located at 13111 Silver Creek Rd., Dripping Springs, TX in Precinct 4. The property is 134.98 acres.

It is a standard system utilizing leaching chambers designed by Doug Dowlearn, R.S. The On Site Sewage Facility is designed for a maximum wastewater flow of 160 gpd for a maximum of 20 visitors. Water is supplied by an individual well.

STAFF REVIEW/COMMENTS

Resource Protection, Transportation & Planning Director: Recommend approval.

ROAD DIRECTOR: NA

STAFF RECOMMENDATIONS: Recommend approval. No variances to the Hays County OSSF Rules were required/granted.

SITE PROFILE

Page 1
9/30/2010

OSSF Permit #: 2010-221

TYPES OF PERMITS: ☒ OSSF permit

☒ Commercial

PROPERTY ADDRESS: 13111 SILVER CREEK ROAD, DRIPPING SPRINGS TX 78620

NAME OF OWNER: ERIKA TERESA LTD

MAILING ADDRESS: 330 T.C. JESTER BLVD HOUSTON TX 77007

Work Phone: (832) 660-8642

Cell:

Home Phone: (832) 660-8642

Fax:

throoms: 2

Septic Type: Commercial

Reason: New

Sq Ft

2 Employees

Purchased: 5/28/2010

Revision:

License Date:

Field: 0

Plans:

Final Inspection:

Printed:

0 0 0 0

Authorization:

Approved By:

Installed:

Other Information: ☐ Rainwater Collection

☐ City limits

☐ Public Sewer

☐ ETJ

☐ Well

☐ Water saving fixtures

☐ Public Water

☐ Recharge zone

☐ Meter / Timer Required

WaterSupply Company:

Record Set:

Volume:

Page:

HAYS COUNTY

Lot/Tract:

Block:

Lot size:

Precinct/Zone:

Affidavit File Date:

Survey:

Grid/Section:

Subdivision:

Reference: R17603

Evaluator's Information:

Site Evaluator:

Type of soil:

Soil Date:

0 GPD

System Information:

Manufacturer:

Distributor:

Designer: DOWLEARN, DOUG

Installer: TBD

Treatment Type:

Disinfectant:

Flood Plain Permit:

Disposal: Leaching Chamber

Drainfield: 0 x 0 x 0 - 0

Flood Plain Status:

Brand / Model

Serial Number

Date

Flood Plain Date:

System:

Flood Plain Certificate:

Aerator:

Flood Plain Complete:

Discharge:

Expiration Date:

Service and Maintenance Information

Service Provider:

Date Maintenance Contract Started:

Insp./year: 3

Date Maintenance Contract Expires:

Location of System:

GPS Latitude: N

GPS Longitude: W

Map Code:

Legal Description:

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:

Action to Authorize Institutional OSSF Permit for Hays County for the Resource Protection Transportation and Planning Dept. Building at 2171 Yarrington, San Marcos, TX in Precinct 1.

CIRCLE ONE ACTION ITEM

Subdivision

Road

Staff Recommendation

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: NA

LINE ITEM NUMBER OF FUNDS REQUIRED: NA

REQUESTED BY: Tom Pope, R.S., Resource Protection, Transportation & Planning.

SPONSORED BY: Commissioner Ingalsbe, Precinct 1

SUMMARY. The this on-site sewage facility is being constructed to accommodate the existing offices and 13,000 addition to the building. The property is 10 acres. The treatment system consists of existing 1250 and 500 gallon septic and pump tanks and a new 2000 gallon septic tank and 2000 gallon equalization tank dosing to a low pressure dosed dispersal field. The on-site sewage facility was designed by **Erin Banks, P.E.** The On Site Sewage Facility is designed for a maximum wastewater flow of 1062 gpd. The water supply is a public system The site profile is attached.

A variance to the separation distance from the tank location to a surface improvement (driveway) is being requested. Equal protection will be provided by implementing traffic rated lids on the tanks and access ports (manhole covers)

STAFF REVIEW/COMMENTS

Resource Protection, Transportation & Planning Director: Recommend approval.

ROAD DIRECTOR: NA

STAFF RECOMMENDATIONS: Recommend approval.

SITE PROFILE

Page 1
10/6/2010

OSSF Permit #: 2010-230

TYPES OF PERMITS: ☒ OSSF permit ☒ Development permit 2010-230

☒ Commercial

PROPERTY ADDRESS: 2171 YARRINGTON ROAD, SAN MARCOS TX 78666

NAME OF OWNER: HAYS COUNTY, TEXAS

MAILING ADDRESS: 111 E SAN ANTONIO SAN MARCOS TX 78666

Work Phone: (512) 393-2202

Cell:

Kitchens: 2
Bathrooms: 6

Home Phone:

Fax:

Septic Type: Commercial

Reason: ADDITION - OFFIC

18858 Sq Ft

104 Employees

Purchased: 6/4/2010

Revision:

License Date:

Field: 7600

Plans: 10/6/2010

Final Inspection:

Printed:

0 0 18 24

Authorization:

Approved By: POPE, TOM R

Installed:

Other Information: ☐ Rainwater Collection

☐ City Limits

☐ Public Sewer

☒ ETJ

☐ Well

☒ Water saving fixtures

☒ Public Water

☐ Recharge zone

☐ Meter / Timer Required

WaterSupply Company:

Record Set:

Volume: 1649

Page: 83

HAYS COUNTY

Lot/Tract:

Block:

Lot size: 10.00

Precinct/Zone: 1

Affidavit File Date:

Survey:

Grid/Section:

Subdivision:

Reference:

Evaluator's Information: Site Evaluator: BANKS, ERIN

Type of soil: 4

Soil Date:

1062 GPD

ADDITION - GOVERNMENT OFFICES

System Information:

Manufacturer:

Distributor:

Designer: BANKS, ERIN

Installer:

Treatment Type:

Disinfectant:

Flood Plain Permit:

Disposal:

Drainfield: 0 x 0 x 18 - 24

Flood Plain Status:

System:

Aerator:

Discharge:

| Brand / Model | Serial Number | Date |
|---------------|---------------|------|
| | | |
| | | |
| | | |

Flood Plain Date:

Flood Plain Certificate:

Flood Plain Complete:

Expiration Date:

Service and Maintenance Information

Service Provider:

Date Maintenance Contract Started:

Insp./year: 3

Date Maintenance Contract Expires:

Location of System: GPS Latitude: N

GPS Longitude: W

Map Code:

Legal Description:

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Approve specifications for RFQ 2011-P02 Monitoring Consultant for McGregor Lane project and authorize purchasing to solicit for bid and advertise.

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

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

PREFERRED MEETING DATE REQUESTED: October 12, 2009

AMOUNT REQUIRED

LINE ITEM NUMBER OF FUNDS REQUIRED

REQUESTED BY: Ford

SPONSORED BY: Ford

SUMMARY:

See specifications attached.

REQUEST FOR QUALIFICATIONS
CONSTRUCTION SITE ENVIRONMENTAL MONITOR
RFQ #2011-P02

HAYS COUNTY, TEXAS

Hays County will be accepting sealed proposals for environmental oversight and monitoring of construction activities related to replacement of a bridge on McGregor Road near Dripping Springs, Texas.

Project Description

This RFQ is ancillary to the bridge replacement project.

Scope of Work

This project consists of environmental oversight of construction activities including but not limited to pre-construction evaluation of downstream conditions, monitoring of environmental controls during construction, and post-construction evaluation of impacts. Ideally, the individual or team selected to accomplish these tasks would hold a minimum education level of a bachelors degree in biology or a related natural sciences field, and experience in:

- 1) wetland delineation, permitting, and mitigation,
- 2) construction and compliance monitoring and reporting, and
- 3) flora and fauna surveys and assessments.

Selection Criteria

Proposals shall be evaluated on the following basis:

- Demonstrated ability and qualifications to address the major issues relative to this particular project
- References

After evaluation of the Statements of Qualifications received in response to this RFQ, the Purchasing Department may conduct interviews with one or more proposers. At that time, proposers may elaborate on their qualifications, experience, project approach, and staff expertise. Hays County expects all key personnel proposed for the project to be present at the interview.

Hays County reserves the right to complete the selection process without proceeding to an interview process and may choose to select based on the information supplied in the Statement of Qualifications. Hays County reserves the right to select the proposer whose qualifications, in the County's sole judgment, best meet the needs of the County.

Hays County reserves the right to reject any and/or all proposals. The award of the contract is subject to approval of the Commissioners Court.

Negotiations on a contract will be conducted only after final selection. If a contract satisfactory to Hays County can be negotiated, an award shall be made to that proposer. Otherwise, negotiations with the proposer shall be formally terminated and the County will move to the next proposer.

Hays County is an Equal Opportunity Employer.

Contact

Requests for additional information regarding this RFQ should be addressed to:

Cindy Maiorka CPPB
Purchasing Manager
111 E. San Antonio Street Suite 101
San Marcos, Texas 78666
512-393-2273 (office)
512-393-2276 (fax)
cindym@co.hays.tx.us

Submission Details

Proposals must be submitted in a sealed envelope, addressed to Hays County Purchasing Office, Attn: Cindy Maiorka, 111 E. San Antonio St., Ste 101, San Marcos, Texas 78666. **Proposals must be delivered no later than 2:00 p.m., Thursday, October 28, 2010.**

Proposals received in the County Purchasing Office after submission deadline shall be returned unopened and will be considered void and unaccepted. NO EXCEPTIONS. The County is not responsible for lateness of mail, carrier, etc. and time/date stamp clock in the purchasing office shall be the official time of receipt. Hays County does not accept faxed proposals.

Please submit one (1) original (marked as such) and four (4) copies, plus a copy of the proposal on CD.

Format

The proposal is limited to twelve (12) pages, double sided (printed both sides), including names, addresses, telephone numbers, fax numbers, and e-mail addresses for

the prime provider and any sub-providers if proposed for the team and minimum of three (3) references from similar projects including any experience with Hays County in the past five (5) years). References should include:

- Name of agency/firm, contact person, phone number and e-mail address
- Year the service was provided
- Type of project and scope of services provided

The Statement of Proposals should incorporate the least amount of plastic/laminate or other non-recyclable binding materials. Supporting attachments and/or appendices (related project graphics, resumes, etc.) are not included in the twelve page limit, but should be conservative in their inclusion.

CODE OF ETHICS FOR HAYS COUNTY

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

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

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

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

- D. **Kickbacks:** It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for Hays County as an inducement for the award of a contract or order.
- E. **Contract Clause:** The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation therefore.
- F. **Any effort to influence any employee, elected official, or department head to violate the standards of this code are grounds to void the contract. Please certify by your signature below that you understand the ethics policy of Hays County and in no way will attempt to violate the code.**

SIGNATURE: _____

PRINT NAME AND TITLE: _____

COMPANY NAME: _____

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Authorize County Judge to execute renewal of the Interlocal Agreement for Repair and Maintenance (of roadways) for the City of Woodcreek.

TYPE OF ITEM: CONSENT

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Conley

SPONSORED BY: Conley

SUMMARY: The contract expired on September 30, 2010 and will renew for a term of one (1) year. Aside from the changes to the date, there are no other changes to the contract.



City of Woodcreek

September 15, 2010

Honorable Will Conley
Hays County Commission, Precinct 3
P. O. Box 2085
Wimberley, Texas 78676

Dear Commissioner Conley:


At the September 8, 2010 Woodcreek City Council meeting, the Woodcreek City Council authorized approval to enter into a one year renewal of the Interlocal Agreement for Street Repair and Maintenance with Hays County. A copy of the current Agreement is attached. The term of the current Agreement is to end at the end of the City's fiscal year, September 30, 2010 (Section 2.2).

We are pleased with the maintenance services provided under the current Agreement and wish to continue the arrangement. We are awaiting the billing from Hays County for the services rendered.

Please accept this letter as the request from the City of Woodcreek for approval by Hays County of a one year renewal of the Interlocal Agreement for Street Repair and Maintenance with Hays County.

If I can provide additional information, please let me know.

Sincerely,


Pieter Sybesma
City Administrator

✓ Cc: Mark Driscoll Kennedy, A.D.A.-Special Counsel, Hays County

CITY OF WOODCREEK

**INTERLOCAL AGREEMENT
FOR REPAIR AND MAINTENANCE**

This Interlocal Agreement for Roadway Repair and Maintenance ("Agreement") is hereby entered into by and between the City of Woodcreek, Texas, a Type-A general-law municipality, hereinafter referred to as "City", and the County of Hays, a political subdivision of the State of Texas, hereinafter referred to as "County."

**ARTICLE I.
RECITALS**

- WHEREAS**, County and City desire to provide safe and well maintained roads, streets, alleys, and rights-of-ways for the use and benefit of the public and future generations; and
- WHEREAS**, the County and City desire to cooperate in the maintenance and repair of roads, streets, alleys, and rights-of-ways within the County and City; and
- WHEREAS**, the County and City desire to allocate by mutual agreement the responsibilities for governmental functions and services which are or may become necessary in providing safe and well-maintained roads, streets, alleys, and rights-of-ways that are of consistent quality of pavement along the whole length of roads that are part of the County or City road system, even those County Roads that lie within the City limits (see Attorney General Opinions ww-1401, H-1018 and H-1019); and
- WHEREAS**, the Interlocal Cooperation Act (Chapter 791, Texas Government Code) (the "Act") empowers the Parties to contract with each other in the performance of governmental functions; and
- WHEREAS**, road and street maintenance are governmental functions within the meaning of the Act; and
- WHEREAS**, the City and County are "local governments" within the meaning of the Act; and
- WHEREAS**, specifically, Section 791.032 permits, with the approval of the governing body of a municipality, a county to enter into a interlocal contract with the municipality to finance the construction, improvement, maintenance, or repair of streets or alleys in the municipality, including portions of the municipality's streets or alleys that are not an integral part or a connecting link to other roads or highways; and
- WHEREAS**, section 251.012 of the Texas Transportation Code expressly allows a commissioners court of a county to spend county money to finance the construction, improvement, maintenance, or repair of a street or alley; and further, subsection (b)(3) permits the county work may be done or financed by the county as an independent contractor with the municipality; and

RECEIVED

MAR 22 2010

CITY OF WOODCREEK

WHEREAS, Hays County has budgeted funds sufficient for the general maintenance of roads in the County Road System that lie within the City limits; and

WHEREAS, the total expenditure of municipal funds under this Agreement is expected to be less than \$50,000, exempting the City from compliance with the competitive bid procedures of chapter 252 of the Local Government Code; and

NOW THEREFORE, in consideration for the mutual covenants and agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, both the City and County agree to do as follows:

ARTICLE II. MAINTENANCE SERVICES

2.1 Definition.

The "Maintenance Services" to be provided by the County to the City hereunder are services, including, the maintenance and repair of asphalt and pavement of the streets and roads and corresponding maintenance and repair to the subsurface and surface of roads and streets as designated herein, as appropriate to Hays County and as specifically agreed to by and between the County and City, namely, those services specified herein.

2.2 Term

a. Unless terminated as provided herein, the Initial Term of this Agreement will commence on the date of execution of the last party to sign the Agreement (hereinafter the "Effective Date"). The Initial Term shall be for one (1) year, commensurate with the fiscal year of the City. In the event that the City and the County execute this Agreement after the beginning of the City's fiscal year, the Initial Term shall be from the Effective Date to the end of the City's fiscal year.

2.3 Current Funds

Funding from each party for the performance of this Agreement will be provided from current revenues available to the parties. Further, the City assures the County that funds are available (and, unless written notice is provided by the City, will continue to be available) to reimburse the County, as the City is obligated to do under the terms of this Agreement. After written notice from the City that no City funds are available or if this Agreement is terminated in a budget year, the City shall not be obligated to reimburse the County for the cost of any labor or materials related to any maintenance or repair or any County Road or City Road incurred by the County after its receipt of the written notice from the City, unless the project was already undertaken at the time of the written notice.

2.4 Maintenance Services

a. County Road System Roadways. In regards to all roads within the City limits that are identified by the County as roads that are part of or integral to the County Road System (hereinafter "County Roads"), and as more particularly identified on Exhibit "A" (**There are no County roads within the City of Woodcreek as of February 10, 2010**), attached and incorporated by reference, the Parties agree as follows:

1. County shall be responsible for providing the labor and equipment required for maintenance and repair of County Roads.

2. City agrees to pay for all actual materials costs related to the maintenance and repair of County Roads, as defined in 2.4(a).
 3. City may request the maintenance and repair of specific County Roads, but County shall, with or without request by the City, (i) identify County Roads that are in need of maintenance and repair, (ii) provide thirty (30) days prior written notice to City of maintenance and repair that County intends to perform on County Roads, and (iii) unless City objects to the maintenance and repair within ten (10) days of receiving notice under this Section, maintain and repair all County Roads, in a similar fashion and to a similar quality as is customarily performed on other roads within Hays County.
 4. If City desires that a specific County Road be maintained, repaired, or upgraded to a higher quality or higher standard than is customarily performed by the County on other county roads within Hays County, City may, at no expense to the County, contract with a third party for the maintenance, repair, and/or upgrade of that specific County Road. In the alternative, the City may request the County to perform the maintenance, repair, and/or upgrade of that specific County Road to the specification desired by the City, if County has the resources available to perform to those specifications.
 5. If City requests that County perform the maintenance, repair, and/or upgrade of a specific County Road under subsection 2.4(a)(3) of this Agreement, County shall provide an estimate to the City for the proposed work, and the parties shall follow the procedures set forth for the City Roads, below. County's estimate under this section shall account for the cost of materials it would take to maintain, repair, and/or upgrade that specific County Road to a higher quality or higher standard than is customarily performed by County on other county roads within Hays County.
- b. City Roadways. In regard to all roads within the City limits that are NOT identified by the County as roads that are part of or integral to the County Road System (hereinafter "City Roads"), the parties agree as follows:
1. County shall, at the request of the City, provide City with a written estimate and proposed Start Date for the maintenance, repair, and/or upgrade of specific City Roads. The written estimate shall include reasonable compensation for County's labor, equipment, and material costs associated with the maintenance, repair, and/or upgrade of any specific City Road as to the standards specified by the City.
 2. City shall, within thirty (30) days receipt of the written estimate from the County, request that County (i) perform the maintenance, repair, and/or upgrade of that specific City Road as estimated by the County, or (ii) inform the County that the City desires to wait until a later date upon which the County can provide the City with a new estimate and available Start Date for that specific City Road. City may, at any time, contract with a third party for the maintenance, repair, and/or upgrade of any City Road.
 3. If City requests that County perform maintenance, repair, and/or upgrades under subsection 2.4(a)(3) above, County shall commence performance of the maintenance, repair, and/or upgrade within ten (10) days of the proposed Start Date cited in subsection 2.4(b)(1) above. If City waits for a period longer than thirty (30) days to respond to

County's written estimate, or if the City requests that the County act in accordance with 2.4(a)(3) above, the written estimate provided by the County shall be considered expired and void unless otherwise indicated or extended in writing by the County.

ARTICLE III. PAYMENT

3.1 Payment.

All invoices related to Maintenance Services for County Roads and City Roads shall be provided by County on a monthly basis for all costs that are the obligation of the City under this Agreement. The City shall pay said invoices no later than thirty (30) days after receipt, or the following business day of the thirtieth day falls on a weekend or state holiday.

ARTICLE IV. TERMINATION

4.1 Termination.

This Agreement may be terminated by either party, for any reason whatsoever, by providing sixty (60) days written notice to the non-terminating party. If, upon providing or receiving notice of termination under this Section, County has begun the performance of Maintenance Services or upgrade of any roadway under this Agreement, County shall complete the work on that specific roadway, and City shall pay, as may be required by the terms of this Agreement, for the completion of work on that specific roadway before either party is released from the terms and obligations of this Agreement.

ARTICLE V. MISCELLANEOUS

5.1 Notice.

Any notice required or permitted to be given by either party under the terms of this Agreement shall be deemed given, whether or not received, three (3) days after it is deposited in the United States mail, postage prepaid, certified mail with return receipt requested, to the address for notice as set forth below, or the last address for notice which the sender has for the recipient at the time notice is sent, with a copy sent on the same day by facsimile, or on the date notice is delivered if hand-delivered, with a written acknowledgement of receipt obtained.

Address for notices are as follows, unless expressly changed by the parties in writing:

- a. Notices sent pursuant to this Agreement may be delivered or sent to the CITY at the following address:

Mr. Pieter Sybesma (or his successor)
City Administrator
41 Champions Circle
Woodcreek, Texas 78676

- b. Notices sent pursuant to this Agreement may be delivered or sent to the COUNTY at the following address:

Commissioner Will Conley (or his successor in office)
P.O. Box 2085
Wimberley, Texas 78676

- c. To be effective, a copy of any notice sent to the COUNTY shall be sent to Special Counsel's office at the following address:

Mark Driscoll Kennedy
A.D.A. – Special Counsel
Hays County, Texas
111 E. San Antonio, Suite 204
San Marcos, Texas 78666

- d. To be effective, a copy of any notice sent to the CITY shall be sent to the City Attorney at the following address:

Alan Bojorquez
Bojorquez Law Firm
12325 Hymeadow Drive, Suite 2-100
Austin, Texas 78750

5.2 Cooperation, Reservation of Rights.

The City and County agree to cooperate with each other, in good faith, at all times during the term of this Agreement in order to achieve the purpose and intent of the Agreement. The parties agree to do all acts and things and to execute and deliver such further written instruments, as may be from time to time reasonably required to carry out the purpose and the provisions of this Agreement. Nothing in this Agreement shall be construed to interfere with the County and City's legal right to autonomously repair and maintain roads that have been identified as part of each entity's respective road system, particularly if the condition of said road, in the Party's opinion, poses a safety or mobility concern.

5.3 Entire Agreement, Amendments.

This Agreement contains the entire agreement between the parties respecting the subject matter hereof, and supersedes all prior understandings and agreements between the parties regarding such matters. This Agreement may not be altered, amended, or modified except in writing signed by all parties to this Agreement. No official, agent, employee, or representative of either the County or City has the authority to alter, amend, or modify the terms of the Agreement, except in accordance with express authority as may be respectively granted by either the County Commissioners Court or the City Council.

5.4 Interpretation.

The parties acknowledge and confirm that this Agreement has been entered into pursuant to the authority granted under the Interlocal Cooperation Act. All terms and provisions hereof are to be construed and interpreted in consistently with the Act.

5.5 Severability.

Any clause, sentence, paragraph, or article of this Agreement which is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect shall not be deemed to impair, invalidate, or nullify the remainder of this Agreement if the Agreement can be given effect without the invalid portion.

5.6 Applicable Laws.

This Agreement shall be construed in accordance with the laws of the State of Texas.

5.7 Authorization.

Each party to this Agreement acknowledges and represents that this Agreement has been duly authorized by its respective governing body. This Agreement shall not become effective until approved by the City Council of the City and the Hays County Commissioners Courts, and signed by both parties.

5.8 Indemnity.

The City agrees that it will, to the extent permitted by applicable law, save, protect, defend, and hold harmless the County from any and all suits, claims, or causes of action which may arise out of, or in any manner be connected with the negligence, recklessness, or intentional misconduct of City employees, agents, or servants in performing the City's obligations under the terms of this Agreement.

The County agrees that it will, to the extent permitted by applicable law, save, protect, defend, and hold harmless the County from any and all suits, claims, causes of action, or public liability which may arise out of, or in any manner be connected with County operations or programs, and the negligence, recklessness, or intentional misconduct of County employees, agents, or servants in performing or failing to perform the County's obligations under the terms of this Agreement.

Nothing herein shall be deemed in any manner to constitute a waiver of any immunity or affirmative defense which may be asserted by the County or City pursuant to law. Nor shall this provision be in any manner construed to create a cause of action for the benefit of any person not a party to this Agreement, not otherwise existing at law.

5.9 Duplicate Original Counterparts.

This Agreement may be executed in duplicate original copies by the parties. Similar agreements by and between the City and County and other contracting entities may be made; each such separately executed version of this Agreement is and shall constitute a separate and distinct agreement between the City or County and the particular other entity, but does not create obligations or rights as between contracting entities.

5.10 Alternative Dispute Resolution.

It shall be a prerequisite to either party seeking legal or equitable relief for any disputes arising under or related to this Agreement or the Maintenance Services that mediation be conducted. If they are unable to agree to a mediator and mediation process, the parties agree to use the Dispute Resolution Center of Austin, Texas, as the provider of mediators for mediation as described in the Texas Civil Practice and Remedies Code, section 154.023. Unless both parties are satisfied with the results of any such mediation, it will not constitute a final and binding resolution of the dispute; provided, however, that any mutually agreed settlement reached in any such mediation may be enforced by a court of competent jurisdiction. All communications within the scope of

mediation are and shall be confidential as provided in said section 154.023 unless both parties agree in writing to waive such confidentiality.

5.11 Non-waiver.

Any act of forbearance by either party will not constitute and will not have the effect of an amendment to this Agreement. The failure of any party to exercise a right under this Agreement under certain circumstances does not imply a waiver of such right under like circumstances later occurring.

5.12 Interpretation and Reliance.

No presumption will apply in favor of either party in the interpretation of this Agreement or in the resolution of any ambiguity of any provisions thereof.

EXECUTED THIS THE 16th DAY OF March, 2010.


Hays County

By:


Elizabeth Sumter
Hays County Judge

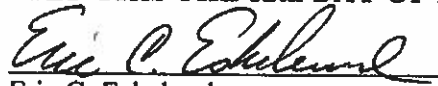


ATTEST:

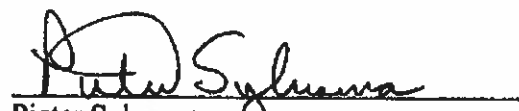

Linda C. Fritsche, Hays County Clerk

EXECUTED THIS THE 12th DAY OF FEBRUARY, 2010.

By:


Eric C. Eskelund
Mayor, City of Woodcreek

ATTEST:


Pieter Sybesma
City Administrator

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 Information Technology FY10 budget to cover additional equipment costs.

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

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: 13,250

LINE ITEM NUMBER OF FUNDS REQUIRED: 001-680-00.5712

REQUESTED BY: Jeff McGill

SPONSORED BY: Liz Sumter

Additional funds are needed for equipment purchases due to the recent conversion to the new County phone system (network switches (these switches run the computers and have to be compatible), & fiber optics for 3 buildings). Also, we were required to upgrad to a larger Odyssey server in order to support the digital imaging for the SO files that are being converted. Savings in software maintenance will fund this budget amendment.

Budget Amendment:

001-680-00.5429 (13,250)

001-680-00.5712 13,250

Agenda Item Routing Form

DESCRIPTION OF Item: Amend Information Technology FY10 budget to cover additional equipment costs

PREFERRED MEETING DATE REQUESTED: October 12, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT: \$13,250.00

LINE ITEM NUMBER:001-680-00.5712

COUNTY PURCHASING GUIDELINES FOLLOWED: Yes

PAYMENT TERMS ACCEPTABLE: Yes

COMMENTS:

Bill Herzog

SPECIAL COUNSEL

Typically Requires 9 Business Day Review

CONTRACT TERMS ACCEPTABLE: _____

COMMENTS:

COMMISIONERS' COURT

APPROVED/DISAPPROVED AND DATE: _____

COUNTY JUDGE

Signature Required if Approved

DATE CONTRACT SIGNED: _____

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 for maintenance all road and drainage improvements within County ROW for Hawthorne Loop in Rim Rock subdivision, Phase 1, Section 4.

| TYPE OF AGENDA ITEM | Subdivision | Road | Staff Recommendation |
|----------------------------|--------------------|-------------|-----------------------------|
|----------------------------|--------------------|-------------|-----------------------------|

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Jerry Borcharding

SPONSORED BY: Commissioner Ford

SUMMARY: The Road Department has inspected and recommends its acceptance for maintenance. The other roads were accepted last week. This road portion was originally thought to have been previously accepted. Road section includes: Hawthorne Loop (3,163 ft.)

STAFF REVIEW/COMMENTS

ENVIRONMENTAL HEALTH DIRECTOR:

ROAD DIRECTOR:

STAFF RECOMMENDATIONS:

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:

10-16-4 Partial Vacate and Replat of Lot 3 & 4, F&W Subdivision, Section 2 (2 Lots). Hold public hearing; discussion and possible action to approve final plat.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Garza

SPONSORED BY: Ford

SUMMARY:

Section 2 of the F&W Subdivision is a platted 2-lot division of approximately 8.32 acres of land located off of Fitzhugh Road in Precinct 4. The original plat was approved in 2004 and consisted of one 5.44-acre lot and one 2.88-acre lot. The original property owner still owns Lot 3 and wishes to vacate/cancel 4.32 acres and add 1.12 acres to Lot 4. The 4.32 acres will be added to their adjoining 125+ acres of raw land. The new configuration will leave 1 lot of 4 acres (lot 4A). The average lot size for this replat is 4.0 acres. Lot 4A will be served by an existing private well and individual on-site sewage facility.

Although this is not an increase in density, the Texas Local Government code requires a public hearing prior to final plat approval. The subdivision is located outside of the limits of any cities ETJ.

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:

10-17-4 Bush Ranch Phase 2 Section 1. Discussion and possible action to consider acceptance of fiscal surety in the amount of \$135, 275.77 for the construction of street and drainage improvements; approval of final plat.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Garza

SPONSORED BY: Ford

SUMMARY:

The Bush Ranch Subdivision is located on HWY 290 across from Nutty Brown Rd in Precinct 4. Phase 2 is located immediately west of Phase 1 and is still served by Hays County M.U.D. #4 for wastewater and storm water service. Section 1 consists of a 4.89 acre commercial lot located at the southwest corner of the property. Water service will be provided by the Lower Colorado River Authority. The future uses of all sections in Phase 2 is currently unknown but all sections are required to comply with current Hays County Regulations including water/wastewater availability and storm water conveyance.

The developer has posted fiscal surety in the amount of \$135,275.77 in the form of a bond to ensure construction of street and drainage improvements for the subdivision. The surety will be held until RPTP staff recommends acceptance of infrastructure construction and release of the guarantee.

Hays County Fiscal

PROJECT: Bush Ranch Phase 2 Section 1
Street and Drainage Improvements

JOB NO: 1484-002

BASED ON: Unapproved Construction Plans

DATE: 10/5/2010

Street Improvements

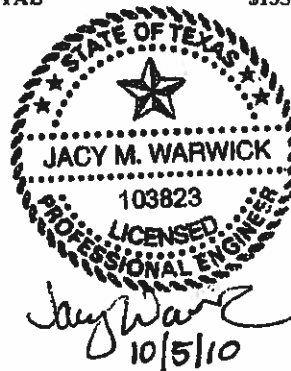
| ITEM | DESCRIPTION | COST/UNIT | UNIT | QUANTITY | TOTAL COST |
|--------------------------------|---|------------|------|----------|-------------|
| 1 | Subgrade Preparation (1' from Back of Curb) | \$3.00 | SY | 4,185 | \$12,555.55 |
| 2 | 12 inch Base | \$8.00 | SY | 4,185 | \$33,481.47 |
| 3 | 2.0 inch Asphalt - Type C | \$6.50 | SY | 3,632 | \$23,608.83 |
| 4 | Curb and Gutter | \$7.50 | LF | 2,113 | \$15,847.05 |
| 5 | Traffic Barrier | \$1,000.00 | EA | 3 | \$3,000.00 |
| 6 | Stop Signs/all types | \$300.00 | EA | 1 | \$300.00 |
| 7 | Speed Limit Signs | \$250.00 | EA | 1 | \$250.00 |
| 8 | Pavement Markings | \$5,000.00 | LS | 1 | \$5,000.00 |
| 9 | Restoration and Revegetation Inside ROW | \$0.60 | SY | 553 | \$331.83 |
| SUBTOTAL - Street Improvements | | | | | \$94,374.73 |

Drainage Improvements

| ITEM | DESCRIPTION | COST/UNIT | UNIT | QUANTITY | TOTAL COST |
|----------------------------------|----------------------------|------------|------|----------|-------------|
| 1 | 18" CL III RCP Storm Sewer | \$35.00 | LF | 621 | \$21,739.90 |
| 2 | 36" CL III RCP Storm Sewer | \$85.00 | LF | 90 | \$7,650.00 |
| 5 | Storm Sewer Inlet - 10' | \$2,700.00 | EA | 4 | \$10,800.00 |
| 6 | Trench Safety | \$1.00 | LF | 711 | \$711.14 |
| SUBTOTAL - Drainage Improvements | | | | | \$40,901.04 |

TOTAL

\$135,275.77



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:

10-18-4 BC Acres Subdivision (2 Lots). Discussion and possible action to consider approval of final plat.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Garza

SPONSORED BY: Ford

SUMMARY:

The proposed BC acres subdivision is a proposed 2 lot subdivision of 11.74 acres located adjacent to Pioneer Ranches on McGregor Lane in PCT. 4. If approved the newly created lots will be 3.2 and 8.5 acres in size, with each having direct frontage onto McGregor Ln. Each lot will be served by existing on-site sewage facilities and existing rainwater collection systems.

There are no variances and the entire division is not located within any City's extra-territorial jurisdiction.

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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:

10-20-4 Tract 9 Pioneer Ranches Subdivision. (1 Lot) Discussion and possible action to consider approval of Final Plat.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

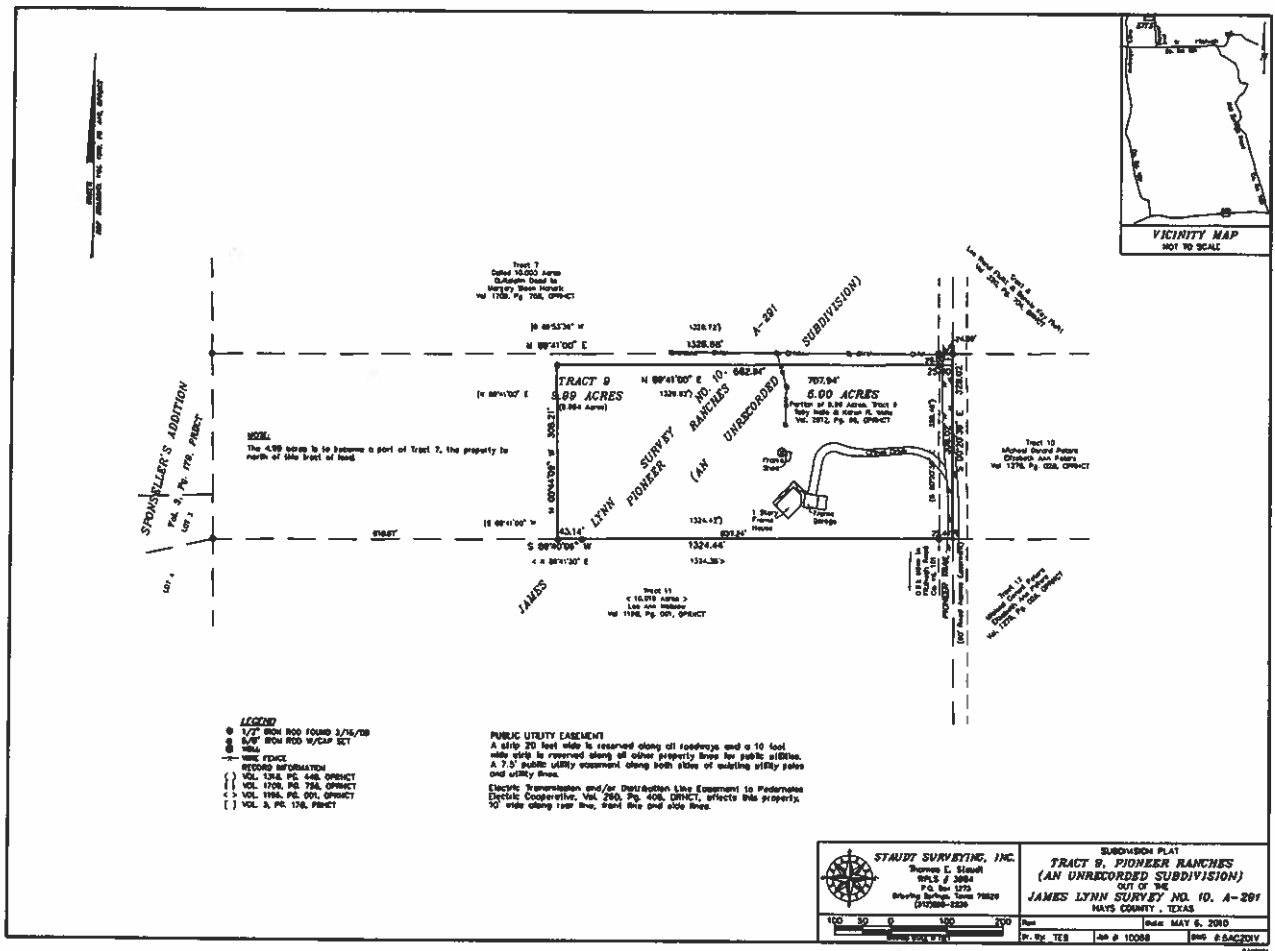
LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Garza

SPONSORED BY: Ford

SUMMARY:

Pioneer Ranches is an unrecorded/unplatted subdivision located off of Pioneer Trail in PCT. 4. The original tracts were all 10 acres or greater in size, however there have been re-subdivisions which triggered the plat requirement for those previously exempt parcels. The owner of tract 7 is in the process of purchasing 4.99 acres from the owner of tract 9. The reduction in size will require the platting of the newly created 5.00 acre portion of tract 9. This lot will be served by an water well and existing on-site sewage facility.



STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, that we, Taty Wells and Karen Wells, owners of 9.99 acres of land out of the James Lynn Survey, A-281, the known as Tract 9, Pioneer Ranches, an unrecorded subdivision in Hays County, Texas, do hereby certify that we are the owners of the above described land and that we have executed this instrument for the purposes and consideration therein stated.

WITNESS MY HAND, this _____ day of _____, A.D., 2010.

Taty Wells
751 Pioneer Trail
Dripping Springs, Texas 78620

Karen Wells
751 Pioneer Trail
Dripping Springs, Texas 78620

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared Taty Wells and Karen Wells, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D., 2010.

NOTARY PUBLIC in and for Hays County, Texas

STATE OF TEXAS
COUNTY OF HAYS

I, Linda Filtsche, County Clerk of Hays County, Texas, do hereby certify that on the _____ day of _____, A.D., 2010, the Commission's Court of Hays County, Texas, passed an order authorizing the filing for record of this plat, and said order has been duly entered in the minutes of the said Court Book.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D., 2010.

Linda Filtsche
County Clerk
Hays County, Texas

STATE OF TEXAS
COUNTY OF HAYS

I, Linda Filtsche, County Clerk of Hays County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of subdivision was filed for record in my office on the _____ day of _____, A.D., 2010, in _____ Volume _____ in the Plat Records of Hays County, Texas, in Book _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D., 2010.

Linda Filtsche
County Clerk
Hays County, Texas

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, that I, Thomas E. Stuart, a REGISTERED PROFESSIONAL LAND SURVEYOR in the State of Texas, do hereby certify that this plat complies with the survey related requirements of the Hays County Subdivision Specifications and further certify that this plat is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

"Preliminary, this document shall not be recorded for any purpose."

Thomas E. Stuart
Registered Professional Land Surveyor No. 3864

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, that I, Thomas E. Stuart, a REGISTERED PROFESSIONAL LAND SURVEYOR in the State of Texas, do hereby certify that this plat complies with the survey related requirements of the Hays County Subdivision Specifications and further certify that this plat is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

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Thomas E. Stuart
Registered Professional Land Surveyor No. 3864

STATE OF TEXAS
COUNTY OF HAYS

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Thomas E. Stuart
Registered Professional Land Surveyor No. 3864

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, that I, Thomas E. Stuart, a REGISTERED PROFESSIONAL LAND SURVEYOR in the State of Texas, do hereby certify that this plat complies with the survey related requirements of the Hays County Subdivision Specifications and further certify that this plat is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

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Thomas E. Stuart
Registered Professional Land Surveyor No. 3864

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 double fill the Justice of the Peace, Pct 4, Clerk position in Dripping Springs.

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

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Judge Kyle

SPONSORED BY: Commissioner Karen Ford

SUMMARY: Court Clerk Kelli Dailey is currently on FMLA Leave. JP4 is requesting to double fill this position for an indefinite period of time not to exceed FMLA maximum. We are requesting 40 hrs per week. The County currently allows temporary staffing for small offices (defined as 1-2 people) without Court approval. Under our current circumstances we are staffed with one full time employee and one part time employee in order to ensure continuity of service, provide support to the public, and meet court timelines. We respectfully request the court to approve this temporary position at \$13.65/Hr.

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 a \$1,000 donation from the Wimberley VFW to be deposited into line item .5206 (law enforcement supplies) and to accept the donation of a gun cabinet valued at \$100.

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

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

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Constable Darrell Ayres

SPONSORED BY: Commissioner Will Conley

SUMMARY:

Agenda Item Routing Form

DESCRIPTION OF Item: Discussion and possible action to accept a \$1,000 donation from the Wimberley VFW to be deposited into line item .5206 (law enforcement supplies) and to accept the donation of a gun cabinet valued at \$100 and to amend the budget accordingly.

PREFERRED MEETING DATE REQUESTED: October 12, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT: \$1,100.00

LINE ITEM NUMBER: 001-637-00.5206 & 001-637-00.4610

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: _____

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 accept and execute a grant award contract in the amount of \$15,717 from the Office of the Governor, Criminal Justice Division for the Hays County Constable's Office Precinct One and amend the budget accordingly.

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

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: No match required

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Peterson/Hauff

SPONSORED BY: Ingalsbe

SUMMARY: On March 9, 2010 the Commissioners' Court ratified submission of a grant application to the Office of the Governor, Criminal Justice Division for the Hays County Constable's Office Precinct One for In-Car Camera's in the Amount of \$15,717.00. Three camera systems will be purchased. The Grant Award is accepted electronically.



State of Texas
Office of the Governor
Criminal Justice Division

Rick Perry
Governor

September 28, 2010

Ms. Elizabeth Sumter
County Judge
PREVIEW - Hays County - PREVIEW -
111 E. San Antonio St., Ste. 104
San Marcos, Texas 78666

Dear Judge Sumter:

Congratulations on your award! To activate your agency's grant, the Authorized Official must log on to eGrants at <https://cjdonline.governor.state.tx.us> and go to the 'My Home' tab. In the 'Project Status' column, locate the application that is in 'Pending Acceptance of Award' status. Click on the grant number and proceed to the 'Accept Award' tab. From this tab, click on the 'Accept' button.

Be sure to review the attached memo for a quick overview of general items every grantee should be aware of. You can also find more detailed information on the eGrants website including helpful resources, links, and tools needed to properly administer CJD grants; an eGrants Users Guide; and the new Guide to Grants containing answers to questions frequently asked by grantees. The Public Policy Research Institute (PPRI) at Texas A&M University will send a detailed information packet to the Project Director containing progress reporting forms and instructions on completing and submitting those forms.

I hope you continue to find the online environment of eGrants to be a positive experience. We are continually improving the efficiency of processes so that you can dedicate your time to the priorities of service within your communities. We look forward to working with you to ensure the success of your program.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Burnett".

Christopher Burnett
Executive Director

OFFICE OF THE GOVERNOR
CRIMINAL JUSTICE DIVISION
STATEMENT OF GRANT AWARD

Grant Number: DJ-09-A10-23511-01
Program Fund: DJ-Edward Byrne Memorial Justice Assistance Grant Program
Grantee Name: PREVIEW - Hays County - PREVIEW -
Project Title: Hays County Constable Precinct 1 Camera-in-Car Pilot Project
Grant Period: 09/01/2010 - 03/31/2011
Liquidation Date: 06/29/2011
Date Awarded: September 28, 2010
CJD Grant Manager: Helen Martinez

| | |
|-------------------------------|--------------------|
| CJD Award Amount: | \$15,717.00 |
| Grantee Cash Match: | \$0.00 |
| Grantee In Kind Match: | \$0.00 |
| Total Project Cost: | \$15,717.00 |

The Statement of Grant Award is your official notice of award from the Governor's Criminal Justice Division (CJD). The approved budget is reflected in the Budget/Details tab for this record in eGrants. The grantee agrees to comply with the provisions of the Governor's Criminal Justice Division's rules in Title I, Part I, Chapter 3, Texas Administrative Code in effect on the date the grant is awarded. By clicking on the 'Accept' button within the 'Accept Award' tab, the grantee accepts the responsibility for the grant project and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

Condition(s) of Funding and Other Fund-Specific Requirement(s):

1



State of Texas
Office of the Governor
Criminal Justice Division

Rick Perry
Governor

Memorandum

To: CJD Grant Recipients
From: Aimee Snoddy, Deputy Director
Contact: (512) 463-1919
Re: Grantee Responsibilities
Date Awarded: September 28, 2010

Congratulations on your grant award from Governor Rick Perry's Criminal Justice Division (CJD). It is important to make you aware of a few things to consider as you implement strategies to successfully manage your program. For more information and resources, refer to the Grant Resources section of eGrants available online at <https://cjdonline.governor.state.tx.us>:

Financial Reporting – Financial Status Reports must be submitted to CJD via eGrants. Financial Status Reports may be submitted monthly but must be submitted at least quarterly. Financial Status Reports are due after each calendar quarter, regardless of when the grant was awarded. Due dates are:

April 22 (January-March quarter)
July 22 (April-June quarter)
October 22 (July-September quarter)
January 22 (October-December quarter)

The final Financial Status Report must be submitted to CJD on or before the grant liquidation date or funds will lapse and CJD will provide them as grants to others who need the funding.

Payment Authorization – Payments will be generated based on expenditures reported in the Financial Status Reports. Upon CJD approval of the Financial Status Report, a payment will be issued through direct deposit or electronic transfer.

Generated Program Income – Any income generated as a direct result of the grant activities must be reported to CJD through the Financial Status Report and grant adjustment processes. Program income must be expended prior to seeking payments from CJD. Program income must be accounted and used for the purposes of the grant activities as awarded.

Grant Funded Personnel – Staff whose salaries are supported by this award must be made aware that continued funding is contingent upon the availability of appropriated funds as well as the outcome of the annual application review conducted by CJD.

Project Changes – Grantees may submit a request for grant adjustment via eGrants for any proposed budgetary or programmatic changes, including updating contact information for grant officials.

Equipment – Equipment purchased with grant funds must be used for the purpose of the grant and as approved by CJD. An inventory report should be kept on file containing all equipment purchased with any grant funds during the grant period. This report must agree with the approved grant budget and the final Financial Status Report.

Fidelity Bond – Each nonprofit corporation receiving funds from CJD will obtain and have on file a blanket fidelity bond that indemnifies CJD against the loss and/or theft of the entire amount of grant funds, including matching funds. The fidelity bond should cover at least the CJD grant period.

Required Notifications – Grantees must immediately notify CJD in writing of any misappropriation of funds, fraud, theft, embezzlement, forgery, or any other serious irregularities indicating noncompliance with grant requirements. Grantees must notify the local prosecutor's office of any possible criminal violations. Grantees must immediately notify CJD in writing if a project or project personnel become involved in any litigation, whether civil or criminal, and the grantee must immediately forward a copy of any demand notices, subpoenas, lawsuits, or indictments to CJD. If a federal or state court or administrative agency renders a judgment or order finding discrimination by a grantee based on race, color, national origin, sex, age, or handicap, the grantee agrees to immediately forward a copy of the judgment or order to CJD.

Project Effectiveness – Grantees should regularly evaluate the effectiveness of their projects. This includes a reassessment of project activities and services to determine whether they continue to be effective. Grantees must show that their activities and services effectively address and achieve the project's stated purpose.

Programmatic Reporting – Grantees must submit required reports regarding grant information, performance, and progress towards goals and objectives in accordance with the instructions provided by CJD, or its designee. To remain eligible for funding, the grantee must be able to show the scope of services provided and the impact and quality of those services.

Monitoring – Grantees must readily make available to CJD or its agents all requested records. CJD may make unannounced monitoring visits at any time. The grantee must make every effort to resolve all issues, findings, or actions identified by CJD within the time frame specified by CJD.

Audit Requirements – Grantees expending over \$500,000 in state or federal grant funds during the fiscal year are subject to the Single Audit requirements set forth in OMB Circular No. A 133 at <http://www.whitehouse.gov/omb/circulars/index.html> and the State Single Audit Circular issued under the Uniform Grant Management Standards (UGMS) at <http://www.governor.state.tx.us/grants/what/>. Grantees must electronically submit to CJD copies of the results of any single audit conducted in accordance with OMB Circular No. A-133 at <http://www.whitehouse.gov/omb/circulars/index.html> or in accordance with the State Single Audit Circular issued under UGMS, within 30 calendar days after the grantee receives the audit results or nine months after the end of the audit period, whichever is earlier.

Supplanting – Awarded funds must be used to supplement existing funds for program activities and not replace (supplant) funds that have been appropriated for the same purpose. Grant monitors and auditors will look for potential supplanting during reviews. Violations may result in a range of penalties, including suspension of future funds, suspension or debarment from receiving federal or state grants, recoupment of monies provided under the grant, and civil or criminal penalties. Refer to the Guide to Grants at <https://cjdonline.governor.state.tx.us/updates.aspx> for additional information on supplanting.

Conflict of Interest – Grantees should have in place established safeguards to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

Contracting and Procurement – Grantees must follow their established policy and best practices for procuring goods or services with grant funds. Contracts must be routinely monitored for delivery of services or goods. When a contractual or equipment procurement is anticipated to be in excess of \$100,000, grantees must submit a Procurement Questionnaire <https://cjidonline.governor.state.tx.us/updates.aspx> to CJD for approval prior to procurement.

Travel – Grantees must follow their established policies and good fiscal stewardship related to travel expenses. If the grantee does not have established policies regarding in-state and out-of-state travel, grantee must use the travel guidelines established for state employees.

Uniform Crime Reporting – Local units of governments receiving funds from CJD must comply with all requirements for uniform crime reporting and will ensure that prompt reporting will remain current throughout the grant period.

Limited English Proficiency – Grantees must take reasonable steps to ensure that persons with limited English proficiency have meaningful access to services. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. Additional information on this requirement can be found at <http://www.lep.gov>.

Law Enforcement Programs – Law enforcement programs receiving funds from CJD must be in compliance with all rules developed by the Texas Commission on Law Enforcement Officer Standards and Education.

28 C.F.R. Part 23 Training - Any grant funded individual responsible for entering information into or retrieving information from an intelligence database must complete continuing education training on operating principles described by 28 C.F.R. Part 23 at least once for each continuous two-year period the person has primary responsibility for entering data into or retrieving data from an intelligence database.

Programs Approved to Pay Overtime for Personnel - Overtime is allowable to the extent that it is included in the CJD approved budget. Overtime reimbursements paid by CJD will be based on the following seven eligibility requirements:

- (1) Federal regulations governing these funds prohibit use of grant funds to pay an individual for the same hours in which the individual is being paid by a unit of government. For example, if an officer's regular work hours are 7 a.m. to 4 p.m. and he takes a day of paid annual leave, he is not eligible to be reimbursed with grant funds for any hours he voluntarily works between 7 a.m. and 4 p.m. He may be eligible for any hours worked that day outside of 7 a.m. to 4 p.m. provided the hours worked comply with the grantee agency's requirements for hours worked prior to eligibility for overtime pay. The regulation regarding hours of eligibility for overtime does not apply to an officer who volunteers to work on his regularly scheduled days off provided he complies with the grantee agency's requirements for hours worked prior to eligibility for overtime pay.
- (2) Hours worked is defined as physical hours on the job and does not include paid annual leave, compensatory leave, sick leave, holiday leave or other paid leave.
- (3) On-call hours should not be included in physical hours worked or as eligible hours for overtime.

- (4) Personnel receiving grant funds for overtime must maintain time and activity reports for all time physically worked. The activity description should include detailed information about the actual activities performed.
- (5) Time should be recorded to the nearest quarter hour.
- (6) Grantee records must include a clear calculation in how the overtime was computed.
- (7) Overtime payments issued outside this policy are the responsibility of the grantee agency.

Cancellation for Awards - Grantees must take reasonable steps to commence project activities upon receiving notice of a grant award:

Commencement Within 60 Days. If a project is not operational within 60 days of the original start date of the award period or grant award date as noted on this memorandum, whichever is later, the grantee must report by letter to CJD the steps taken to initiate the project, the reasons for delay, and the expected revised start date.

Commencement Within 90 Days. If a project is not operational within 90 days of the original start date of the award period or grant award date as noted on this memorandum, whichever is later, the grantee must submit a second statement to CJD explaining the implementation delay. Upon receipt of the 90-day letter, CJD may cancel the project and redistribute the funds to other project areas. CJD may also, where extenuating circumstances warrant, extend the implementation date of the project past the 90-day period.

Public Information Requests - Grantees must immediately notify and provide a copy to CJD of any Public Information Request received by the agency related to this grant award.

Prohibited Acts of Agencies and Individuals - Grant funds may not be used in connection with the following acts by agencies or individuals employed by grant funds:

- Grant funds may not be used to finance or otherwise support the candidacy of a person for an elected local, state, or federal office. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection. In addition, grant-funded or grant-leased motor vehicles may not be used for the purpose described above.
- Grant officials or grant funded employees may not use official authority or influence or permit the use of a program administered by the grantee agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.
- Grant funded employees may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.
- Grantees must comply with the federal Hatch Act (5 U.S.C. §§ 1501- 1508) which restricts the political activity of some state and local employees who work in connection with federally funded programs. Covered state and local employees may not: 1) be candidates for public office in a partisan election; 2) use official authority or influence to interfere with or affect the results of an election or nomination; or, 3) directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

Employment of a Lobbyist - Grant funds may not be used to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 of the Government Code to register as a lobbyist. Furthermore, grant funds may not be used to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 of the Government Code to register as a lobbyist.

Legislative Lobbying - Grant funds may not be used to attempt to influence the passage or defeat of a legislative measure.

Use of Alcoholic Beverages - Grant funds may not be used to compensate an officer or employee who uses alcoholic beverages on active duty. In addition, grant funds may not be used to purchase an alcoholic beverage or to pay or reimburse a travel expense that was incurred for an alcoholic beverage.

OneStar Foundation Registration and Organization Profile for Nonprofit Corporations - Each nonprofit corporation receiving funds from CJD must register and connect their organization with the OneStar Foundation at <http://www.onestarfoundation.org/page/registration/>.

Each nonprofit corporation is also encouraged to create an organizational profile with the OneStar Foundation at <http://www.onestarfoundation.org/page/org-profile>. By completing the Organizational Profile, your organization will be eligible to receive notification of opportunities, such as:

- Organizational excellence scholarships to build the capacity of your organization, including organizational assessments, trainings, consulting, conferences and other professional development activities;
- Funding announcements and events related to national service and volunteerism; and
- Chances to participate in important research on the needs and trends of the social sector and its stakeholders.

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 clarify Hays County's policies regarding the purchase of law enforcement vehicles; and to ratify the purchase of a 2010 Dodge Quad Cab for the office of Constable, Precinct 2.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: INGALSBE

SPONSORED BY: INGALSBE

SUMMARY: Commentary from the Commissioners Court during budget sessions has lead to some confusion regarding a policy for the purchase of vehicles for law enforcement in Hays County. The Auditor's Office recollects that the Court desired continuity of vehicle make and model across agencies. This issue came to the forefront when Constable Kohler requested a purchase order for a truck and Constable Peterson requested a purchase order for a Ford Crown Victoria. These purchases conflicted with the understanding of the Auditor's Office that the County would only purchase Dodge Chargers in FY 2011. Constable Kohler's purchase was processed based on his stated need for a vehicle with ground clearance. Constable Peterson's purchase was put on hold until after this item has been held by the Commissioners Court.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Discussion and possible action to adopt a Resolution in support of the new formation of the Water Development Plan and encourage the Lower Colorado River Authority to aggressively move efforts forward that will enhance water supplies for the lower with utilization of all interests.

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

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: SUMTER

SUMMARY: See attached Resolution and Letter from Judge Klaeger and Judge McDonald

September 30, 2010

Honorable Judges:

Living in the Lower Colorado River basin is an honor. As Texans and concerned citizens we have a unique opportunity to shape the future for our children and their children. But we must do it together and we must start today.

The demands on water and our environment are rapidly changing. In all of our counties, the population is growing, tourism is increasing and the needs of our communities are facing new challenges.

The Lower Colorado River Authority has historically been charged with managing our lakes and rivers, responding to the demands of farmers, ranchers while balancing the same needs for industrial customers. From this came the Water Management Plan.

As the WMP evolves, we now have the opportunity to participate and contribute to our future. We have a chance to partner with the LCRA to help define our needs, ensure fairness, search for solutions and be known as innovators.

"If you do the same thing the same way, you get the same results."

You have a Resolution with this letter. This Resolution outlines the need for us to be diligent and active in our future. We are asking you to review the Resolution and present it to your individual Commissioner's Court. If we will work together we can make a difference.

We plan to present all of the approved Resolutions to the LCRA and our legislators. We will meet with you to help define and understand your water issues. Together we can make a difference.

Judge Donna Klaeger
Burnet County

Judge Nate McDonald
Matagorda County

RESOLUTION

WHEREAS, The Lower Colorado River Authority (LCRA) was Conceived in Calamity, Birthed in Controversy and matured to Benefit its constituents in the Colorado River Valley, and

WHEREAS, Major destruction and misery were the results of the frequent floods, and

WHEREAS, Due to massive flooding, the City of Austin (COA) lost successive dams in 1900 and 1915 and the lower basin continued to suffer from the frequent floods, and

WHEREAS, A new major economic enterprise has been created in the lower counties that would benefit from a more assured supply of water for irrigation as well as relief from massive flooding, and

WHEREAS, As early as 1915 interests from counties throughout the basin met to develop plans to harness the river for the benefit of all constituents in the basin by minimizing flooding and capturing the excess flows for future development, and

WHEREAS, The support from the counties was crucial and instrumental in obtaining support for construction of dams to create the Highland Lakes, and

WHEREAS, Those supportive efforts and pledges from the interests in the lower counties and from the Austin Chamber of Commerce did ultimately result in the creation of the Lower Colorado River Authority, and

WHEREAS, With controversy abounding, it required four special legislative sessions to obtain approval for the creation of the LCRA on November 13, 1934, and

WHEREAS, The enabling LCRA legislation mandated that the primary duty of the LCRA is to control, store, preserve and sell those waters within the boundaries of the Authority or the extended watershed, and

WHEREAS, The policy of the LCRA has been to manage the lakes and the river as a single system to address and respond to the sometimes competing demands for water, and

WHEREAS, That policy has enabled the LCRA to maximize water supplies for municipal and industrial customers while continuing to provide water for irrigation needs, and

WHEREAS, Additional recreational, tourism and environmental demands have also been recognized and provisions made to address those demands, and

WHEREAS, To accommodate those demands a Water Management Plan (WMP) was created and has evolved by enlisting those various interests throughout the basin in the creation, and

WHEREAS, A revision in the WMP has been initiated that will consider the increasing water supply demands due to record population growth and recreation in the upper basin while seeking to accommodate the historic demands of the water supply in the lower basin as well as environmental needs, and

WHEREAS, These new water supply demands represent an unprecedented challenge to the LCRA administration and staff and they have committed the necessary resources to the WMP Revision Committee to update the WMP, and

WHEREAS, New creative and innovative approaches are required to accommodate the unprecedented future water supply demands such as a creation of off channel reservoirs.

NOW THEREFORE, BE IT RESOLVED, that cooperative initiatives, as was the precedent set by the original historic efforts to harness the river, should immediately be employed in the new formation of the WMP with utilization of all interests, and

NOW THEREFORE, BE IT RESOLVED, that Hays County Commissioner's Court encourages the LCRA to aggressively move efforts forward that will enhance water supplies for the lower basin and with utilization of all interests.

BE IT FURTHER RESOLVED, that we pledge our cooperation and assistance to support those efforts.

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 Supplemental Agreement to the PSA with Rogers Design Service for Work Authorizations at RM 1826 @ Darden Hill and RM 1926 @ 967.

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

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: \$28,500

LINE ITEM NUMBER OF FUNDS REQUIRED: Road Bond Program

REQUESTED BY: Ford

SPONSORED BY: Ford

Agenda Item Routing Form

DESCRIPTION OF Item: Discussion and possible action to authorize the County Judge to execute a Supplemental Agreement to the PSA with Rogers Design Service for Work Authorizations at RM 1826 @ Darden Hill and RM 1926 @ 967.

PREFERRED MEETING DATE REQUESTED: October 12, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT: \$28,500.00

LINE ITEM NUMBER: 025-804-96-885.5621 & 025-804-96-886.5621

COUNTY PURCHASING GUIDELINES FOLLOWED: Yes

PAYMENT TERMS ACCEPTABLE: Yes

COMMENTS:

Bill Herzog

SPECIAL COUNSEL

Typically Requires 9 Business Day Review

CONTRACT TERMS ACCEPTABLE: _____

COMMENTS:

COMMISIONERS' COURT

APPROVED/DISAPPROVED AND DATE: _____

COUNTY JUDGE

Signature Required if Approved

DATE CONTRACT SIGNED: _____

SUMMARY:

The purpose of this supplemental to the Professional Services Agreement (PSA) and Work Authorizations (WAs) is to address the additional work being requested of Rogers Design Services due to recent changes to improve the projects.

RM 1826 @ RM 967

During preliminary design for the County improvements to the intersection of RM 1826 at RM 967 stakeholder meetings were held. During these stakeholder meetings, it was brought to light that there was a proposed enhancement for the entrance to the Salt Lick (dedicated right turn lane) as well as a proposed development just to the north of the intersection. Subsequent meetings with these stakeholders and TxDOT found that it would be preferred to perform all of these construction activities at one time under one traffic control plan versus having three separate projects spread out over several months. Currently the County is working towards an interagency agreement with the Driftwood Economic Development Municipal Management District to define the improvements to be funded by the Municipal Management District such that the costs of the additional improvement are not born by the County.

Implementing these other proposed project enhancements will require additional work by Rogers Design Services for incorporating the work of the developer's engineer into the County project. This work includes the following: additional surveying to extend the project limits further to the northeast approximately 400', development of additional plan, profile and cross section sheets as well as review of the developer design for consistency with TxDOT plans and specifications.

Supplemental Amount - \$20,971

RM 1826 @ Darden Hill Road

During the preliminary design phase for this project, it was determined that the initial alignments developed that minimized the amount of ROW to be purchased by the County directly impacted several large oak trees near the corner of the property. Further discussions with the affected property owner found a desire to minimize or avoid impacts to these trees. Discussions were held concerning relocating the trees, but it was found to be cost prohibitive.

Further investigation found that the alignment could be adjusted to accommodate the trees with a minimal amount of additional ROW. The revised alignment falls at the edge of the original survey limit, thus Rogers Design Services will need to collect additional survey, update project exhibits, and revise previously developed plan sheets to reflect the preferred Darden Hill alignment.

Supplemental Amount - \$12,689

The original Professional Services Agreement (PSA) not to exceed amount of \$295,000 was set \$5,638 above the initial work authorization amounts.

Requested supplemental amount is \$28,500 to bring the new PSA not to exceed amount to \$323,500.

**SUPPLEMENTAL AGREEMENT NO. 1 TO THE
PROFESSIONAL SERVICES AGREEMENT**

STATE OF TEXAS §
 §
HAYS COUNTY §

This Supplemental Agreement to the Professional Services Agreement is made and entered into this day by and between Hays County, Texas, a political subdivision of the State of Texas, (*the "County"*) and **Rogers Design Services** (*the "Engineer"*).

WHEREAS, the *County* and the *Engineer* executed a contract on November 24, 2009;

WHEREAS, the not-to-exceed fee in Exhibit I, Section 1, Item 1.1 was \$295,000.00, and;

WHEREAS, the "***Compensation Cap***" in Exhibit I, Section 4, Item 4.3 previously limited the maximum amount payable under the Agreement to \$295,000.00; and;

WHEREAS, the Hourly Rates in Exhibit II are limited to the rates noted; and;

WHEREAS, it has become necessary to amend the Agreement.

AGREEMENT

NOW, THEREFORE, premises considered, the *County* and the *Engineer* agree that said Agreement is amended as follows:

- I. The not-to-exceed fee in Exhibit 1, Section 1, Item 1.1 is hereby increased from \$295,000.00 to \$323,500.00.
- II. The "***Compensation Cap***" in Exhibit 1, Section 4, Item 4.3 is hereby increased from \$295,000.00 to \$323,500.00.

All other provisions are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the *County* and the *Engineer* have executed this supplemental agreement in duplicate,

EXECUTED this _____ day of _____, 2010.

THE ENGINEER:

HAYS COUNTY:

BY: _____

BY: _____

Printed Name: _____

Hays County Judge

Title: _____

Reviewed as to Form By:

County Attorney

Funds Verified By:

County Auditor

SUPPLEMENTAL NO. 1 TO
WORK AUTHORIZATION NO. 1

STATE OF TEXAS §
 §
HAYS COUNTY §

This Supplemental to Work Authorization No. 1 is made and entered into this day by and between Hays County, Texas, a political subdivision of the State of Texas, (*the "County"*) and Rogers Design Services, (*the "Engineer"*).

WHEREAS, the *County* and the *Engineer* executed Work Authorization No. 1 of the Professional Services Agreement on December 15, 2009;

WHEREAS, the maximum amount payable for services performed in Part 2 and Attachment D1 was set at \$153,186.00; and;

WHEREAS, the Work Authorization shall terminate on December 31, 2010 as specified in Part 4; and;

WHEREAS, the proposed re-alignment of Darden Hill Road has been revised sufficiently to require additional surveying data collection, and in the process of determining this alignment, the Engineer has developed various exhibits and attended several meetings that were not in the original scope of services

WHEREAS, it has become necessary to amend the Work Authorization.

WORK AUTHORIZATION

NOW, THEREFORE, premises considered, the *County* and the *Engineer* agree that said Work Authorization is amended as follows:

- I. The maximum amount payable for services performed in Part 2 and Attachment D1 is hereby increased from \$153,186.00 to \$165,875.00 as noted in Attachment A to this Supplemental.
- II. The Work Authorization termination date is hereby amended from December 31, 2010 to May 31, 2011.
- III. The Scope of work is hereby amended to included the following:
The engineer will provide additional surveying and data collection as needed and develop Plans, Specifications, and Estimates for improvements to Darden Hill Road based on the revised alignment of Darden Hill Road as part of the tasks performed in WA#1. These additional work tasks are outlined in Attachment A.

IN WITNESS WHEREOF, the *County* and the *Engineer* have executed this supplemental agreement in duplicate,

EXECUTED this _____ day of _____, 2010.

THE ENGINEER: Rogers Design Services

HAYS COUNTY:

BY: _____

BY: _____

Printed Name: Dan Rogers

Hays County Judge

Title: Principal

Reviewed as to Form By:

County Attorney

Funds Verified By:

County Auditor

ATTACHMENT A

SERVICES TO BE PROVIDED BY THE ENGINEER

SCOPE OF SERVICES

The additional services to be provided by the Engineer under this Supplemental Agreement shall consist of engineering and surveying services for the preparation of plans, specifications and construction estimates (PS&E) for the revised alignment of Darden Hill Road (CR 162) in Hays County, Texas.

Additional Tasks include:

The proposed improvements to RM 1826 include:

- Collecting additional survey data on Darden Hill Road, RM 1826, and on private property along the proposed Darden Hill Road alignment
- Coordinate with stakeholders to determine acceptable alignment
- Prepare exhibits as needed
- Provide PS&E for additional improvements to Darden Hill Road

Note: Resources may be allocated differently during the course of the work, however, the overall budget will not be exceeded without written authorization from RDS.

SUPPLEMENTAL NO. 1 TO
WORK AUTHORIZATION NO. 1

STATE OF TEXAS

§

HAYS COUNTY

§

§

This Supplemental to Work Authorization No. 1 is made and entered into this day by and between Hays County, Texas, a political subdivision of the State of Texas, (*the "County"*) and Rogers Design Services, (*the "Engineer"*).

WHEREAS, the *County* and the *Engineer* executed Work Authorization No. 1 of the Professional Services Agreement on December 15, 2009;

WHEREAS, the maximum amount payable for services performed in Part 2 and Attachment D1 was set at \$136,176.00; and;

WHEREAS, the Work Authorization shall terminate on December 31, 2010 as specified in Part 4; and;

WHEREAS, the improvements to access at the Salt Lick development were not in the original scope of services

WHEREAS, it has become necessary to amend the Work Authorization.

WORK AUTHORIZATION

NOW, THEREFORE, premises considered, the *County* and the *Engineer* agree that said Work Authorization is amended as follows:

I. The maximum amount payable for services performed in Part 2 and Attachment D1 is hereby increased from \$136,176.00 to \$157,147.00 as noted in Attachment A to this Supplemental.

II. The Work Authorization termination date is hereby amended from December 31, 2010 to May 31, 2011.

III. The Scope of work is hereby amended to included the following:

The engineer will gather data developed by others working for the Salt Lick development and modify it as needed to include that data in the Plans Specifications and Estimates for the project as identified in WA#1. The engineer will continue to coordinate with the various stakeholders needed to include this additional work into the project. This task will include collecting 1000 feet of additional survey data and extending the project approximately 500 feet to the northeast. These additional work tasks are outlined in Attachment A.

IN WITNESS WHEREOF, the *County* and the *Engineer* have executed this supplemental agreement in duplicate,

EXECUTED this ____ day of _____, 2010.

THE ENGINEER: Rogers Design Services

HAYS COUNTY:

BY: _____

BY: _____

Printed Name: Dan Rogers

Hays County Judge

Title: Principal

Reviewed as to Form By:

County Attorney

Funds Verified By:

County Auditor

ATTACHMENT A

SERVICES TO BE PROVIDED BY THE ENGINEER

SCOPE OF SERVICES

The additional services to be provided by the Engineer under this Supplemental Agreement shall consist of engineering and surveying services for the preparation of plans, specifications and construction estimates (PS&E) for the proposed improvements associated with the Salt Lick Development in Hays County, Texas.

Additional Tasks include:

The proposed improvements to RM 1826 include:

- Collecting additional survey data on RM 1826
- Coordinate with Salt Lick agents and other stakeholders as needed to introduce Salt Lick improvements into the RM 1826/ RM 967 plan set
- Prepare exhibits as needed
- Provide additional PS&E as needed to construct improvements to RM 1826 reflecting the revised limits of the project

Note: Resources may be allocated differently during the course of the work, however, the overall budget will not be exceeded without written authorization from RDS.

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 Quit Claim Deed for property (near BeBee Road in Precinct 1) that was formerly abandoned by Hays County.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: INGALSBE

SPONSORED BY: INGALSBE

SUMMARY: The Commissioners Court ordered the abandonment of a portion of former roadway (BeBee Road) on or about February 10, 2009. After abandonment the property in question the property was conveyed to Mr. Jack Hadsell, the abutting property owner, by operation of law. Since that time, the Hadsells have had trouble establishing clear title to the property (and on one occasion had to ward off a utility company that wanted to place its lines through what it believed was still ROW). They have asked if the County can assist in clarifying title. Counsel recommends doing so via a Quit Claim Deed.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

QUITCLAIM DEED

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

Grantor: HAYS COUNTY, TEXAS
 a political subdivision of the State of Texas

Grantor's Mailing Address: 111 E. San Antonio Street, Suite 300
 San Marcos, Hays County, Texas 78667

Grantee: Jack Hadsell

Grantee's Mailing Address: 2702 Jefferson
 Austin, Texas 78703

Property: That certain real property situated in Hays County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

By operation of law, the sufficiency of which is hereby acknowledged, and as authorized pursuant to that certain Resolution to Abandon, adopted by the Hays County Commissioners Court, dated May 12, 2010 and numbered 26129, a copy of which is attached hereto as Exhibit "B", Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the Property, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's heirs, successors, or assigns will have, claim, or demand any right or title to the Property or any part of it.

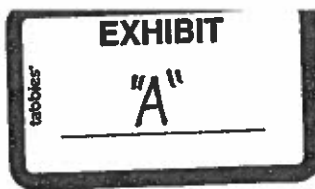
When the context requires, singular nouns and pronouns include the plural.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this the 12th day of October, 2010.

HAYS COUNTY, TEXAS
a political subdivision of the State of Texas

By: _____
Elizabeth "Liz" Sumter
Hays County Judge

ATTEST: _____
Linda Fritsche
Hays County Clerk



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

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

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

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

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

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

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

THERE are contained within these metes and bounds 0.62 of an acre, more or less, as prepared from public records and a survey made on the ground on February 24, 2009 by Byrn & Associates, Inc., of San Marcos, Texas. All $\frac{1}{2}$ " iron rods set are capped with a plastic cap stamped "Byrn Survey".



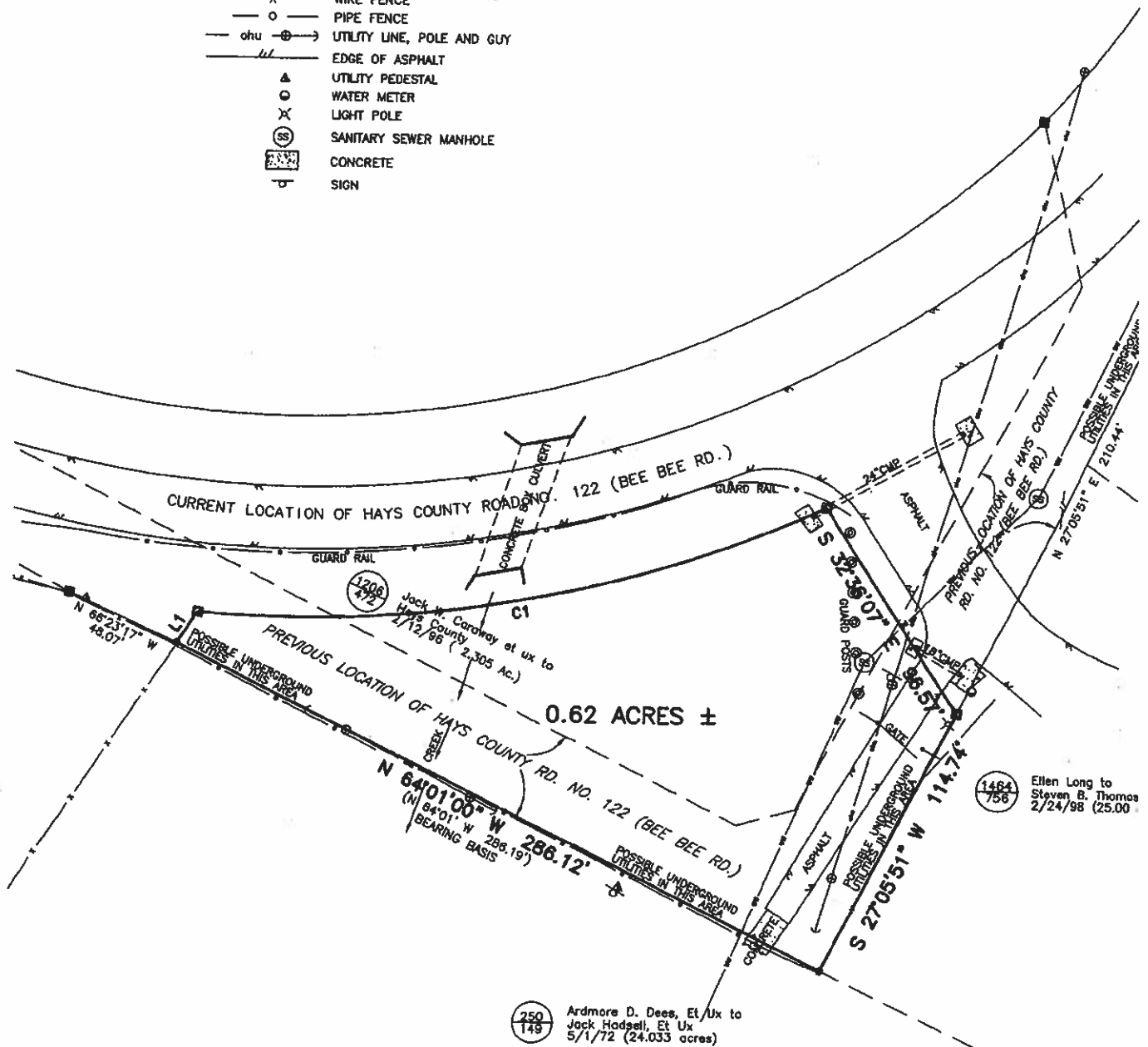
Kyle Smith, R.P.L.S. # 5307



Client: Hays County
Date: February 24, 2009
Survey: Downer, D. A-151
County: Hays, Texas
Job No: 26361-09
FND0.62

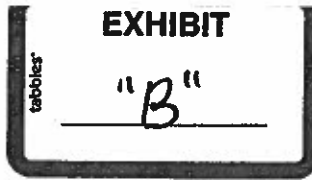
LEGEND

- VOL**
PG
- HAYS COUNTY DEED, REAL PROPERTY**
OR OFFICIAL PUBLIC RECORDS
- 1/2" IRON ROD SET WITH PLASTIC**
CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND**
OR DIAMETER NOTED
- 5/8" IRON ROD FOUND WITH PLASTIC**
CAP STAMPED "RPLS 4532"
- //** **WOOD FENCE**
- #** **CHAIN LINK FENCE**
- X** **WIRE FENCE**
- O** **PIPE FENCE**
- ohu** **UTILITY LINE, POLE AND GUY**
- ///** **EDGE OF ASPHALT**
- ▲** **UTILITY PEDESTAL**
- **WATER METER**
- ×** **LIGHT POLE**
- SS** **SANITARY SEWER MANHOLE**
- CONCRETE**
- SIGN**



| BEARING | DISTANCE |
|---------------|----------|
| N 32°57'08" E | 14.90' |

| IVE | DELTA ANGLE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-----|-------------|---------|------------|---------------|--------------|
| | 29°27'53" | 498.37' | 256.29' | N 78°37'27" E | 253.48' |



10021253 Bk Vol Pg
QPR 3928 58

CERTIFIED COPY OF HAYS COUNTY COMMISSIONERS' COURT MINUTES

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF MAY 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
LINDA C. FRITSCHKE

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

26129 CLOSE, ABANDON, AND VACATE .62 ACRES OF COUNTY RIGHT-OF-WAY ON ROAD IN PRECINCT 1; AND TO RECORD THE ORDER CLOSING, ABANDONING, AND VACATING THIS PROPERTY IN THE OFFICIAL COUNTY RECORDS [T1-1821]

RPTP Director Jerry Borchering advised that this property is of no value to the county. Special Counsel Mark Kennedy spoke of Order conveying the property and he spoke of Chapter 251 of the Transportation Code. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to close, abandon, and vacate .62 acres of county Right-of-Way on BeBee Road in Precinct 1; and to record the order closing, abandoning, and vacating this property in the official County Records. All voting "Aye".
MOTION PASSED

THE STATE OF TEXAS
COUNTY OF HAYS

I, Linda C. Fritsche, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Hays County, Texas, do hereby certify that the following contains a true and correct copy of the minutes of **MAY 12, 2010** under Resolution #26129 in the Commissioners' Court Minutes of Hays County, Texas:

Given under my hand and seal of office at San Marcos, Texas this the 16TH day of JULY, 2010.

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

BY  **DEPUTY**

Clerk's Note: Property Owner – Jack Hadsell, 2702 Jefferson St, Austin, TX 78703

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 further clarify re-graded correction officer salary.

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

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: \$1,986

| | | |
|--|---------------------|-------|
| LINE ITEM NUMBER OF FUNDS REQUIRED: | 001-618-03.5021 | 1,683 |
| | 001-618-03.5101_100 | 109 |
| | 001-618-03.5101_200 | 20 |
| | 001-618-03.5101_300 | 174 |

REQUESTED BY: Ratliff/Brodbeck

SPONSORED BY: Will Conley

On September 28th the Commissioner's Court approved a plan to re-grade certain Correction Officers to Transportation Deputies. The Sheriff's Office presented a funding plan for these re-grades which included all officers going into the plan at step 0 with the exception of Joe Ponce. Due to his current salary being above the minimum of step 0, the SO would like to place his salary at step 2. This funding plan was not presented to the Auditor's Officer prior to adoption of the budget; therefore funding for all officers was based on implementation into the plan at step 0 per policy.

Additional funds needed will be funded through salary savings within the Jail Operations budget.

Agenda Item Routing Form

DESCRIPTION OF Item: Discussion and possible action to further clarify re-graded correction officer salary.

PREFERRED MEETING DATE REQUESTED: October 12, 2010

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT: \$1,986

LINE ITEM NUMBER: 001-618-03.5021 1,683

001-618-03.5101_100 109

001-618-03.5101_200 20

001-618-03.5101_300 174

COUNTY PURCHASING GUIDELINES FOLLOWED: N/A

PAYMENT TERMS ACCEPTABLE: N/A

COMMENTS: Fund thru attrition savings.

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: _____

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 eliminate a Lieutenant position and to replace it with a Sergeant position in the Sheriff's Office.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: -0-

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Ratliff

SPONSORED BY: Ingalsbe

SUMMARY: The Sheriff would like to delete the Lieutenant position in Emergency Communications and add a Sergeant position in Training. The current employee (Dennis Gutierrez) in the Lieutenant position will assume the duties of the new Training Sergeant. This additional Sergeant position in Training will help address the growth and demand of training requirements provided by Hays County, as well as alleviate some of the use of adjuncts (other Hays County employees) to provide training, and concentrate on areas of career, professional, and leadership development to Hays County employees. The Emergency Communications operation will continue to be supervised by the Emergency Communication Operations Supervisor, Erica Carpenter, with continual oversight from Chief Brodbeck.

Actions Requested:

Delete Lieutenant, slot 8, -\$72,420

Add Sergeant, slot 16, +\$70,551

Overall budget savings on salary alone \$1,869

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 execution of a professional services contract and work authorization for RM 967 at Ruby Ranch Road, a priority road bond project.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: 10/12/10

AMOUNT REQUIRED: \$180,000.00

LINE ITEM NUMBER OF FUNDS REQUIRED: Road Bond Program

REQUESTED BY: HDR road bond managers, and Commissioner Jeff Barton

SPONSORED BY: Pct 2 Commissioner Jeff Barton

SUMMARY:

The intersection of RM 967 and Ruby Ranch Road was identified as an intersection which warranted safety improvements as part of the 2008 road bond program. It was prioritized to move forward provided savings could be identified elsewhere and once the county could reasonably project that funding would be available.

At this time, with the current program reserves that have been identified by HDR from bringing projects in under budget and because TxDOT has agreed to provide construction review and inspection services, HDR recommends that the County authorize and proceed with procurement of design phase services for this project. The Court would need to take additional action to authorize any construction on this project at a later date – again depending on availability of funds. Recall that on this project KBDJ quarry has offered to donate material to the project.

One Work Authorization (WA) has been prepared for this project. The current estimated construction for safety improvements at RM 967 and Ruby Ranch Road is \$750,000.

ATTACHMENT A

WORK AUTHORIZATION NO. 1

THIS WORK AUTHORIZATION is made pursuant to the terms and conditions of the Agreement entered into by and between Hays County, Texas, a political subdivision of the State of Texas, (the “County”), and Dannenbaum Engineering Company – Austin, LLC (the “Engineer”).

Part 1. The Engineer shall provide engineering, survey and environmental documentation services for the preparation of plans, specifications and construction estimates (PS&E) for the roadway improvements to RM 967 at the intersection with Ruby Ranch Road in Hays County. The responsibilities of the Engineer and project work schedule are further detailed in Exhibits B and C, which are attached hereto and made a part of the Work Authorization.

Part 2. The maximum amount payable for services under this Work Authorization without modification is 171,980.46.

Part 3. Payment to the Engineer for the services established under this Work Authorization shall be made in accordance with the Agreement.

Part 4. This Work Authorization shall become effective on the date of final acceptance of the parties hereto and shall terminate on December 31, 2011 unless extended by a Supplemental Work Authorization.

Part 5. This Work Authorization does not waive the parties’ responsibilities and obligations provided under the Agreement.

ATTACHMENT A (con't.)

Part 6. This Work Authorization is hereby accepted and acknowledged below.

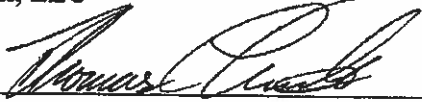
ENGINEER:

Dannenbaum Engineering Company -
Austin, LLC

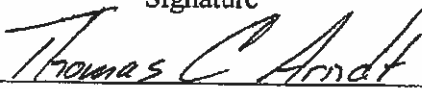
COUNTY:

Hays County, Texas

By: _____



Signature



Printed Name



Title



Date

By: _____

Signature

Printed Name

Title

Date

LIST OF EXHIBITS

- Exhibit A – Services to be provided by the County.
- Exhibit B – Services to be provided by the Engineer.
- Exhibit C – Work Schedule.
- Exhibit D – Fee Schedule.

EXHIBIT A

SERVICES TO BE PROVIDED BY THE COUNTY

In addition to the services listed in the Agreement, the County will provide the following services:

1. Provide a Project Manager to coordinate all aspects of the Work Authorization.
2. Furnish available reference documents, information and project data needed for the work in this Contract.
3. Assist in the coordination with adjacent property owners, as appropriate.
4. Provide timely reviews and approvals of required documentation including, working documents, reports, and drawings.
5. Perform timely review and processing of monthly invoice submissions.

EXHIBIT B

SERVICES TO BE PROVIDED BY THE ENGINEER

SCOPE OF SERVICES

The services to be provided by the Engineer under this Work Authorization shall consist of engineering, survey and environmental documentation services for the preparation of plans, specifications and construction estimates (PS&E) for the implementation of various safety improvements along RM 967 at the intersection of Ruby Ranch Road in Hays County, Texas.

Project Description

The proposed improvements to RM 967 include:

- Widening RM 967 with a 12 foot left turn lane, 10 foot right and 4 foot left shoulder from approximately 250 feet West to 450 feet East of Ruby Ranch Road;
- If authorized, widening RM 967 with a 12 foot left turn lane, 10 foot right and 4 foot left shoulder from approximately 250 feet West to 450 feet East of the Quarry Road approximately 0.25 miles West of Ruby Ranch Road. If so authorized, all services will be performed in conjunction with and at the same time as the widening at Ruby Ranch Road. All survey, geotechnical, environmental and design will be incorporated into the same documents as the Ruby Ranch Road project;
- Existing ROW determination; and
- Safety treatments of extending parallel and cross culverts, replacing culvert headwalls, and installing safety end treatments and guardrail as required.

The project lies within the Edwards Aquifer Recharge Zone.

I. Project Management and Coordination

- A. Attend six (6) project coordination meetings. Prepare and submit a meeting agenda one day prior to each meeting, and submit draft meeting notes for the County's review and approval three days following each meeting. The meetings shall include the following:
 - 1. Initial Kick-off Meeting
 - 2. Conceptual Schematic review - after completion of the conceptual schematic, attend a coordination meeting with the County and TxDOT to obtain concurrence on proposed design prior to beginning development of the PS&E package.
 - 3. Utility Coordination Meeting
 - 4. 30% Plan Review Meeting with County and TxDOT.
 - 5. 60% Plan Review Meeting with County and TxDOT.

6. 95% Plan Review Meeting with County and TxDOT.
- B. Coordinate with Hays County, TxDOT, TCEQ and other agencies as necessary.
- C. Provide Project Administration and Controls.
 1. Prepare and submit a monthly invoice package, which shall include the engineer's invoice, a progress status report, and updated project schedule reflecting progress accomplished during the past month. Project schedule shall be developed using FastTrack Schedule 9 or other compatible scheduling software.
 2. Subconsultant coordination, prepare subconsultant agreements and task orders, review invoices.

II. Survey

- A. The Engineer shall develop a list of current property owners and attempt to obtain Right-of-Entry Agreements for all affected parcels for the purpose of gaining access for survey, and environmental investigations.
- B. The Engineer shall establish the limits of the existing RM 967 and Ruby Road right-of-way utilizing available record information and field data.
- C. Establish horizontal and vertical control for the project. Horizontal control shall be based on Texas State Plane Coordinate System, Central Zone, NAD-83. Vertical Control shall be based on NGVD-88. Establish benchmarks in locations that shall not be disturbed by construction and tie benchmark elevation to known USGS reference mark.
- D. Provide location of permanent project benchmarks and traverse points (description, coordinates and elevations). Topographic map and profile from the existing ROW for the project limits on RM 967 and 100' along Ruby Ranch Road ROW. Provide topographic map plot at a scale of not less than 1"=100', depicting all surface features, legible text and 1-foot contour lines indexed at even 5-foot intervals. Show existing rights-of-way along RM 967 and Ruby Ranch Road. Provide hard copy plots and digital files (digital files shall be in MicroStation V8 (3D format) on CD-ROM. Provide a separate drawing file that contains 3D breaklines, existing ground triangulation network and contours with elevations. Provide digital ASCII file (on CD-ROM) and hard paper copy of all survey points in (point number, northing, easting, elevation, description) format.
- E. Locate all mailboxes (single, double, etc.), signs including size, types, location and verbiage. Measure all guardrail and permanent erosion control measures. Collect the required miscellaneous information including; measurements of riprap, retaining walls, driveways, drainage culverts and note types, sizes and shapes, etc.

- F. Sufficient survey shall be gathered as necessary to determine drainage patterns. Cross-section Quarry Road from ROW to ROW for a distance of approximately 40' from centerline of RM 967 to ensure development of a detailed DTM to determine actual field conditions.
- G. ROW Maps – The Engineer will research public tax and deed records to establish ownership and record limits of parent tracts. Any easements uncovered during this process will also be obtained and located, if possible. The Engineer will make a reasonable effort to recover pertinent record data, however this does not imply a complete abstracting of the parent tracts or warranty that all encumbrances will be discovered or shown.
 - 1. Utilizing the record information and field data obtained, establish the limits of the existing RM 967 and Ruby Ranch Road right-of-way and affected parent tracts.

H. Survey Deliverables

- 1. Standard level menus, font tables, pen tables, color tables and legends, as provided by TxDOT Austin District, will be utilized in developing all graphics files which will be in MicroStation V8 format. Map scale for this project will be 1" = 100' with all text and cells scaled accordingly.
- 2. Upon project completion, digital files of the individual right-of-way map sheets and all related reference files will be furnished to the County on a compact disk (CD) in Microstation format.

III. Right-of-Way (ROW)

Right-of-Way (ROW) services are not included in this scope of services. Any ROW services deemed necessary will either be added to this scope of services by a supplemental to this work authorization or performed by consulting firms selected by the County.

IV. Utility Coordination

- A. The Engineer will establish contact with existing utilities within and adjacent to the Project limits and set up a utility coordination meeting to present the project to the utility companies and identify potential conflicts.
- B. Provide Quality Levels C (Site Investigation), and D (Research) SUE Investigations. Quality Levels B (Horizontal Locates) and A (Vertical Locates) are not currently part of this scope of services but may be added by a supplemental to this work authorization if determined necessary at a later date.
- C. The Engineer shall also mark utilities a minimum of 50' up Ruby Ranch Road.

- D. The Engineer shall prepare an existing utility layout in Microstation V8 format with line styles defined in a legend.
- E. Show existing utility locations on conceptual schematic and construction documents with the same line styles used on the existing utility layout. Conflicts between existing utilities and the proposed project shall be clearly identified on the conceptual schematic and construction documents.
- F. The Engineer shall prepare and maintain a contact list for all utilities adjacent to the Project. Contact list shall also identify all utility conflicts and proposed resolutions to the utility conflict (relocate, abandon in place, etc.).
- G. The Engineer shall provide project construction plans to the affected utility companies at each submittal. The Utility companies will be responsible for the design of any required utility adjustments.
- H. Preparation of Utility Adjustment Agreements, Utility Joint Use Agreements, Utility Clearance Certificates, utility relocation plans, and review of utility relocation cost estimate / schedule are not included in this scope of services. Any additional Utility Coordination services deemed necessary will either be added to this scope of services by a supplemental to this work authorization or performed by Utility Coordination firms selected by the County.

V. Environmental Studies

- A. The Engineer shall prepare the necessary environmental documentation for this project.
- B. The Engineer will coordinate with the County and TxDOT as necessary to ensure compliance with necessary environmental requirements and law.
- C. All correspondence with TxDOT, the County and resource agencies shall be preserved in electronic PDF format for inclusion in the environmental document. In addition, the County Program Management Consultant will be included in all correspondence to TxDOT, the County or resource agencies.
- D. The Engineer shall perform all activities associated with the preparation of Section 404 (Clean Water Act) permit, pre-construction notification, and/or mitigation planning and coordination with the U.S. Army Corps of Engineers (USACE).
- E. The Engineer will be responsible for securing all necessary landowner access.

VI. Conceptual Schematic Development

- A. Review existing RM 967 plans and pavement design and prepare a Design Summary Report (DSR). This roadway has a functional classification of Rural Major Collector. Therefore, all designs will be in accordance with the TxDOT Roadway Design Manual, Chapter 4 “Non-Freeway Rehabilitation (3R) Design Criteria” and portions of Chapter 3 “New Location and Reconstruction (4R): Two-Lane Rural Highways Design Criteria”.

- B. The DSR shall be submitted to the County for approval of selected design criteria prior to beginning work on the schematic.
- C. The Engineer shall prepare a conceptual schematic which illustrates the proposed improvements to the subject roadway and intersecting cross streets and existing utility locations. Conceptual schematic shall include:
 - 1. Pertinent general project information including design speed, functional classifications, current and future ADT, North arrow;
 - 2. Horizontal alignment data;
 - 3. Existing and proposed (if required) right-of-way limits;
 - 4. Roadway geometrics including lane and shoulder widths, superelevation, traffic flow direction arrows, etc.;
 - 5. Location, limits and type of proposed retaining / noise walls;
 - 6. Location, limits and type of existing or proposed bridges and culverts;
 - 7. Location of all cross streets and driveways;
 - 8. Geometrics of left and/or right turn deceleration lanes;
 - 9. Topographic data; and
 - 10. Aerial Photography from existing sources.

VII. Plans, Specifications and Estimate (PS&E) Preparation

- A. Develop the PS&E package in accordance with latest TxDOT policy and preferences. TxDOT Standard detail sheets shall be utilized to the maximum extent possible to minimize plan development work. All plan sheets shall be developed using 11" x 17" sheets sizes and shall be of uniform style and quality. Plans shall be submitted for County and TxDOT review at 30%, 60%, and 95% completion stages.
- B. Roadway geometry shall be developed utilizing Geopak and in accordance with the latest version of the TxDOT Roadway Design Manual.
- C. Geotechnical Investigations.
 - 1. Provide up to two cores through existing pavement structure to verify existing pavement design. It is anticipated that new pavement design will match existing for widening projects.
- D. Hydraulic designs shall be in accordance with the TxDOT Hydraulic Design Manual. Modeling and design shall be developed utilizing Geopak Drainage, HY8, THYSYS, CulvertMaster, WinStorm, HEC-HMS or other appropriate hydraulic design software. The scope of services includes the following:
 - 1. Hydrologic Studies, Discharges
 - (1) The Engineer shall develop drainage area maps delineating drainage area boundaries and determining structure locations based on USGS topographic maps,

city contour maps, and field survey. The Engineer will utilize the existing drainage structures to the maximum extent possible.

- (2) Determine discharges at structures.
- (3) Produce plan sheets including all hydrologic computations

2. Hydraulic Studies, Structure Sizing

- (1) Perform and document hydraulic computations for the sizing of drainage culverts, channels and outfalls within the ROW or easements.
- (2) Determine ROW needs for outfalls, drainage easements or water quality.
- (3) Produce plan sheets including all hydraulic computations.

3. Prepare and submit to the County a drainage report detailing all hydrologic and hydraulic assumptions and computations.

- E. All signing, pavement marking and delineators shall be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- F. Prepare and Submit to the County the plan sheets for each submittal as listed in the Deliverables section below.
- F. Project shall be governed by the TxDOT Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges adopted June 1, 2004. Provide any necessary specifications, special specifications, special provisions and general notes to specify the work required by the contractor.
- G. The Water Pollution Abatement Plan (WPAP) shall include the following:
 1. Obtain and review copies of the USGS maps showing the location of the Edwards Aquifer Recharge and Contributing Zones (EARZ & EACZ);
 2. Determine the limits of the project within the EACZ;
 3. Prepare Total Suspended Solids (TSS) Calculations for design of BMPs;
 4. Prepare the WPAP per TCEQ requirements. Submit to County for coordination with TxDOT and permit approval by TCEQ; and
 5. Design BMP TSS removal systems using grassy swales, vegetative filter strips or other approved methods within the proposed project ROW.

VIII. Deliverables

- A. Design Summary Report (DSR).
- B. Conceptual Schematic (5 Copies).
- C. 30%, 60%, 95% Submittals (Electronic Submittals to the County, 20 Hard Copies for TxDOT reviews).

30% Submittal

1. Preliminary Title Sheet with Index of Sheets;

2. Project Layout;
3. Existing and Proposed Typical Sections;
4. Preliminary Summary Sheets;
5. Alignment Data Sheets;
6. Plan and Profile Sheets for all Alignments (Horizontal and vertical alignments final upon approval of 30% plans level);
7. Preliminary Traffic Control Narrative;
8. Drainage Area Maps;
9. Hydraulic Computations;
10. Preliminary Culvert Layouts;
11. Preliminary Storm Sewer Layouts (if necessary);
12. Preliminary Bridge Layout
13. Preliminary Cross Sections; and
14. Preliminary Quantities and Construction Cost Estimate

60% Submittal

1. 60% Submittal must address any comments from the 30% review;
2. Update Title Sheet with Index of Sheets (including standards);
3. Project Layout;
4. Final Existing and Proposed Typical Sections;
5. Preliminary Summary Sheets;
6. Preliminary Traffic Control & Sequence of Work;
7. Alignment Data Sheets;
8. Plan and Profile Sheets for all Alignments;
9. Preliminary Intersection Layouts;
10. Miscellaneous Roadway Details;
11. Drainage Area Maps;**
12. Hydraulic Computations;**
13. Final Culvert Layouts;**
14. Final Storm Sewer Layouts;** (if necessary)
15. Final Utility Exhibits;
16. Preliminary Signing Layouts;
17. Preliminary Pavement Marking Layouts and Delineation;
18. Preliminary SW3P Layouts;
19. Final Bridge Layout
20. Preliminary Bridge Details
21. Update Cross-Sections;
22. Updated Quantities and Construction Cost Estimate;
23. All standard sheets requiring review and/or modification;
24. Proposed special provisions or special specifications requiring approval; and
25. Preliminary Construction Schedule.

*(** Details final upon approval of 60% level)*

95% Submittal

1. 95% Submittal must address any comments from the 60% review;
2. Update Title Sheet with Index of Sheets;
3. Project Layout;
4. Final Existing and Proposed Typical Sections;
5. Final Summary Sheets;
6. Final Traffic Control Plan with Signing and Warning Devices;
7. Final Alignment Sheets;
8. Final Plan and Profile Sheets;
9. Final Intersection Layouts;
10. Final Miscellaneous Roadway Details;
11. Drainage Area Map;
12. Hydraulic Computations;
13. Final Culvert Layouts;
14. Final Storm Sewer Layouts (If necessary);
15. Final Utility Exhibits;
16. Final Signing Layouts;
17. Final Pavement Markings Layouts and Delineation;
18. Final SW3P Layouts;
19. Final Bridge Layout
20. Final Bridge Details
21. All required standard details;
22. Final Cross-Sections;
23. Updated Quantities, Construction Cost Estimate and Construction Schedule.
24. General Notes, Specification Data Sheets, Special Provisions, Special Specifications, Contract Time Determination, Other Supporting Paperwork (Form 1002, etc); and
25. Project Manual

D. Final Submittal (1 Copy)

1. The final submittal will include all items from the 95% submittal with resolution to all review comments. All plan sheets must be submitted on white opaque 11 X 17 Mylar Film and signed / sealed by a Professional Engineer or Survey licensed / registered within the State of Texas;
2. Complete PS&E package including the construction cost estimate, construction schedule, and all necessary forms (Form 1002, etc.); and
3. Project Manual

E. Project Manual and Electronic Files (Submitted with Final Mylars).

1. Design Criteria and Assumptions;
2. Design calculations including horizontal and vertical alignments, supertransitions, quantity calculations, etc.;
3. QA forms;
4. Copies of all permits and approvals;

5. CD containing electronic copies of all design files in Microstation V8 format;
 6. CD containing a PDF of the final plan set; and
 7. CD containing all environmental reports
- F. All drawing sheets and plans shall be prepared utilizing MicroStation V8.
- G. All text documents shall be developed utilizing Microsoft Office Word 2007
- H. All spreadsheets documents shall be developed utilizing Microsoft Office Excel 2007.

IX. Additional Services (Not Included in this Scope of Services)

The Engineer shall, at the request of the County, provide the following additional services. Any additional services requested will require a Supplemental Agreement to this Work Authorization.

- A. Services resulting from significant changes in the general project scope, extent or character of the project or scope of work, and revising previously accepted studies, reports, design documents, or contract documents when such revisions are required by changes in laws, rules, regulations, ordinances, codes or orders enacted subsequent to the preparation of such studies, reports, or documents, or are due to any other causes beyond the Engineer's control.
- B. Assistance in connection with bid protests, re-bidding, or re-negotiating contracts for construction, materials, equipment or services.
- C. Construction inspection or materials testing for construction purposes.
- D. Preparing to serve or serving as an Engineer or witness for the County in any litigation, arbitration, or other legal or administrative proceeding.
- E. Any other services not specifically stated within this scope of work.

EXHIBIT C

WORK SCHEDULE

The work to be performed by the Engineer under this work authorization shall be completed by December 31, 2011, unless amended by a Supplemental Work Authorization. The Engineer will make efforts to adhere to the following milestone dates on the project:

1. Initial Kick-off Meeting – 10/6/2010
2. Conceptual Schematic Review – 11/26/2010
3. Submit environmental document – 06/7/2010
4. 30% PS&E Submittal – 01/24/2011
5. Utility Coordination Meeting – 02/07/2011
6. 60% PS&E Submittal – 03/24/2011
7. 95% Review Meeting – 05/21/2011
8. Final Submittal; signed and sealed Mylars – 06/4/2011
9. Project Let – November 2011

EXHIBIT D

FEE SCHEDULE

SEE ATTACHED EXCEL SPREADSHEET

WORK AUTHORIZATION NO. 1
 EXHIBIT D - FEE SCHEDULE
 DANNENBAUM ENGINEERING COMPANY, AUSTIN, LLC
 PROJECT SCOPE: PS&E

EXHIBIT D / FEE ESTIMATE
 RM 967 AT RUBY RANCH ROAD

DATE: 13-Sep-10

| TASK AND DESCRIPTION | ESTIMATED PLAN SHEET REQUIREMENTS | | PROJECT MANAGER | QA/QC ENGINEER | SENIOR STRUC. HYDR ENGR | CHIEF ENGINEER | SENIOR ENGINEER | DESIGN ENGINEER | GRADUATE ENGINEER | CADD TECHNICIAN | CLERICAL | TOTAL | HRS/SH |
|--|-----------------------------------|---------|-----------------|----------------|-------------------------|----------------|-----------------|-----------------|-------------------|-----------------|----------|-------|--------|
| | QNTY | SCALE | | | | | | | | | | | |
| I. DESIGN STUDIES (FC 110) | | | | | | | | | | | | | |
| A. GENERAL | | | | | | | | | | | | | |
| 1 Data Collection & Field Reconnaissance | n/a | n/a | | | | | 8 | | | | | 8.0 | |
| 2 Develop DSR | n/a | n/a | | | | | 4 | | | | | 4.0 | |
| 3 Design Concept Conference | n/a | n/a | 2 | | | | 2 | | | | | 4.0 | |
| 4 Agreements & Permits | n/a | n/a | 2 | | | | 6 | | | | | 8.0 | |
| SUBTOTAL GENERAL (FC 110) | 0 | | 4 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 24 | |
| B. CONCEPTUAL SCHEMATIC | | | | | | | | | | | | | |
| 1 Develop Conceptual Schematic | n/a | 1"=100' | 2 | | | | 12 | 8 | | 8 | | 30.0 | |
| SUBTOTAL SCHEMATIC (FC 110) | 0 | | 2 | 0 | 0 | 0 | 12 | 8 | 0 | 8 | 0 | 39 | |
| TOTAL DESIGN STUDIES (FC 110) | 0 | | 6 | 0 | 0 | 0 | 32 | 8 | 0 | 8 | 0 | 54 | |
| II. RIGHT OF WAY DATA (FC 130) | | | | | | | | | | | | | |
| A. UTILITY COORDINATION | | | | | | | | | | | | | |
| 1 Utility Coordination | n/a | n/a | 4 | | | | 8 | | | 4 | 2 | 18.0 | |
| TOTAL RIGHT OF WAY DATA (FC 130) | 0 | | 4 | 0 | 0 | 0 | 8 | 0 | 0 | 4 | 2 | 18 | |
| III. PROJECT MANAGEMENT (FC 164) | | | | | | | | | | | | | |
| A. PROJECT MANAGEMENT | | | | | | | | | | | | | |
| 1 Monthly Progress Reports | n/a | n/a | | | | | 3 | | | | | 3.0 | |
| 2 Monthly Project Schedule Updates | n/a | n/a | | | | | 3 | | | | | 3.0 | |
| 3 Monthly Invoice | n/a | n/a | | | | | 3 | | | | | 3.0 | |
| 5 Coord. With Hays County | n/a | n/a | 16 | | | | 4 | | | | | 20.0 | |
| 6 Coord. With TxDOT | n/a | n/a | 4 | | | | 2 | | | | | 6.0 | |
| 7 Coord. With Environmental Consultant | n/a | n/a | 8 | | | | 4 | | | | | 12.0 | |
| 8 Coord. With Geotechnical Consultant | n/a | n/a | 4 | | | | 2 | | | | | 6.0 | |
| 9 Coord. With Surveyor | n/a | n/a | 6 | | | | 3 | | | | | 9.0 | |
| B. COORDINATION MEETINGS | | | | | | | | | | | | | |
| 1 Plan Review (30%, 60%, 95%) | n/a | n/a | 12 | | | | 12 | | | | | 24.0 | |
| 2 Coord. With Hays County | n/a | n/a | 12 | | | | 12 | | | | | 24.0 | |
| 3 Coord. With TxDOT | n/a | n/a | 2 | | | | 2 | | | | | 4.0 | |
| 4 Coord. With Environmental Consultant | n/a | n/a | 2 | | | | 2 | | | | | 4.0 | |
| 5 Coord. With Geotechnical Consultant | n/a | n/a | 2 | | | | 2 | | | | | 4.0 | |
| 6 Coord. With Surveyor | n/a | n/a | 2 | | | | 2 | | | | | 4.0 | |
| C. CONSTRUCTION SCHEDULES | | | | | | | | | | | | | |
| 1 Construction Schedules (60%, 95%) | n/a | n/a | 4 | | | | 4 | | | | | 8.0 | |
| TOTAL PROJECT MANAGEMENT (FC 164) | 0 | | 74 | 0 | 0 | 0 | 60 | 0 | 0 | 0 | 0 | 134 | |
| IV. FIELD SURVEY (FC 150) | | | | | | | | | | | | | |
| A. Right of Entry | n/a | n/a | | | | | 12 | | | | | 12.0 | |
| B. Process Data | n/a | n/a | | | | | 2 | | | | | 3.0 | |
| C. Review Topo & DTM | n/a | n/a | | | | | 2 | | | | | 3.0 | |
| TOTAL FIELD SURVEY (FC 150) | 0 | | 0 | 0 | 0 | 0 | 4 | 0 | 2 | 0 | 0 | 6 | |

WORK AUTHORIZATION NO. 1
EXHIBIT D - FEE SCHEDULE
DANNENBAUM ENGINEERING COMPANY - AUSTIN, LLC
PROJECT SCOPE: PS&E

EXHIBIT D / FEE ESTIMATE
RM 967 AT RUBY RANCH ROAD

DATE: 13-Sep-10

| TASK AND DESCRIPTION | ESTIMATED PLAN SHEET REQUIREMENTS | PROJECT MANAGER | QA/QC ENGINEER | SENIOR STRUCTURAL HYDR ENGR | CHIEF ENGINEER | SENIOR ENGINEER | DESIGN ENGINEER | GRADUATE ENGINEER | CADD TECHNICIAN | CLERICAL | TOTAL | HRS/WT |
|--|-----------------------------------|-----------------|----------------|-----------------------------|----------------|-----------------|-----------------|-------------------|-----------------|----------|-------|--------|
| V. ROADWAY DESIGN (FC 160) | | | | | | | | | | | | |
| A. GENERAL | | | | | | | | | | | | |
| 1 Title Sheet | 1 | | | | | 2 | | 4 | 2 | | 8.0 | 8 |
| 2 Index Sheet | 1 | | | | | 2 | | 4 | 3 | | 9.0 | 9 |
| 3 Boring Logs | | | | | | | | | | | | |
| 4 Survey / Horizontal Control Data | 1 | | | | | 1 | | 2 | | | 5.0 | 5 |
| B. ROADWAY | | | | | | | | | | | | |
| 1 Project Layout | 1 | | | | | | | 3 | 4 | | 9.0 | 9 |
| 2 Typical Sections | | | | | | 2 | | | | | | |
| a. Existing Typical Sections | 1 | | | | | 2 | | 6 | 2 | | 10.0 | 10 |
| b. Proposed Typical Sections | 1 | | | | | 4 | | 12 | 4 | | 20.0 | 20 |
| 3 Roadway Plan & Profile (1"=100') | 1 | | | | | 8 | | 20 | 12 | | 40.0 | 40 |
| 4 Cross Sections (Geopak & Earthwork Only Calc) | 4 | | | | | 16 | | 6 | | | 40.0 | 10 |
| C. INTERSECTIONS/SIDE STREETS | | | | | | | | | | | | |
| 1 Intersection/Side Street Layout | 1 | | | | | 4 | | 6 | 2 | | 12.0 | 12 |
| 2 Intersection/Side Street Grading Plan | 1 | | | | | 8 | | 8 | 2 | | 16.0 | 16 |
| D. MISCELLANEOUS | | | | | | | | | | | | |
| 1 Special Details | 1 | | | | | 3 | | 3 | 2 | | 8.0 | 8 |
| 2 Roadway Standard Sheets | 2 | | | | | 2 | | | 2 | | 4.0 | 2 |
| TOTAL ROADWAY DESIGN (FC 160) | 19 | 0 | 0 | 0 | 0 | 54 | 16 | 76 | 37 | 0 | 183 | |
| VI. DRAINAGE DESIGN (FC 161) | | | | | | | | | | | | |
| A. Storm Water Collection & Conveyance Sys Design | | | | | | | | | | | | |
| 1. Drainage Area Maps | | | | | | | | | | | | |
| a. Overall Drainage Area Map (1"=1000') | 1 | | | 1 | | 1 | | 6 | 6 | | 14.0 | 14 |
| 2. Drainage Design | | | | | | | | | | | | |
| a. Collection System (Catch Profiles) | 1 | | | 2 | | 2 | | 12 | 8 | | 22.0 | 22 |
| b. Conveyance System (Parallel Channels/Swales/Pipes) with HEC RAS | n/a | | | 1 | | | | 12 | 6 | | 18.0 | |
| D. Standard Details | | | | | | | | | | | | |
| 1. STANDARD DETAIL SHEETS | 4 | | | | | | | 2 | 4 | | 6.0 | 1.5 |
| E. Cross Road Culvert Design | | | | | | | | | | | | |
| 1. Culvert Layout Sheets (P & P) (1"=500/1.5) | 1 | | | | | 1 | | 4 | 6 | | 11.0 | 11 |
| 2. Hydraulic Data sheets | n/a | | | 1 | | 3 | | 10 | | | 14.0 | |
| a. Runoff Calculation | n/a | | | | | 1 | | 4 | 4 | | 9.0 | 9 |
| b. Runoff Tabulation Sheets | n/a | | | 1 | | 2 | | 6 | | | 9.0 | |
| c. Culvert Calculation | 1 | | | | | 1 | | 4 | 4 | | 9.0 | 9 |
| d. Culvert Tabulation Sheets | 1 | | | | | | | | | | | |
| F. Storm Water Pollution Prmv. Plan (SWP3P) | | | | | | | | | | | | |
| 1. EPIC Sheet | 1 | | | | | 8 | | | 2 | | 10.0 | 10 |
| 2. Layout | 1 | | | | | | | | 2 | | 10.0 | 10 |
| G. Water Pollution Abatement Plan | | | | | | | | | | | | |
| 1. Plan Document | n/a | 8 | | | | 16 | 16 | 8 | 20 | 16 | 84.0 | |
| TOTAL DRAINAGE DESIGN (FC 161) | 16 | 8 | 0 | 6 | 0 | 43 | 16 | 68 | 60 | 16 | 217 | |

WORK AUTHORIZATION NO. 1
EXHIBIT D - FEE SCHEDULE
DANKENBAUM ENGINEERING COMPANY - AUSTIN, LLC
PROJECT SCOPE: PS&E

EXHIBIT D / FEE ESTIMATE
RM 967 AT RUBY RANCH ROAD

DATE: 13-Sep-10

| TASK AND DESCRIPTION | ESTIMATED PLAN SHEET REQUIREMENTS | PROJECT MANAGER | QA/QC ENGINEER | SENIOR STRUCT. HYDR ENGR | CHIEF ENGINEER | SENIOR ENGINEER | DESIGN ENGINEER | GRADUATE ENGINEER | CADD TECHNICIAN | CLERICAL | TOTAL | HR/SHR |
|---|-----------------------------------|-----------------|----------------|--------------------------|----------------|-----------------|-----------------|-------------------|-----------------|----------|-------|--------|
| VII. SIGNING & MARKINGS (FC 162) | | | | | | | | | | | | |
| A. Signing & Pavement Markings | | | | | | | | | | | | |
| 1. Signing & Pavement Marking Layout | 1 | | | | | 6 | | 4 | 4 | | 14.0 | 14 |
| 2. Signing & Pav'g Mfg Standard Sheets | 4 | | | | | 1 | 2 | | 2 | | 5.0 | 1.25 |
| TOTAL SIGNING, MARKINGS AND SIGNALS (FC 162) | 11 | 0 | 0 | 0 | 6 | 7 | 2 | 4 | 6 | 0 | 19 | |
| VIII. TRAFFIC CONTROL PLANS (FC 163) | | | | | | | | | | | | |
| A. Traffic Control Plan Sheets | | | | | | | | | | | | |
| 1. Traffic Control Plan | 2 | | | | | 10 | | 10 | 16 | | 36.0 | 18 |
| 2. Typical Sections (2 per sh) | 1 | | | | | 4 | | 4 | 4 | | 8.0 | 8 |
| 3. Temporary Driveway | 1 | | | | | 1" | 4 | | 2 | | 6.0 | 6 |
| 4. Detour | 1 | | | | | 8 | | | 6 | | 16.0 | 16 |
| 5. Traffic Control Standards & Details | 6 | | | | | | 3 | | 3 | | 6.0 | 1 |
| TOTAL TRAFFIC CONTROL PLANS (FC 163) | 16 | 0 | 0 | 0 | 0 | 26 | 3 | 10 | 33 | 0 | 72 | |
| XI. COMPILE & TAB. OF QNTYS (FC 163) | | | | | | | | | | | | |
| A. Drainage | | | | | | | | | | | | |
| 1. Quantities (30%, 60%, 95% & Final) | n/a | | | | | 2 | | 4 | | | 6.0 | |
| 2. Cost Estimates (30%, 60%, 95% & Final) | n/a | | | | | 2 | 4 | | | | 6.0 | |
| B. Roadway | | | | | | | | | | | | |
| 1. Quantities (30%, 60%, 95% & Final) | n/a | | | | | 4 | | 4 | | | 12.0 | |
| 2. Cost Estimates (30%, 60%, 95% & Final) | n/a | | | | | 4 | | 4 | | | 12.0 | |
| C. Signing & Pymt Markings | | | | | | | | | | | | |
| 1. Quantities (30%, 60%, 95% & Final) | n/a | | | | | 2 | | 4 | | | 4.0 | |
| 2. Cost Estimates (30%, 60%, 95% & Final) | n/a | | | | | | | | | | 6.0 | |
| D. Traffic Control | | | | | | | | | | | | |
| 1. Quantities (30%, 60%, 95% & Final) | n/a | | | | | 4 | | 4 | | | 8.0 | |
| 2. Cost Estimates (30%, 60%, 95% & Final) | n/a | | | | | 4 | | 4 | | | 8.0 | |
| TOTAL COMP. & TAB. OF QNTYS (FC 163) | 0 | 0 | 0 | 0 | 0 | 22 | 24 | 18 | 0 | 0 | 62 | |
| XII. SPECIFICATIONS & GENERAL NOTES (FC 163) | | | | | | | | | | | | |
| A. Specifications | n/a | | | | | 16 | | 16 | | 2 | 50.0 | |
| B. General Notes | n/a | | | | | 8 | | 8 | | 1 | 25.0 | |
| TOTAL SPEC. & GENERAL NOTES (FC 163) | 0 | 0 | 0 | 0 | 0 | 24 | 24 | 24 | 0 | 3 | 75 | |
| XIII. PLAN REVIEW (FC 163) | | | | | | | | | | | | |
| A. QA/QC of 30%, 60%, 95% | n/a | | | | | | | | | | | |
| B. Respond to Review Comments | n/a | | 24 | | | | | | | | 24.0 | |
| TOTAL PLAN REVIEW (FC 163) | 0 | 0 | 24 | 0 | 0 | 12 | 24 | 0 | 12 | 0 | 72 | |
| XIV. BID PHASE SERVICES (FC 163) NOT INCLUDED | | | | | | | | | | | | |
| 1. Project Manual (Specifications) | n/a | | | | | | | | | | | |
| 2. Pre-Bid Meeting | n/a | | | | | | | | | | | |
| 3. Response to Bidders | n/a | | | | | | | | | | | |
| 4. Addenda | n/a | | | | | | | | | | | |
| 5. Bid Evaluation | n/a | | | | | | | | | | | |
| 6. Pre-Construction Conference | n/a | | | | | | | | | | | |
| TOTAL BID PHASE (FC 163) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| XV. TOTAL PROJECT HOURS | 62 | 92 | 24 | 6 | 0 | 232 | 117 | 200 | 160 | 21 | 912 | |

EXHIBIT D / FEE ESTIMATE
 RM 957 AT RUBY RANCH ROAD

DATE: 13-Sep-10

| TASK AND DESCRIPTION | PROJECT MANAGER | QA/QC ENGINEER | SENIOR HYDRO ENGR | CHIEF ENGINEER | SENIOR ENGINEER | PROJECT ENGINEER | GRADUATE ENGINEER | CADD TECHNICIAN | CLERICAL | |
|---|-----------------|----------------|-------------------|----------------|-----------------|------------------|-------------------|-----------------|-------------|---------------|
| I. DESIGN STUDIES (FC 110) | \$68.00 | \$70.00 | \$72.00 | \$68.50 | \$48.00 | \$40.00 | \$52.00 | \$28.00 | \$18.00 | |
| TOTAL HOURS | 6 | | | | 32 | 8 | | 8 | | 54 |
| FIXED FEE | \$ 1,160.73 | \$ - | \$ - | \$ - | \$ 446.84 | \$ 93.09 | \$ - | \$ 60.51 | \$ - | \$ 718.51 |
| DIRECT SALARY COST | \$ 1,160.73 | \$ - | \$ - | \$ - | \$ 446.84 | \$ 93.09 | \$ - | \$ 60.51 | \$ - | \$ 718.51 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ 1,276.80 | \$ - | \$ - | \$ - | \$ 491.52 | \$ 1,024.00 | \$ - | \$ 885.60 | \$ - | \$ 1,881.62 |
| II. RIGHT OF WAY DATA (FC 130) | | | | | | | | | | |
| TOTAL HOURS | 4 | | | | 6 | | | 4 | | 18 |
| FIXED FEE | \$ 77.38 | \$ - | \$ - | \$ - | \$ 111.71 | \$ - | \$ - | \$ 30.20 | \$ 10.47 | \$ 228.82 |
| DIRECT SALARY COST | \$ 77.38 | \$ - | \$ - | \$ - | \$ 111.71 | \$ - | \$ - | \$ 30.20 | \$ 10.47 | \$ 228.82 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ 851.20 | \$ - | \$ - | \$ - | \$ 1,228.80 | \$ - | \$ - | \$ 332.81 | \$ 113.20 | \$ 2,298.19 |
| III. PROJECT MANAGEMENT (FC 164) | | | | | | | | | | |
| TOTAL HOURS | 74 | | | | 60 | | | | | 134 |
| FIXED FEE | \$ 1,431.57 | \$ - | \$ - | \$ - | \$ 837.82 | \$ - | \$ - | \$ - | \$ - | \$ 2,269.39 |
| DIRECT SALARY COST | \$ 1,431.57 | \$ - | \$ - | \$ - | \$ 837.82 | \$ - | \$ - | \$ - | \$ - | \$ 2,269.39 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ 15,747.25 | \$ - | \$ - | \$ - | \$ 8,218.03 | \$ - | \$ - | \$ - | \$ - | \$ 22,965.28 |
| IV. FIELD SURVEY (FC 150) | | | | | | | | | | |
| TOTAL HOURS | | | | | 4 | | 2 | | | 6 |
| FIXED FEE | \$ - | \$ - | \$ - | \$ - | \$ 56.86 | \$ - | \$ 18.62 | \$ - | \$ - | \$ 74.48 |
| DIRECT SALARY COST | \$ - | \$ - | \$ - | \$ - | \$ 56.86 | \$ - | \$ 18.62 | \$ - | \$ - | \$ 74.48 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ - | \$ - | \$ - | \$ - | \$ 558.55 | \$ - | \$ 188.18 | \$ - | \$ - | \$ 744.73 |
| V. ROADWAY DESIGN (FC 160) | | | | | | | | | | |
| TOTAL HOURS | | | | | 54 | 18 | 78 | 37 | | 183 |
| FIXED FEE | \$ - | \$ - | \$ - | \$ - | \$ 754.04 | \$ 186.19 | \$ 707.49 | \$ 279.86 | \$ - | \$ 1,927.57 |
| DIRECT SALARY COST | \$ - | \$ - | \$ - | \$ - | \$ 754.04 | \$ 186.19 | \$ 707.49 | \$ 279.86 | \$ - | \$ 1,927.57 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ - | \$ - | \$ - | \$ - | \$ 8,294.43 | \$ 2,048.00 | \$ 7,782.42 | \$ 3,078.41 | \$ - | \$ 19,275.60 |
| VI. DRAINAGE DESIGN (FC 161) | | | | | | | | | | |
| TOTAL HOURS | 8 | | 6 | | 43 | 16 | 88 | 80 | 16 | 217 |
| FIXED FEE | \$ 154.76 | \$ - | \$ 125.67 | \$ - | \$ 600.44 | \$ 186.10 | \$ 633.02 | \$ 453.82 | \$ 83.78 | \$ 2,237.67 |
| DIRECT SALARY COST | \$ 154.76 | \$ - | \$ 125.67 | \$ - | \$ 600.44 | \$ 186.10 | \$ 633.02 | \$ 453.82 | \$ 83.78 | \$ 2,237.67 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ 1,702.40 | \$ - | \$ 1,266.73 | \$ - | \$ 6,004.92 | \$ 1,861.02 | \$ 6,330.20 | \$ 4,538.20 | \$ 837.82 | \$ 22,376.79 |
| VII. SIGNING & MARKINGS (FC 162) | | | | | | | | | | |
| TOTAL HOURS | | | | | 7 | 2 | 4 | 6 | | 19 |
| FIXED FEE | \$ - | \$ - | \$ - | \$ - | \$ 97.75 | \$ 23.27 | \$ 37.24 | \$ 45.38 | \$ - | \$ 203.64 |
| DIRECT SALARY COST | \$ - | \$ - | \$ - | \$ - | \$ 97.75 | \$ 23.27 | \$ 37.24 | \$ 45.38 | \$ - | \$ 203.64 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ - | \$ - | \$ - | \$ - | \$ 877.46 | \$ 232.73 | \$ 372.38 | \$ 453.82 | \$ - | \$ 2,036.37 |
| VIII. TRAFFIC CONTROL PLANS (FC 163) | | | | | | | | | | |
| TOTAL HOURS | | | | | 26 | 3 | 10 | 33 | | 72 |
| FIXED FEE | \$ - | \$ - | \$ - | \$ - | \$ 383.08 | \$ 34.91 | \$ 93.09 | \$ 249.80 | \$ - | \$ 740.88 |
| DIRECT SALARY COST | \$ - | \$ - | \$ - | \$ - | \$ 383.08 | \$ 34.91 | \$ 93.09 | \$ 249.80 | \$ - | \$ 740.88 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ - | \$ - | \$ - | \$ - | \$ 3,993.82 | \$ 384.00 | \$ 1,024.00 | \$ 2,745.81 | \$ - | \$ 7,408.57 |
| IX. COMPUTATION & TAB. OF QNTYS (FC 163) | | | | | | | | | | |
| TOTAL HOURS | | | | | 22 | 23 | 10 | | | 62 |
| FIXED FEE | \$ - | \$ - | \$ - | \$ - | \$ 307.20 | \$ 279.27 | \$ 148.95 | \$ - | \$ - | \$ 735.42 |
| DIRECT SALARY COST | \$ - | \$ - | \$ - | \$ - | \$ 307.20 | \$ 279.27 | \$ 148.95 | \$ - | \$ - | \$ 735.42 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ - | \$ - | \$ - | \$ - | \$ 3,072.01 | \$ 2,792.74 | \$ 1,489.48 | \$ - | \$ - | \$ 7,354.21 |
| X. SPECIFICATIONS & GENERAL NOTES (FC 163) | | | | | | | | | | |
| TOTAL HOURS | | | | | 24 | 24 | 24 | | 3 | 75 |
| FIXED FEE | \$ - | \$ - | \$ - | \$ - | \$ 336.13 | \$ 270.27 | \$ 223.42 | \$ - | \$ 15.71 | \$ 863.53 |
| DIRECT SALARY COST | \$ - | \$ - | \$ - | \$ - | \$ 336.13 | \$ 270.27 | \$ 223.42 | \$ - | \$ 15.71 | \$ 863.53 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ - | \$ - | \$ - | \$ - | \$ 3,351.28 | \$ 2,792.74 | \$ 2,234.18 | \$ - | \$ 157.09 | \$ 8,535.30 |
| XI. PLAN REVIEW (FC 163) | | | | | | | | | | |
| TOTAL HOURS | | 24 | | | 12 | 24 | | 12 | | 72 |
| FIXED FEE | \$ - | \$ 488.73 | \$ - | \$ - | \$ 167.56 | \$ 279.27 | \$ - | \$ 90.76 | \$ - | \$ 1,026.32 |
| DIRECT SALARY COST | \$ - | \$ 488.73 | \$ - | \$ - | \$ 167.56 | \$ 279.27 | \$ - | \$ 90.76 | \$ - | \$ 1,026.32 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ - | \$ 5,376.02 | \$ - | \$ - | \$ 1,643.20 | \$ 3,072.01 | \$ - | \$ 980.40 | \$ - | \$ 11,288.53 |
| XII. BID PHASE SERVICES (FC 163) NOT INCLUDED | | | | | | | | | | |
| TOTAL HOURS | | | | | | | | | | |
| FIXED FEE | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| DIRECT SALARY COST | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| COST INCLUDING OVERHEAD AND PROFIT | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| XIII. TOTAL PROJECT HOURS | 92 | 24 | 6 | | 282 | 117 | 200 | 180 | 21 | 912 |
| FIXED FEE | \$ 1,779.78 | \$ 488.73 | \$ 125.67 | \$ - | \$ 4,077.40 | \$ 1,301.46 | \$ 1,861.82 | \$ 1,210.19 | \$ 109.96 | \$ 11,015.02 |
| DIRECT SALARY COST | \$ 1,779.78 | \$ 488.73 | \$ 125.67 | \$ - | \$ 4,077.40 | \$ 1,301.46 | \$ 1,861.82 | \$ 1,210.19 | \$ 109.96 | \$ 11,015.02 |
| COST INCLUDING OVERHEAD AND PROFIT | \$ 19,677.56 | \$ 5,376.02 | \$ 1,382.40 | \$ - | \$ 44,951.25 | \$ 14,976.05 | \$ 20,480.06 | \$ 13,312.05 | \$ 1,099.64 | \$ 110,150.17 |
| OTHER DIRECT COSTS | | | | | | | | | | |
| Printing | | \$5,376.40 | | | | | | | | \$121,165.19 |
| Postage/Delivery | | \$200.00 | | | | | | | | \$8,386.40 |
| Misc. Supplies | | \$500.00 | | | | | | | | \$127,951.59 |
| TRAVEL | | | | | | | | | | |
| McGray & McGray | | | | | | | | | | \$6,206.00 |
| Blanton & Associates | | | | | | | | | | \$32,340.00 |
| Reba-Klarner | | | | | | | | | | \$5,882.87 |
| TOTAL SUBS | | | | | | | | | | \$44,428.87 |
| TOTAL OTHER DIRECT COSTS | | \$6,386.40 | | | | | | | | \$171,980.46 |
| TOTAL CONTRACT COST | | | | | | | | | | |

WORK AUTHORIZATION NO. 1
 EXHIBIT D - FEE SCHEDULE
 DANNENBAUM ENGINEERING COMPANY - AUSTIN, LLC
 PROJECT SCOPE: PS&E

EXHIBIT D / FEE ESTIMATE

RM 967 AT RUBY RANCH ROAD

DATE: 13-Sep-10

DIRECT REIMBURSABLE EXPENSES

Reproduction (Mylars Prints, & Xerox)

| Submittal | No. of Shts. per pkg. | 24 x 36 | | 11 x 17 | | 11 x 17 | 8 1/2 x 11 | 36 " x 4 ft Rolls * | |
|----------------|--------------------------|---------|--------|---------|--------|--------------|------------|---------------------|-------|
| | | Plots | Prints | Plots | Prints | Color Copies | Copies | Color | Black |
| 1. Work sheets | | | | 620 | 12,400 | | | 6 | |
| 2. Final Draw | | | | 62 | 1,550 | | | 0 | |
| 3. Reports | | | | | | 0 | 10,000 | | |
| Totals | | 0 | 0 | 620 | 13,950 | 0 | 10,000 | 6 | 0 |

| | | | | | | | | |
|--------|--|--------|--------|---|---------|---|--|------------|
| Costs: | Color Rolls - 36 "x 4 ft Rolls * @ \$3.00 / SF | 6 | each | x | \$36.00 | | | \$216.00 |
| | Mylars - 11 x 17 | 62 | each | x | \$1.00 | | | \$62.00 |
| | B&W Copies - 11 x 17 | 14,570 | Sheets | x | \$0.12 | = | | \$1,748.40 |
| | Color Copies - 11 x 17 | 125 | Sheets | x | \$2.00 | = | | \$250.00 |
| | Copies - 8 1/2 x 11 | 10,000 | Sheets | x | \$0.06 | = | | \$600.00 |

SUBTOTAL \$2,876.40

| | | | | | | | |
|--------------------------------|----|------|---|---------|--|--|------------|
| Preliminary Engineering Report | 0 | each | x | \$50.00 | | | \$0.00 |
| Drainage Report | 0 | each | x | \$50.00 | | | \$0.00 |
| Project Manual | 50 | each | x | \$50.00 | | | \$2,500.00 |

SUBTOTAL PRINTING \$5,376.40

Travel

To Agencies

| | | | | | | | | |
|------------|---------------|----|-----------|---|----------|--------------|---|----------|
| (Per Diem) | _____ trips x | 1 | People | x | \$30.00 | days/trip x | 1 | \$0.00 |
| (Com) | _____ trips x | 1 | People | x | \$300.00 | per/trip = | | \$0.00 |
| (POV) | 10 trips x | 30 | Miles | x | \$0.500 | per mile = | | \$150.00 |
| (Rental) | _____ trips x | 1 | days/trip | x | \$70.00 | daily rate = | | \$0.00 |

To Project Site

| | | | | | | | | |
|------------|---------------|----|-----------|---|----------|--------------|---|----------|
| (Per Diem) | _____ trips x | 1 | People | x | \$110.00 | days/trip x | 2 | \$0.00 |
| (Com) | _____ trips x | 1 | People | x | \$300.00 | per/trip = | | \$0.00 |
| (POV) | 4 trips x | 80 | Miles | x | \$0.500 | per mile = | | \$160.00 |
| (Rental) | _____ trips x | 1 | days/trip | x | \$70.00 | daily rate = | | \$0.00 |

SUBTOTAL \$310.00

| | | | | | | | |
|----------|----|----------|---|---------|-------|---|----------|
| Shipping | 20 | packages | x | \$10.00 | /Pkg. | = | \$200.00 |
|----------|----|----------|---|---------|-------|---|----------|

| | | | | | | | |
|---------------|--|--|--|--|--|--|----------|
| Misc Supplies | | | | | | | \$500.00 |
|---------------|--|--|--|--|--|--|----------|

TOTAL EXPENSES \$6,386.40

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

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

AGENDA ITEM: Discussion and Possible Action to modify the Construction Mitigation Agreement between the Hill Country Conservancy and Hays County that authorized by the Commissioners Court on or about September 28, 2010.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: An Additional \$8,005

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: FORD

SPONSORED BY: FORD

SUMMARY: The not-to-exceed amount cited in the original agreement was \$7,950. This amount failed to consider the legal services being provided to the Hill Country Conservancy (HCC). HCC has not executed the originally drafted agreement, and has requested that we increase to the not-to-exceed reimbursement amount to \$16,000.

REQUEST FOR QUALIFICATIONS
CONSTRUCTION SITE ENVIRONMENTAL MONITOR
RFQ

HAYS COUNTY, TEXAS

Hays County will be accepting sealed proposals for environmental oversight and monitoring of construction activities related to replacement of a bridge on McGregor Road near Dripping Springs, Texas.

Project Description

This RFQ is ancillary to the bridge replacement project.

Scope of Work

This project consists of environmental oversight of construction activities including but not limited to pre-construction evaluation of downstream conditions, monitoring of environmental controls during construction, and post-construction evaluation of impacts. Ideally, the individual or team selected to accomplish these tasks would hold a minimum education level of a bachelors degree in biology or a related natural sciences field, and experience in:

- 1) wetland delineation, permitting, and mitigation,
- 2) construction and compliance monitoring and reporting, and
- 3) flora and fauna surveys and assessments.

Selection Criteria

Proposals shall be evaluated on the following basis:

- Demonstrated ability and qualifications to address the major issues relative to this particular project
- References

After evaluation of the Statements of Qualifications received in response to this RFQ, the Purchasing Department may conduct interviews with one or more proposers. At that time, proposers may elaborate on their qualifications, experience, project approach, and staff expertise. Hays County expects all key personnel proposed for the project to be present at the interview.

Hays County reserves the right to complete the selection process without proceeding to an interview process and may choose to select based on the information supplied in the Statement of Qualifications. Hays County reserves the right to select the proposer whose qualifications, in the County's sole judgment, best meet the needs of the County.

Hays County reserves the right to reject any and/or all proposals. The award of the contract is subject to approval of the Commissioners Court.

Negotiations on a contract will be conducted only after final selection. If a contract satisfactory to Hays County can be negotiated, an award shall be made to that proposer. Otherwise, negotiations with the proposer shall be formally terminated and the County will move to the next proposer.

Hays County is an Equal Opportunity Employer.

Contact

Requests for additional information regarding this RFQ should be addressed to:

Cindy Maiorka CPPB
Purchasing Manager
111 E. San Antonio Street Suite 101
San Marcos, Texas 78666
512-393-2273 (office)
512-393-2276 (fax)
cindym@co.hays.tx.us

Submission Details

Proposals must be submitted in a sealed envelope, addressed to Hays County Purchasing Office, Attn: Cindy Maiorka, 111 E. San Antonio St., Ste 101, San Marcos, Texas 78666. **Proposals must be delivered no later than 2:00 p.m., March 19, 2009. Proposals received in the County Purchasing Office after submission deadline shall be returned unopened and will be considered void and unaccepted. NO EXCEPTIONS.** The County is not responsible for lateness of mail, carrier, etc. and time/date stamp clock in the purchasing office shall be the official time of receipt. Hays County does not accept faxed proposals.

Please submit one (1) original (marked as such) and four (4) copies, plus a copy of the proposal on CD.

Format

The proposal is limited to twelve (12) pages, double sided (printed both sides), including names, addresses, telephone numbers, fax numbers, and e-mail addresses for the prime provider and any sub-providers if proposed for the team and minimum of three (3) references from similar projects including any experience with Hays County in the past five (5) years). References should include:

- Name of agency/firm, contact person, phone number and e-mail address
- Year the service was provided
- Type of project and scope of services provided

The Statement of Proposals should incorporate the least amount of plastic/laminate or other non-recyclable binding materials. Supporting attachments and/or appendices (related project graphics, resumes, etc.) are not included in the twelve page limit, but should be conservative in their inclusion.

CODE OF ETHICS FOR HAYS COUNTY

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

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

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

1. It shall be a breach of ethics to attempt to influence any public employee, elected official or department head to breach the standards of ethical conduct set forth in this code.
2. It shall be a breach of ethics for any employee of Hays County or a vendor doing business with the county to participate directly or indirectly in a procurement when the employee or vendor knows that:
 - A. The employee or any member of the employee's immediate family, or household has a substantial financial interest pertaining to the procurement. This means ownership of 10% or more of the company involved and/or ownership of stock or other interest or such valued at \$2500.00 or more.
 - B. A business or organization in which the employee, or any member of the employee's family immediate family, has a financial interest pertaining to the procurement.
 - C. **Gratuities:** It shall be breach of ethics to offer, give or agree to give any employee of Hays County or for any employee to solicit, demand, accept or agree to accept from a vendor, a gratuity of consequence or any offer of employment in connection with any decision approval, disapproval, recommendation, preparation or any part of a program requirement or purchase request influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or controversy, any particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore pending before this government.
 - D. **Kickbacks:** It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for Hays County as an inducement for the award of a contract or order.
 - E. **Contract Clause:** The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation therefore.
 - F. **Any effort to influence any employee, elected official, or department head to violate the standards of this code are grounds to void the contract. Please certify by your signature below that you understand the ethics policy of Hays County and in no way will attempt to violate the code.**

SIGNATURE: _____

PRINT NAME AND TITLE: _____

COMPANY NAME: _____

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AGENDA ITEM: Executive Session pursuant to 551.072 of the Texas Government Code, to discuss the purchase of Jacobs Well Natural area and Westridge Joint Venture property. Possible action may follow in open court.

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

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: SUMTER

SUMMARY:

Agenda Item Request Form

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9:00 a.m. Every Tuesday

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

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

AGENDA ITEM: Executive Session pursuant to 551.071 of the Texas Government Code: consultation with counsel regarding collective bargaining.

Possible action may follow in open Court.

TYPE OF ITEM: Executive

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: SUMTER

SPONSORED BY: SUMTER

SUMMARY: Summary to be provided in Executive Session.

Agenda Item Request Form

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

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

AGENDA ITEM: Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, or value of real property related to the Nicholson Ranch Acquisition. Possible action may follow in open Court.

TYPE OF ITEM: Executive

PREFERRED MEETING DATE REQUESTED: October 12, 2010

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: FORD

SPONSORED BY: FORD

SUMMARY: Summary to be provided in Executive Session.