

Commissioners Court -May 10, 2011
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 **10th day of May, 2011**, in the Hays County Courthouse, Room 301, San Marcos, Texas. An Open Meeting will be held concerning the following subjects:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE - Pledge of Allegiance to the American Flag & Pledge of Allegiance to the Texas Flag
ROLL CALL

PRESENTATIONS & PROCLAMATIONS

1	3-4	Adopt a Proclamation declaring May 15, 2011 as Peace Officers Memorial Day and May 15-21, 2011 as Law Enforcement Officers Week. COBB
2	5	Recognize Hays County Firefighters for the service during the recent Texas Wildfires. COBB

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.

3	6	Approve payments of county invoices. HERZOG
4	7-11	Approve Commissioners Court Minutes of May 3, 2011. COBB/GONZALEZ
5	12-13	Amend Sheriff's Operating budget for holiday overtime pay. COBB/CUTLER
6	14-15	Accept a \$10,000 donation from Kate Johnson for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. COBB/JOHNSON
7	16-24	Approve specifications for RFP #2011-P12, Real Estate Services on an As-Needed Basis, and authorize Purchasing Manager to solicit for proposal and advertise. COBB/CONLEY
8	25-26	Approve recommendation of Parsons Brinckerhoff as most qualified firm for RFQ 2011-P08 "Qualifications for Firms Having Expertise in Transportation Planning". COBB/HERZOG/MAIROKA/BORCHERDING
9	27-31	Approval to renew Bid #2010-B09 for "Emulsion Oils" for one additional year as provided for in original bid. COBB/HERZOG/MAIORKA/BORCHERDING

ACTION ITEMS

SUBDIVISIONS

10	32-33	10-4-31 1826 Nutty Brown Subdivision. Discussion and possible action to consider approval of final plat. WHISENANT/BOTKIN
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MISCELLANEOUS

11	34	Discussion and possible action regarding CAMPO's call for projects that would be funded by federal stimulus monies. CONLEY/BORCHERDING
12	35-38	Discussion and possible action to authorize the Personal Health Department (PHD) to transfer funds from Medical Supplies to Miscellaneous Equipment and purchase a new microscope for the Title V program. INGALSBE/HARGRAVES
13	39-44	Discussion and possible action to authorize the County Judge to execute a Memorandum of Understanding (MOU) between Hays County Personal Health Department (PHD) and the Boys and Girls Clubs of South Central Texas (BGCSCT). INGALSBE/HARGRAVES
14	45-59	Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement Between Water Control Improvement District #2 and Hays County, Texas for the parks and open space improvements within the Belterra subdivision. WHISENANT

STANDING AGENDA ITEMS

The Commissioners Court utilizes Standing Agenda Items to address issues that are frequently or periodically discussed in court. This section allows the Court to open the item when a need for discussion arises.

15	Discussion and possible action related to the burn ban, and the Local Disaster Declaration and related prohibition against fireworks. COBB/CHAMBERS
16	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
17	Discussion of issues related to the road bond projects, including updates from Mike Weaver, Prime Strategies and Jeff Curren, HDR. Possible action may follow. COBB
18	Presentations by Department Heads to update and inform the Commissioners Court of department structure, performance, and goals. COBB/BAEN
19	Discussion and possible action to approve hiring, transfer and/or promotion of vacant position(s). The intent of the standing agenda item is to recognize deadline restraints and remove barriers or bottlenecks for hiring managers when presenting to Commissioners Court key positions they feel are needed to be filled. COBB/BAEN
20	Discussion of material relating to the Hays County Water and Wastewater Authority and/or the LCRA divestiture. WHISENANT

ADJOURNMENT

Posted by 5:00 o'clock P.M. on the 6TH day of May, 2011

COMMISSIONERS COURT, HAYS COUNTY, TEXAS

CLERK OF THE COURT

Hays County encourages compliance with the Americans with Disabilities Act (ADA) in the conduct of all public meetings. To that end, persons with disabilities who plan to attend this meeting and who may need auxiliary aids such as an interpreter for a person who is hearing impaired are requested to contact the Hays County Judge's Office at (512) 393-2205 as soon as the meeting is posted (72 hours before the meeting) or as soon as practical so that appropriate arrangements can be made. While it would be helpful to receive as much advance notice as possible, Hays County will make every reasonable effort to accommodate any valid request regardless of when it is received. Braille is not available.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

Phone (512) 393-2205

AGENDA ITEM: Adopt a Proclamation declaring May 15, 2011 as Peace Officers Memorial Day and May 15-21, 2011 as Law Enforcement Officers Week.

CHECK ONE:	CONSENT	ACTION	EXECUTIVE SESSION
	WORKSHOP	X PROCLAMATION	PRESENTATION

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: COBB

Hays County will honor fallen Peace Officers on May 17th at 7:00 PM at the Hays County Courthouse.



**Proclamation
Peace Officers Memorial Day & Law Enforcement Officers Week**

WHEREAS, Congress and President of the United States have designated May 15, 2011 as **Peace Officers Memorial Day**, and the week of May 15-21, 2011 as **Police Week**.

WHEREAS, the members of Hays County law enforcement play an essential role in safeguarding the rights and freedoms of Hays County; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of Hays County law enforcement unceasingly provide a vital public service;

NOW, THEREFORE, we, the Commissioners Court of Hays County, call upon all citizens of Hays County and upon all patriotic, civic and educational organizations to observe May 15, 2011 as **Peace Officers Memorial Day** and May 15 – May 21, 2011, as **Law Enforcement Officers Week** with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

We further call upon all citizens of Hays County to gather on the South Lawn of The Hays County Courthouse on Tuesday, May 17, 2011, in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

ADOPTED THIS THE 10TH DAY OF MAY, 2011

**Bert Cobb
Hays County Judge**

**Debbie Gonzales Ingalsbe
Commissioner, Pct. 1**

**Mark Jones
Commissioner, Pct. 2**

**Will Conley
Commissioner, Pct. 3**

**Ray Whisenant
Commissioner, Pct. 4**

ATTEST:

**Liz Q. Gonzalez
Hays County Clerk**

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

Phone (512) 393-2205

AGENDA ITEM: Recognize Hays County Firefighters for the service during the recent Texas Wildfires.

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

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: COBB

The following Firefighters responded to the need for assistance during the recent Texas Wildfires.

They represented Hays County well and should be honored for their sacrifices.

South Hays Fire:

Lt. Basil Pierce
FF Wes Trapp
FF Jesse Maldonado
FF TJ Browder
FF Chas Humphrey
FF Jason Perez
FF Matt Simkin

Buda:

Lt. Craig Odell
FF Cory Young
FF Heath Huckaby
FF Carlos Rocha
Lt. Raymond Seyfried
FF Jason Cook
FF Ben Ogletree
FF Jacob Haverda
FF Abel Gonzales

Kyle:

FF Kevin Cox
FF Matt Jobe
Lt. Derrick Sexton
FF Brandon Kitchens

ESD #6:

FF Rayne Kelley
FF Dustin Hudson
FF Steven Fretwell

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: 5/10/11

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 MAY 3, 2011.

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

☐ WORKSHOP ☐ PROCLAMATION ☐ PRESENTATION

PREFERRED MEETING DATE REQUESTED: MAY 10, 2011

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: GONZALEZ

SPONSORED BY: COBB

SUMMARY:



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF MAY A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Dennis Spire gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

Sam Brannon of San Marcos, Maria Rocha and Dr. Mario Garza of San Marcos made a public comment.

28020 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoices in the amount of \$777,845.48 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28021 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 26, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the Commissioners Court Minutes of April 26, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28022 AMEND AND MODIFY RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT REGARDING EX OFFICIO ROAD COMMISSIONERS AND RIGHT OF WAY ACQUISITIONS

Sam Brannon made a public comment. Modification will provide greater latitude for county representatives and streamline the ROW negotiation process. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend and modify resolution of the Hays County Commissioners Court regarding ex officio Road Commissioners and Right of Way acquisitions. All voting "Aye". MOTION PASSED

28023 AMEND BUDGET OF DISTRICT ATTORNEY FOR DNA EXPERT WITNESS/TESTING FROM CONTINGENCIES IN GENERAL FUND

Sherri Tibbe District Attorney spoke of budget of the District Attorney's Expert Witness is \$5,000 for the FY2011. It is estimated that an additional \$30,000 will be needed for upcoming murder trial. Amount required is \$30,000.00 to 001-607-00.5436 Expert Witness Expense from 001-645-00.5399 countywide contingencies. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend Budget of District Attorney for DNA expert witness/testing from Contingencies in General Fund. All voting "Aye". MOTION PASSED

28024 RESUBDIVISION OF A PORTION OF LOT 2, BLOCK E, HURLBUT RANCH EAST [11-4-6-2 LOTS]. HOLD PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie Boykin Subdivision Coordinator gave an overview of the plat and gave the final approval. Special Counsel Mark Kennedy spoke. Clint Garza Director of Development Service spoke. The Hurlbut Ranch East Subdivision is a recorded subdivision located in northern Precinct 4. The subdivision was originally platted in 1984 with 19 lots. There are currently 23 taxable parcels on the CAD records. As platted, Lot 2 Block E consists of 228.167 acres. The proposed configuration will divide a 138.229 acre portion of Lot 2 into 2 new lots (Lot 2A; 37.800ac; Lot 2B: 100.429 ac). There is an existing conservation easement on the property which will prohibit any further development of lot 2B. Lot 2A will be served by an on-site sewage facility and private water well. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of resubdivision of a portion of Lot 2, Block E, Hurlbut Ranch East (2 lots). All voting "Aye". MOTION PASSED



MAY 3, 2011

VOLUME U PG 573

28025 ALLOW STAFF MEMBERS FROM THE JUVENILE PROBATION DEPARTMENT TO OCCUPY OFFICE SPACE IN THE PERSONAL HEALTH DEPARTMENT BUILDING LOCATED AT 150 LOCKHART ST., KYLE TX, IN PRECINCT 2

Shelly Williams Director of Juvenile Probation spoke of utilizing office space in Precinct 2, and Nick Icosipentarios San Marcos resident spoke. Priscilla Hargraves Personal Health Department Director spoke of security in the building. At this time, the Juvenile Probation Department lacks adequate office space to conduct business and provide services. The Personal Health Department has offered to allow staff members from Juvenile Probation to use office space that is available in the building located at 150 Lockhart St. Kyle, Texas in Precinct 2. Currently, the Health Department uses the building to provide services two days a week, Monday and Tuesday. Therefore, the Juvenile Probation Department would be allowed to use the vacant office space three days a week, Wednesday to Friday. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to allow staff members from the Juvenile Probation Department to occupy office space in the Personal Health Department building located at 150 Lockhart St., Kyle TX, in Precinct 2 on a temporary basis. All voting "Aye". MOTION PASSED

28026 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BUDA, TEXAS AND HAYS COUNTY, TEXAS FOR THE IMPROVEMENTS OF BUDA SKATE PARK AND BRADFIELD PARK, PUBLIC PROPERTIES OWNED BY THE CITY OF BUDA, TEXAS

Jack Jones of the Buda Director of Parks spoke. In December 2010, after review of a proposal and recommendation by the Parks and Open Space Advisory Board, the Commissioners Court allocated \$450,000 toward the Buda Skate Park and Bradfield Park. This Interlocal Agreement represents the terms and conditions of that commitment and provided for payment of County Parks Bond monies to the City of Buda. Amount \$450,000.00 (150-812-97-418 Buda State Park \$140,000) 150-812-97-419 Bradfield Park \$310,000. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones action to authorize the County Judge to execute an Interlocal Agreement Between the City of Buda, Texas and Hays County, Texas for the Improvements of Buda Skate Park and Bradfield Park, Public Properties Owned by the City of Buda, Texas. All voting "Aye". MOTION PASSED

28027 FINALIZE CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS

Jacy Warwick of CMA Engineering spoke of the regulations. County Clerk Liz Gonzalez read a public comment email to Clint Garza from Erin K. Banks of Banks & Associates. Clint Garza Director of Development Service spoke of the regulations that would benefit the public. The Hays County Development Regulations were adopted in 2009: at that time the court and staff agreed that the regulations were an evolving document which would change to better serve the citizens of Hays County. Since adoption, the department has periodically asked the court for approval not to enforce particular sections of the regulations which were highly controversial of overly burdensome for the public. The court gave direction to selectively enforce sections of the rules but actual amendments were never made. There are still opportunities to fine tune the regulations which would ideally streamline the application procedures making the process more efficient and friendly. Changes to the rules may take place over multiple court meetings however, the first area identified is the application requirements for all development authorizations. A motion was made by Commissioner Conley, seconded by Commissioner Jones finalize changes to the Hays County Development Regulations effective immediately. All voting "Aye". MOTION PASSED

AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER OF INTENT FOR THE PERSONAL HEALTH DEPARTMENT (PHD) TO ENTER INTO CONTRACT NEGOTIATIONS WITH SETON HEALTH PLAN FOR PROVISION OF SERVICES TO HEALTH AND HUMAN SERVICES COMMISSION (HHSC) HMO MEMBERS

Nick Icosipentarios made a public comment. Priscilla Hargraves of the Personal Health spoke of the difference between of Indent Care and HMO. This agreement will allow the PHD to enter into contract negotiations with Seton Health Plan for the provision of healthcare services to HMO members enrolled with Seton Health Plan if Seton receives a contract award through HHSC. Commissioner Ingalsbe and Commissioner Jones would meet with Seton on May 4, 2011. A motion was made by Commissioner Ingalsbe to execute a letter of intent for the Personal Health Department to enter into contract negotiations with Seton Plan for provisions of services to Health and Human Services Commission HMO members motion died for lack of seconded.



28028 DISBURSE \$15,000 FROM THE LCRA SERVICE FEE FUND TO THE COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION, AS HAYS COUNTY'S CONTRIBUTION TOWARD THE COSTS OF DUE DILIGENCE RELATED TO THE LCRA DIVESTITURE

As discussed in the last two Commissioners Court meetings, the Coalition is diligently working toward the provision of an indicative bid before LCRA's deadline this month. Since the Corporation is newly formed, due diligence funding is being provided at varying levels by participating entities. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to disburse \$15,000 from the LCRA Service Fee Fund to the Coalition of Central Texas Utilities Development Corporation, as Hays County's contribution toward the costs of due diligence related to the LCRA divestiture. Commissioner Jones voting "No" and Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED

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 RIGHT OF WAY ACQUISITION ON A PORTION OF LOT 1, HAYS COUNTY LAW ENFORCEMENT CENTER ADDITION (A.K.A. "PARCEL 3 OLD PLANT PROJECT")

Court convened into closed executive session at 10:30 am. and reconvened into open court meeting at 10:42 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Conley, Judge Cobb and Special Counsel Mark Kennedy. -No Action taken.

28029 EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT/EMPLOYMENT OF A VETERAN SERVICES OFFICER

Court convened into closed executive session at 1:10 pm. and reconvened into open court meeting at 3:10 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Whisenant, Commissioner Conley, Commissioner Jones, Judge Cobb, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and Human Resources Director Dee Dee Baen. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hire Jude Prather as the new Veteran Service Officer with a salary of \$34,000 per year as long as the references check out clearly. All voting "Aye". MOTION PASSED

ACTION RELATED TO THE BURN BAN

Mark Chambers Fire Marshal spoke of the leaving the burn ban and fireworks ban in effect.

County Clerks Note Item #14: 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.- **was pulled**
Sam Brannon made a public comment.

County Clerks Note Item #15: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR- **was pulled**
Sam Brannon made a public comment.

County Clerks Note Item # 16: PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS- **was pulled**

County Clerks Note Item # 17: DISCUSSION AND POSSIBLE ACTION TO APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S). THE INTENT OF THE STANDING AGENDA ITEM IS TO RECOGNIZE DEADLINE RESTRAINTS AND REMOVE BARRIERS OR BOTTLENECKS FOR HIRING MANAGERS WHEN PRESENTING TO COMMISSIONERS COURT KEY POSITIONS THEY FEEL ARE NEEDED TO BE FILLED- **was pulled**

County Clerks Note Item #18: DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE- **was pulled** Sam Brannon made a public comment.



MAY 3, 2011

VOLUME U PG 575

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adjourn court

I, LIZ Q. GONZALEZ, 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 MAY 3, 2011.



LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

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

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

AGENDA ITEM: Amend Sheriff's Operating budget for holiday overtime pay.

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

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED: \$50,000

LINE ITEM NUMBER OF FUNDS REQUIRED: 001-618-00.5036

REQUESTED BY: Sheriff Gary Cutler

SPONSORED BY: Judge Bert Cobb, M.D.

Additional funds are needed due to staffing coverage over the holidays in the Sheriff Operating division. Also, funds have been moved from this line item to other divisions under the Sheriff to help fund their overtime pay which is now creating budget issues.

Funds from salary savings (due to unfilled positions) will be used to fund this amendment.

Staff Salary - 001-618-00.5021: (50,000)

Holiday O/T - 001-618-00.5036: 50,000

Agenda Item Routing Form

DESCRIPTION OF Item: Amend Sheriff's Operating budget for holiday overtime pay.

PREFERRED MEETING DATE REQUESTED: May 10, 2011

COUNTY AUDITOR

AMOUNT: \$50,000

LINE ITEM NUMBER: 001-618-00.5036

COUNTY PURCHASING GUIDELINES FOLLOWED: N/A

PAYMENT TERMS ACCEPTABLE: N/A

COMMENTS: See budget amendment.

Bill Herzog

SPECIAL COUNSEL

CONTRACT TERMS ACCEPTABLE: _____

COMMENTS:

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

AGENDA ITEM: Accept a \$10,000 donation from Kate Johnson for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project.

CHECK ONE:	X CONSENT	ACTION	EXECUTIVE SESSION
	WORKSHOP	PROCLAMATION	PRESENTATION

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: JOHNSON

SPONSORED BY: COBB

Kate Johnson is continuing her generous support of the preservation of Hays County History. Mrs. Johnson has donated \$10,000 to be used for direct expenses related to the Historical Jail Restoration Project.

Agenda Item Routing Form

DESCRIPTION OF Item: Accept a \$10,000 donation from Kate Johnson for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project.

PREFERRED MEETING DATE REQUESTED: May 10, 2011

COUNTY AUDITOR

AMOUNT: \$10,000

LINE ITEM NUMBER:

COUNTY PURCHASING GUIDELINES FOLLOWED: N/A

PAYMENT TERMS ACCEPTABLE: N/A

COMMENTS: See budget amendment.

Bill Herzog

SPECIAL COUNSEL

CONTRACT TERMS ACCEPTABLE: _____

COMMENTS:

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

AGENDA ITEM: Approve specifications for RFP #2011-P12, Real Estate Services on an As-Needed Basis, and authorize Purchasing Manager to solicit for proposal and advertise.

CHECK ONE:	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ACTION	<input type="checkbox"/> EXECUTIVE SESSION
	<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> PROCLAMATION	<input type="checkbox"/> PRESENTATION

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: COBB/CONLEY

See attached specifications.

REQUEST FOR PROPOSAL FOR REAL ESTATE SERVICES ON AN AS- NEEDED BASIS

RFP #2011-P12

**Proposals are due on May 31, 2011
no later than 2:00 p.m.**

REQUEST FOR PROPOSAL FOR REAL ESTATE SERVICES ON AN AS-NEEDED BASIS RFP #2011-P12

1. Overview

Hays County is seeking the services of a real estate company (the Consultant) to provide a broad range of real estate services for real property assets. The purpose of this Request for Proposals ("RFP") is to select one or several consultants who may be retained and used on an as-needed basis to assist the County in all aspects of real estate planning, lease evaluation, portfolio management and evaluation of surplus real property. This offering is not intended to be a selection of a Consultant for a specific project. The County reserves the right to determine the project assignment to the Consultant following the general guidelines as follows: 1) evaluation of County's owned and leased property; 2) evaluation of County's current lease agreements and assessment of revenue potential; 3) assessment of potential sale of current County property inventory; and 4) special projects. If during the term of this Contract the County and the Consultant determine that the services are not fully responsive to the County's real estate requirements, the County and the Consultant will make appropriate adjustments to the services to ensure that the County's requirements are satisfied. The right to make adjustments to the services does not preclude the County's right to cancel the Contract pursuant to applicable provisions contained herein. Hays County reserves the right to cancel a solicitation at any time prior to award; as well as reserves the right to reject any and all proposals received (and/or portions of), and to select the proposal(s) which it determines to be in its best interest. Hays County reserves the right to reject all responses and to solicit and advertise for other qualifications. Selected Consultant(s) shall keep all the information provided and any project work confidential and shall not release any information to the press, general public or any party without prior written approval from the County.

2. Scope of Work

Hays County will partner with a service provider to provide lease negotiations, portfolio management, strategic planning, evaluation and possible sale of surplus real property, and implementation of industry best practices. The following are some, but not all, of the services to be provided as part of this Contract, as requested at the discretion of the County:

2.1 Develop a Strategic Real Estate Plan

2.1.1 Develop a Strategic Real Estate Plan including an operational assessment of the County's real estate business processes. Evaluate the County's operations and organizational structures for managing its real property. Validate the existing operations and structures or recommend modifications to improve efficiency and effectiveness.

2.1.2 Develop a methodology and implementation plan to reduce real estate operating costs that prioritizes the largest cost reductions first.

2.1.3 Develop a methodology and implementation plan to periodically and independently evaluate, and prioritize by potential savings, owned and leased real estate within the authority and control of the County to determine if the property is underutilized or surplus and to better use or dispose of the property.

2.2 Perform Market Research and Analysis

2.2.1 Evaluate the County's leased office space use and estimate the County's needs over the next three years.

2.2.2 Identify and evaluate the occupancy costs of County ownership as compared to the occupancy costs of leasing and develop a methodology to determine whether the County should be leasing space to meet its needs.

2.2.3 Provide recommendations and an implementation plan for the County to meet its projected needs and quantify the costs of the recommendations as compared to the alternatives.

2.3 Identification, Evaluation, and Marketing of Surplus Property

2.3.1 Provide a report of all identified surplus property.

2.3.2 Consultant will identify best practices related to real estate portfolio management that would be beneficial for the County.

2.3.3 Consultant will prioritize properties, which have the greatest opportunity to maximize revenue to the County in the shortest period of time.

2.3.4 Work on behalf and in the best interest of the County, by positioning commercial property creatively in the market place, targeting potential tenants, developing relations for the County, and maximizing profitability.

2.3.5 Prepare creative and dynamic marketing material to distribute to potential tenants, prepare proposals, and respond to inquiries.

2.3.6 Prepare properties for showing, show properties, and provide property statistics and leasing information.

2.4 Contract Negotiations

2.4.1 Assist the County with lease or sale agreements by reviewing contract requirements, negotiating terms, and obtaining signatures.

2.4.2 Prepare lease renewals and restructuring.

3. Proposal Requirements

Responses to this RFP will be evaluated based upon the bidder's current ability to provide the highest level of quality services that meets the requirements and goals of this RFP and the needs of Hays County and provides the best value to the County. Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content. The following factors will be evaluated:

3.1 Firm Profile (5%)

3.1.1 Proposers shall provide a profile of the company, including, but not limited to:

- a. Ownership, state of incorporation, date, etc.
- b. Location of office(s).
- c. Number of employees.
- d. Company background and history.
- e. Length of time providing services requested through this proposal; provide brief descriptions of services.

3.2 Qualified Personnel (15%)

3.2.1 The written proposal should indicate the competencies of key personnel whom the bidder intends to assign to the project. Qualifications will be measured by education and experience, with particular reference to experience on projects similar to that described in the RFP. Emphasis will be placed upon the qualifications of bidder's Project Manager, on-site representative, and the Project Manager's dedicated management time as well as that of other key personnel working on this project. Resumes shall include detailed, chronological work experience, including name and phone number of person or persons who may contact from each project or work assignment.

3.3 Capability, Qualifications, and Experience of Organization (30%)

3.3.1 Experience working with units of government, including understanding of Constitutional, statutory and administrative requirements. Proposers must provide a minimum of three (3) references for similar projects performed for clients. Information provided should include, but not be limited to:

- a. Customer name.
- b. Customer contact.
- c. Project description.
- d. Starting and ending project dates.
- e. Types of services provided.
- f. Staff assigned to project.

3.3.2 Experience working in Hays County.

3.3.3 Any perceived or real conflicts of interest including ownership or representation of an owner of a current County-leased space.

3.3.4 Consultant capabilities beyond the primary objectives and tasks listed.

3.3.5 Any other information that may be beneficial to the County in achieving the goals of this RFP.

3.4 Work Plan (40%)

3.4.1 The written proposal should indicate the bidder's ability to provide a plan using known methods for accomplishing the work. The plan should include a detailed narrative description of how the bidder will accomplish the objectives and tasks, including a display showing events i.e., specific tasks and timetable. Also indicate the estimated time required of County resources.

3.5 Pricing and Fee Structure (10%)

3.5.1 To the fullest extent possible, compensation for work performed shall be derived from commissions. Proposals for other methods of compensation will be considered provided they are in conformance with applicable law. Proposers are cautioned to identify any and all costs associated with their proposal. Failure to do so may be cause for disqualification.

4. RFP Evaluations

All proposals received will be carefully evaluated by an evaluation committee of Hays County representatives. The County will select a respondent which, in its opinion, has made the best proposal and will offer quality professional real estate services to Hays County. Respondents submitting proposals should note that it is entirely within the County's discretion in this procurement to determine if a proposal reflects the best value for the County. The County reserves the right to select any proposal regardless of fee structure.

4.1 Proposal Evaluation

4.1.1 Proposals will be evaluated by members of the committee. Each criterion in the Proposal Requirements section will be considered per the percentages listed.

4.2 Firm Interviews

4.2.1 Firm interviews and presentations may, at Hays County's sole option, be separately conducted with the best qualified proposer or proposers. The evaluation committee may use these interviews to determine which proposal reflects the best value for Hays County.

4.3 Additional Considerations

4.3.1 The ability, capacity, and skill of the proposer to perform the contract or provide the service required.

4.3.2 Whether the proposer can perform the contract or provide the services promptly, and within the time specified without delay or interference.

4.3.2 The character, integrity, reputation, judgment, experience, and efficiency of the proposer.

4.3.3 The quality of past contract performance including, but not limited to, Texas Comptroller of Public Account's Vendor Performance Tracking System.

4.3.4 The previous compliance of laws and ordinances by the proposer.

4.3.5 The financial responsibility of the proposer to perform the contract or provide the service.

4.3.6 The limitations of any license the proposer may be required to possess.

- 4.3.7 The ability of the proposer to provide future service.
- 4.3.8 The number and scope of conditions attached to the proposal.
- 4.3.9 Such other factors as may be deemed relevant as to the best value.

5. Information about this Request for Proposal

5.1 Proposal Preparation

5.1.1 Proposals should be prepared simply with emphasis on completeness and clarity of content. An authorized representative must sign proposals and all information requested must be submitted by the established deadline.

5.2 Proposal Submission

5.2.1 Five (5) copies of each proposal are required to be submitted. All proposals should be bound in a single volume printed on 8.5" x 11" paper.

5.2.2 Proposals are due on May 31, 2011 no later than 2:00 p.m.

5.2.3 Please send proposals to:

Cindy Maiorka
111 E. San Antonio Street
Suite 101
San Marcos, Texas 78666
512.393.2273
Email: cindym@co.hays.tx.us

5.3. Questions Regarding Proposal

5.3.1 Questions regarding the proposal should be directed to:

Cindy Maiorka
111 E. San Antonio Street
Suite 101
San Marcos, Texas 78666
512.393.2273
Email: cindym@co.hays.tx.us

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: Approve recommendation of Parsons Brinckerhoff as most qualified firm for RFQ 2011-P08 "Qualifications for Firms Having Expertise in Transportation Planning"

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

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Herzog/Maiorka/Borcherding

SPONSORED BY:

SUMMARY: There were six (6) proposals received and after evaluation of those proposals, Parsons Brinckerhoff was selected as most qualified. Negotiated contract will be brought back before Commissioners Court for approval at a later date. (see attached list of respondents)

**PRIME STRATEGIES INC
1508 S LAMAR BLVD
AUSTIN TEXAS 78704
512-637-6831
512-445-7064 FAX**

**HDR ENGINEERING INC
504 LAVACA STREET STE 1175
AUSTIN TEXAS 78701
512-904-3730
512-904-3773 FAX**

**URS
9400 AMBERGLEN BLVD
AUSTIN TEXAS 78729
512-419-6470
512-454-8807 FAX**

**PARSONS BRINCKERHOFF
BARTON OAKS PLAZA TWO
901 MOPAC EXPRESSWAY SOUTH
SUITE 595
AUSTIN TEXAS 78746
512-328-1012**

**HALFF ASSOCIATES
4030 WEST BRAKER LANE STE 450
AUSTIN TEXAS 78759
512-252-8141**

**FREESE & NICHOLS
4040 BROADWAY SUITE 600
SAN ANTONIO TEXAS 78209
210-298-3815
210-315-6393 CELL
RICHARD KELLEY**

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

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

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

AGENDA ITEM: Approval to renew Bid #2010-B09 for "Emulsion Oils" for one additional year as provided for in original bid.

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

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Herzog/Maiorka/Borcherding

SPONSORED BY:

SUMMARY: (see attached) There will be a 15 cent increase per gallon from Ergon due to the increase in oil prices, but this increase is still below the bid price of the next lowest bidder. Due to the volatile market for oil prices, if we rebid we could be subjected to much higher pricing. The increase is provided for in the original bid. The original specifications provide for a price increase or decrease, if needed, based upon price changes the vendor receives for the established price of product to be furnished provided the pricing does not exceed the next lowest bidder.



OFFICE OF THE COUNTY AUDITOR

111 E. San Antonio St., Ste 100

San Marcos, Texas 78666

512-393-2283

Fax: 512-393-2248

www.co.hays.tx.us

Bill Herzog, CPA
County Auditor
bherzog@co.hays.tx.us

Cindy Maiorka, CPPB
Purchasing Manager
cindym@co.hays.tx.us

Ergon Asphalt & Emulsions Inc.
11612 RM 2244
Austin, Texas 78738

April 6, 2011

The bid for "Emulsions Oils" will expire soon. This letter will serve as notice that Hays County would like to renew your existing bid for one (1) additional year, provided all terms and conditions remain unchanged and in full force and effect as provided in original bid. If you are in agreement with this, please sign below and mail back to Hays County Purchasing Office, 111 E. San Antonio Street, Suite 101, San Marcos, Texas 78666

If you have any questions please feel free to contact me at 512-393-2271.

Please find enclosed the tabulation sheet.

Sincerely,
Cindy Maiorka CPPB
Cindy Maiorka CPPB
Purchasing Manager

Signature *Cary P. Brownlee* Date APRIL 18, 2011

Printed Name CARY P. BROWNLEE

Company Name ERGON ASPHALT & EMULSIONS, INC.

Ergon Asphalt & Emulsions, Inc.
a company that works™

April 18, 2011

Ms. Cindy Maiorka CPPB
Purchasing Manager
Office of the Hays County Auditor
111 E. San Antonio Street, Suite 100
San Marcos, Texas 78666

RE: Bid No. 2010-B09 Emulsion Oils

Dear Cindy:

Ergon Asphalt & Emulsions, Inc. hereby agrees to extend our contract for one (1) additional year for the above-mentioned bid at the prices listed below. The prices reflect a \$0.15/gallon increase.

<u>Material</u>	<u>Original Bid Price</u>	<u>New Bid Price</u>
SS-1 and SS-1H	\$1.95 / Gallon	\$2.10 / Gallon
AE-P	\$2.60 / Gallon	\$2.75 / Gallon
HFRS-2	\$1.95 / Gallon	\$2.10 / Gallon

Delivery charges are \$0.1227 per gallon from our Austin facility and will be added to the above material price per gallon. Freight is based on full transport loads of 5,500 gallons.

We appreciate the opportunity to work with Hays County. Please do not hesitate to contact me with any questions you may have.

Sincerely,



Cary P. Brownlee
Regional Sales Manager

CPB:ks

**OFFICE OF THE COUNTY AUDITOR**

111 E. San Antonio St., Ste 100
San Marcos, Texas 78666

Bill Herzog, CPA
County Auditor
bherzog@co.hays.tx.us

512-393-2283
Fax: 512-393-2248
www.co.hays.tx.us

Cindy Maiorka, CPPB
Purchasing Manager
cindym@co.hays.tx.us

P2 Emulsions
516 S McLennan Loop
Elm Mott, Texas 76640

April 6, 2011

The bid for "Emulsions Oils" will expire soon. This letter will serve as notice that Hays County would like to renew your existing bid for one (1) additional year, provided all terms and conditions remain unchanged and in full force and effect as provided in original bid. If you are in agreement with this, please sign below and mail back to Hays County Purchasing Office, 111 E. San Antonio Street, Suite 101, San Marcos, Texas 78666

If you have any questions please feel free to contact me at 512-393-2271.

Please find enclosed the tabulation sheet.

Sincerely,

Cindy Maiorka CPPB

Cindy Maiorka CPPB
Purchasing Manager

Signature *Gwen Baertsch* Date 4-7-11
Printed Name Gwen Baertsch
Company Name P Squared Emulsion Plants, LLC
(aka P2 Emulsions)



OFFICE OF THE COUNTY AUDITOR

111 E. San Antonio St., Ste 100
San Marcos, Texas 78666

Bill Herzog, CPA
County Auditor
bherzog@co.hays.tx.us

512-393-2283
Fax: 512-393-2248
www.co.hays.tx.us

Cindy Maiorka, CPPB
Purchasing Manager
cindym@co.hays.tx.us

Bid Tab
#2010-809
Emulsion Oils

	P2 Emulsions	Ergon Asphalt	Cleveland
TACK OIL	1.65	1.95	2.10
	1.75	2.0506	2.3151***
FOG-SEAL OIL	2.57	NO BID	2.10
	2.67	NO BID	2.3151***
PRIME OIL	1.99	2.6	3.20
	2.09	2.7006	3.4151***
HFRS-2	NO BID	1.95	2.20
	NO BID	2.0506	2.4151***
CWE-2	2.52	NO BID	2.20
	2.62	NO BID	2.4151***

P2 Emulsions extras:
5,000 Gal minimum delivery
Demurrage: 1st two hrs free,
\$70.00 per hr after.
Tote container: cost \$129.00
for container cost plus
carrier freight charge.
Drum container: cost \$26.00
for container cost plus
carrier freight charge.

Ergon Asphalt extras:
Environmental Fee:
\$.4424 ton asphalt & polymer
loads or \$.00133 gal for
emulsion loads
Bid price is for full loads of
5,500 gallons.
Demurrage is \$80.00 per hr
after the 2nd hour.
Return freight is one-half of
the outgoing tariff,
Pump and hose charge:
\$80.00 per load

Cleveland extras:
Demurrage charge:
\$80.00 per hr after 2 hrs
free.
*** All prices are for
5000 gal minimum
delivery. For smaller
quantities, please call.

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:

10-4-31 1826 Nutty Brown Subdivision. Discussion and possible action to consider approval of final plat.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Roxie Botkin

SPONSORED BY: Precinct 4 Commissioner Ray Whisenant

SUMMARY:

The 1826 Nutty Brown Subdivision is a proposed subdivision of 5.00 acres of land located at the intersection of FM 1826 and Nutty Brown Road in Precinct 4. The owner intends to build a convenience store and gas station on the lot which will be served by LCRA and an individual on-site sewage facility to be permitted by Hays County.

Concerns regarding access have arisen. The developer has been coordinating with the City of Dripping Springs, Hays County, and TXDOT and is proposing a turning lane on FM 1826 as a condition for approval of the driveway permit through TXDOT.

The City of Dripping Springs approved final plat in late 2010, and approved the site plan on March 8, 2011. Preliminary plat was approved by the Commissioner's Court on March 22, 2011.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Discussion and possible action regarding CAMPO's call for projects that would be funded by federal stimulus monies.

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

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Jerry Borcharding

SPONSORED BY: Commissioner Conley

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: Discussion and possible action to authorize the Personal Health Department (PHD) to transfer funds from Medical Supplies to Miscellaneous Equipment and purchase a new microscope for the Title V program.

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

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED: \$505.00

LINE ITEM NUMBER OF FUNDS REQUIRED: Transfer from 120-675-99-020.5231 to 120-675-99-020.5719

REQUESTED BY: Priscilla Hargraves

SPONSORED BY: Debbie Ingalsbe

SUMMARY:

The current microscope being used in the Kyle clinic by the Women's Health department is 20 to 25 years old. Replacement parts are no longer available. The PHD requests approval for the purchase of a new microscope to eliminate a potential lapse in diagnostic services. The transfer of funds is necessary to put the amount of the microscope into the appropriate line item. The funds transferred will be from line item #120-675-99-020.5231 to #120-675-99-020.5719 for the amount of purchase plus delivery fee.

Agenda Item Routing Form

DESCRIPTION OF Item: Discussion and possible action to authorize the Personal Health Department (PHD) to transfer funds from Medical Supplies to Miscellaneous Equipment and purchase a new microscope for the Title V program.

PREFERRED MEETING DATE REQUESTED: May 10, 2011

COUNTY AUDITOR

AMOUNT: \$505.00

LINE ITEM NUMBER: Transfer from 120-675-99-020.5231 to 120-675-99-020.5719

COUNTY PURCHASING GUIDELINES FOLLOWED: N/A

PAYMENT TERMS ACCEPTABLE: N/A

COMMENTS: See budget amendment.

Bill Herzog

SPECIAL COUNSEL

CONTRACT TERMS ACCEPTABLE: _____

COMMENTS:

COUNTY JUDGE

Signature Required if Approved

DATE CONTRACT SIGNED: _____

20-25 yrs old
no replacement parts anymore -
(will need to buy a new one - when needed)



Microscope Service - Repair - Sales

6602 Madeleine Dr.
San Antonio, Texas 78229

Office 210-681-9511

Fax 210-881-9166

Cell 504-251-4796

e-mail: marty_78238@yahoo.com


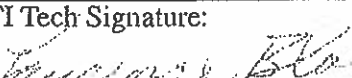
e-mail: blaisla@yahoo.com

INVOICE # 4788

Date of Service: <u>1/31/11</u>		PO#:	Bill To:
Attention: <u>Rapier</u>			
Customer: <u>Hoppe Co Health Dept</u>		Department:	
Address: <u>1500 Lockhart St</u>		Phone # <u>512-268-1278</u>	
City: <u>Ky 90</u>	State: <u>Tx</u>	Zip: <u>77640</u>	
Property Tag#:	MFG/Model: <u>B9L Baphen</u>	Bulb: <u>120V 30W BLC</u>	Serial #: <u>810497</u>
Problem:			
Work Performed: <u>Unpack PM of Microscope</u>			
Comments:			

Date	Tech	Work Performed	Parts	Travel	Shipping	
		78 ⁰⁰		10 ⁰⁰		TOTAL
						INVOICE
						TO FOLLOW
						APPLICABLE
						TAX & SHIPPING

QUANTITY	PART NUMBER	DESCRIPTION	UNIT	AMOUNT

Date Completed:	Customer Signature:	MTI Tech Signature:
11/31/11		

McKESSON

Empowering Healthcare

Product #387657

Non-Stock, May not be Returnable and Subject to Restocking Fees - This item is not stocked in your local distribution center. A minimum order quantity may apply. Please allow at least 10 business days for shipment as delivery times may vary. This item may not be returnable and may be subject to restocking fees.

#387657 LW Scientific Mfr# R3M-B04A-DAH3

**Physician, University and Laboratory
Microscope Revelation III Binocular Achromat
4x, 10x, 40x, 100x**

UOM: EA/1 \$503.77

McKesson #	387657
Manufacturer #	R3M-B04A-DAH3
Brand	Revelation III
Manufacturer	LW Scientific
Application	Physician, University and Laboratory Microscope
Condenser	Moveable 1.25 NA ABBE with Iris
Dimensions	15 X 9 X 7 Inch
Head Type	Binocular
Light Source	12V / 20W
Light Type	Halogen
Objectives	Achromat 4x, 10x, 40x, 100x
Power Source	110V or 220V
Stage Type	Built-In Mechanical

Features

- The Revelation III professional-grade microscope is ideal for physician and veterinary clinics, universities and medical schools
- Equipped for performance, its features include titanium-finished DIN and a 30 year anti-fungal coating
- The nosepiece is a quadruple forward facing nosepiece with multiple ball bearing mounted
- Its stage has coaxial drive controls, stage locking lever, and slow-close hydraulic slide finger
- The focus features a coarse adjustment range of 30 mm and tension control knob
- Accessories Available

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM:

Discussion and possible action to authorize the County Judge to execute a Memorandum of Understanding (MOU) between Hays County Personal Health Department (PHD) and the Boys and Girls Clubs of South Central Texas (BGCSCT).

CHECK ONE:

☐ CONSENT ☒ ACTION ☐ EXECUTIVE SESSION

☐ WORKSHOP ☐ PROCLAMATION ☐ PRESENTATION

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Priscilla Hargraves

SPONSORED BY: Debbie Ingalsbe

SUMMARY: The purpose of this MOU is to establish a partnership between the PHD and the Boys and Girls Clubs of South Central Texas to provide their students with preventive care services such as educational programs and immunization outreach clinics.

Memorandum of Understanding (MOU)
Between
Boys & Girls Clubs of South Central Texas
&
Partnering Organizations

for application to
The U.S. Department of Education, Office of Safe & Drug Free Schools
For the *Carol M. White Physical Education Program* (CFDA 84.215F)

This Memorandum of Understanding (MOU) establishes a partnership between Boys & Girls Clubs of South Central Texas and other organizations.

I. MISSION: Boys & Girls Clubs of South Central Texas mission is, To enable all young people, especially those who need us most, to reach their full potential as productive, caring, responsible citizens.

Boys & Girls Clubs of South Central Texas enters into this Memorandum of Understanding with its partners to implement a Carol M. White Physical Education Program.

II. PURPOSE AND SCOPE: The purpose of this partnership is to expand and enhance the physical education program at the Texas Preparatory School, an elementary charter school and unit of the Boys & Girls Clubs of South Central Texas, so that elementary students are well prepared to meet the state standards, Texas Essential Knowledge and Skills (TEKS) for Physical Education.

The target population for this project is children in Kindergarten through sixth grades who attend the Texas Preparatory School in San Marcos, Texas.

The target population will benefit from this collaboration through an improved alignment of the school's health and physical education policies, procedures, practices and curriculum with Texas state standards.

Each partner is responsible for its own expenses related to this MOU. There will not be an exchange of funds between the parties for tasks associated with this MOU.

III. RESPONSIBILITIES: Each party will appoint a person to serve as the official contact and coordinate the activities of each organization in carrying out this MOU. The initial appointees of each organization are:

Contact person for Texas Preparatory School, a unit of the Boys & Girls Clubs of South Central Texas: Mark A. Terry, M.Ed.
Title: Chief Executive Officer & Superintendent
Address: 400 Uhland Road, San Marcos, Texas 78666
Telephone information: 512.805.3000
Email: mark.terry@texasprep.us

Contact person for the Mitchell Center, a unit of the Boys & Girls Clubs of South Central Texas:
Joanna Garcia

Title: Coordinator, Mitchell Center Unit & Sports, Fitness and Recreation

Address: 715 Valley Street, San Marcos, Texas 78666

Telephone information: 512.805.8687

Email: joanna.garcia@bgcsct.org

Contact person for San Marcos Unit, a unit of the Boys & Girls Clubs of South Central Texas:
Elton D. Fite

Title: Coordinator, San Marcos Unit & Operations

Address: 400 Uhland Road, Building #3, San Marcos, Texas 78666

Telephone information: 512.805.3000

Email: elton.fite@bgcsct.org

Contact person for Capital Area Food Bank: Angel Henry, RD, LD.

Title: Nutrition Education Manager

Address: 8201 S. Congress Avenue, Austin, Texas 78745

Telephone information: 512.684.2502 direct

Email: ahenry@austinfoodbank.org

Contact person for Gary Job Corps: Marcus Jones

Title: Recreation Manager

Address: 2800 Airport Highway, San Marcos, Texas 78666

Telephone information: 512.396.66.92

Email: jones.marcus@jobcorps.gov

Contact person for Hays County Personal Health Department: Cherri Schmidt

Title: Public Health Educator

Address: 401-A Broadway, San Marcos, Texas 78666

Telephone information: 512.393.5524 direct

Email: cherri.schmidt@co.hays.tx.us

Contact person for Hays Caldwell Women's Center

Title: Prevention Specialist

Address: P.O. Box 234 · San Marcos, TX 78667-0234

Telephone information: 512.396.7695 office

Email: Margie@hayscaldwellcouncil.org

Contact person for Texas State University Department of Health & Human Performance:

Karen S. Meaney, Ed.D.

Title: Associate Professor & Program Coordinator for Teacher Education

Address: 601 University Drive, San Marcos, Texas 78666, Jowers A135

Telephone information: 512.245.2952 office

Email: KM66@txstate.edu

The partnering organizations agree to perform the following tasks for this MOU

The Boys & Girls Clubs of South Central Texas organization will:

- Implement the *Carol M. White Physical Education* program exactly as proposed to the U.S. Department of Education.
- Monitor monthly the success of the program.
- Recruit qualified staff for program implementation.
- Provide the facility needed to implement the program.
- Recruit families to participate to make a lasting impact.
- Begin immediately to build a sustainability initiative to continue the program beyond federal funding.

The Texas Preparatory School and all partner organizations will jointly perform/share the following tasks:

- Program implementation to meet the goals and objectives.
- Program monitoring and oversight, by establishing and maintaining committees.
- Provide access to professionals in the field of Physical Education and Health Education.
- Establish and maintain a communication network to allow efficiency in the implementation of the project.
- Create and implement on-going related activities encouraging active participation and completion of the program.
- Establish a system of monitoring and sustainability involving agency personnel within a system.

Boys & Girls Clubs of South Central Texas Mitchell Center and San Marcos units will:

- Recruit participants to complete the program.
- Implement the Boys & Girls Clubs national researched based programs, Healthy Habits and Triple Play Challenge.
- Recruit and maintain qualified Youth Development staff to support the mission of the program.
- Provide the space for full program implementation both during the week and on weekend for families.

Capital Area Food Bank will:

- Serve as consultants and partner in the area of Nutrition Education.
- Provide access to additional programs and resources in the area of nutrition.
- Participate in providing programming throughout the project.
- Provide workshops for families in the areas of Nutrition and Food Preparation.
- Provide healthy snacks for after school programs.

Gary Job Corps will:

- Provide the facilities to implement the Physical Education program.

Hays County Health Department will:

- Provide materials and presentations in the areas of public health education, including safety and nutritional education.
- Participate in providing social services assistance, as well as outreach immunization clinics and health fairs to promote healthy living.

Hays Caldwell Women's Center will:

-

Texas State University Department of Health & Human Performance will:

- Provide the qualified student interns to assist in reducing the student to teacher ratio in this area.
- Provide the recreation facilities to fully implement the program.
- Provide access to students majoring in Exercise & Sports Science, Physical Education, Health & Wellness, and Recreation.
- Provide access to college professors for potential studies within the project.
- Provide training opportunities for staff through the Physical Education and Health Education state standards, Texas Essential Knowledge and Skills (TEKS).

IV. TERMS OF UNDERSTANDING

The term of this MOU is for a period of three years, commencing on or about August 1, 2011 and ending August 30, 2014. It may be extended upon written mutual agreement. It shall be reviewed at least annually is fulfilling its purpose and to make any necessary revisions.

Either organization may terminate this MOU upon thirty (30) days written notice to the other without penalties or liabilities.

Authorization

The signing of this MOU is not a formal undertaking. It implies that the signatories will strive to achieve, to the best of their ability, the purposes stated above. On behalf of the organization I represent, I wish to sign this MOU and contribute to its further development.

Texas Preparatory School, a unit of the Boys & Girls Clubs of South Central Texas May 13, 2011
Mark A. Terry, M.Ed., Chief Executive Officer & Superintendent

Mitchell Center, a unit of the Boys & Girls Clubs of South Central Texas May 13, 2011
Joanna Garcia, Coordinator, Mitchell Center Unit & Sports, Fitness and Recreation

San Marcos Unit, a unit of the Boys & Girls Clubs of South Central Texas May 13, 2011
Elton D. Fite, Coordinator, San Marcos & Operations

Capital Area Food Bank May 13, 2011
Angel Henry, RD, LD., Nutrition Education Manager

Gary Job Corps
Marcus Jones, Recreation Manager

May 13, 2011

Hays County Personal Health Department
Judge Bert Cobb, Hays County

May 13, 2011

Hays Caldwell Women's Center
Margie J. Crosby, Prevention Specialist

May 13, 2011

Texas State University Department of Health & Human Performance
Karen S. Meaney, Ed.D., Associate Professor & Program Coordinator for Teacher Education

May 13, 2011

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

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

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

AGENDA ITEM: Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement Between Water Control Improvement District #2 and Hays County, Texas for the parks and open space improvements within the Belterra subdivision.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 10, 2011

AMOUNT REQUIRED: \$100,000.00

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: WHISENANT

SPONSORED BY: WHISENANT

SUMMARY: In March 2011, after review of a proposal and recommendation by the Parks and Open Space Advisory Board, the Commissioners Court allocated \$100,000 toward parks and open space improvements in the Belterra subdivision. This Interlocal Agreement represents the terms and conditions of that commitment and provides for payment of County Parks Bond monies to WCID#2 for those purposes.

Agenda Item Routing Form

DESCRIPTION OF Item: Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement Between Water Control Improvement District #2 and Hays County, Texas for the parks and open space improvements within the Belterra subdivision.

PREFERRED MEETING DATE REQUESTED: May 10, 2011

COUNTY AUDITOR

AMOUNT: \$100,000.00

LINE ITEM NUMBER: 150-814-97-420.5600

COUNTY PURCHASING GUIDELINES FOLLOWED: N/A

PAYMENT TERMS ACCEPTABLE: N/A

COMMENTS:

Bill Herzog

SPECIAL COUNSEL

CONTRACT TERMS ACCEPTABLE: _____

COMMENTS:

COUNTY JUDGE

Signature Required if Approved

DATE CONTRACT SIGNED: _____

INTERLOCAL AGREEMENT BETWEEN WATER CONTROL IMPROVEMENT DISTRICT #2 AND HAYS COUNTY, TEXAS FOR THE IMPROVEMENTS OF PUBLIC OPEN SPACE

This Agreement is made and entered into by Hays County, a political subdivision of the State of Texas ("County") and Water Control Improvement District #2 ("WCID#2") under the authority of Chapter 791, of the Texas Government Code.

For and in consideration of the mutual agreements herein exchanged, County and WCID#2 hereby contract as follows:

I. Purpose and Legal Authority.

- 1.1 The purpose of this Agreement is to provide for the design, bidding, and construction of various park improvements on property located within the Belterra Subdivision in Precinct 4 of Hays County, Texas, to be used for park, recreation and/or open space purposes and owned by WCID#2. Legal description(s) of the Property is attached hereto as Exhibit "C". Improvements to the Project are described in Exhibits "A", attached hereto and incorporated herein by reference and referred in this Agreement as "the Project." The proposed location of the Project improvements are depicted on the Site Plan attached as Exhibits "B". As more specifically provided herein, the County is providing Bond Funds and WCID#2 is providing Matching Funds for improvement of the Project. WCID#2 and County, as units of Local Government under the Texas Interlocal Cooperation Act, are authorized by §791.011 of the Texas Government Code to contract with each other to perform certain governmental functions and services. As defined in §791.003 of the Texas Government Code, such governmental functions and services include parks and recreation.
- 1.2 The County's obligations under this Agreement include, after the performance of certain conditions precedent as cited in Section VI of this Agreement, the funding of some the improvements upon the Project, which will enhance its utility as a public park, recreation and/or open space area, from the proceeds of bonds issued with the approval of the voters of Hays County, Texas, at an election held on May 12, 2007 (the "Bond Funds"),

authorizing the issuance of general obligation bonds in the amount of \$30,000,000.00 for “parks, natural areas, open space, and related projects, and the preservation of water quality, aquifer recharge areas, and wildlife habitat.”

- 1.3 All of the duties and obligations of the County and WCID#2 under this Agreement shall be performed from lawfully available current revenues.
- 1.4 This Agreement has been approved by the Hays County Commissioners Court and the governing board of WCID#2 as required by §791.011 of the Texas Government Code.

II. Term of Agreement.

- 2.1 This Agreement is made for a term beginning on the 10th day of May 2011, and shall remain in effect until the Projects have been completed and final payment to the contractor(s) has been made by WCID#2 as provided in Section 4.4 below. This Agreement shall terminate on April 30, 2014, at which time any monies provided by the County under this Agreement and not expended by WCID#2 for the purposes described herein shall be returned to the County.
- 2.2 Failure to perform improvements within the time period stipulated in this Agreement will result in the unused portion of the County funds contributed under this Agreement being returned to the County.

III. WCID#2's Duties – General

- 3.1 WCID#2 staff shall prepare bid documents and construction contract(s) (whether one or more, the “Construction Contract”), and shall comply with all applicable federal and state laws and WCID#2 ordinances regarding the award of contract(s) for construction and improvement of the Projects.
- 3.2 In consideration of County's obligations under this Agreement, WCID#2 shall:
 - a. provide funds (including grant funds from other sources), real property, and/or in-kind funds, the value of which shall equal or exceed One-Hundred Thousand Dollars (\$100,000.00 USD), which shall represent funds that match County's

contribution of funds under this Agreement (“Matching Funds”). Said Matching Funds are further described in Section 4.5 of this Agreement.

- b. in any Construction Contract executed for improvement of the Projects, require five percent (5%) retainage by WCID#2 on each payment to the Contractor;
- c. in any Construction Contract executed for improvement of the Projects, provide that neither the County, nor WCID#2 shall control the method or means of performance of the work by the Contractor and any subcontractors; and
- d. in any Construction Contract executed for improvement of the Projects, state that Contractor is an independent contractor of WCID#2.

3.3 Following the award of any Construction Contract, WCID#2 staff will oversee execution of the contract documents and provide a notice to proceed to the Contractor only after any and all contingencies contained in the Construction Contract documents have been met.

IV. WCID#2’s Duties – Construction Phase of the Projects.

- 4.1 WCID#2 shall monitor any Contractor’s compliance with all terms and conditions of the Construction Contract. WCID#2 staff shall notify Contractor, in writing of any deficiencies or defaults.
- 4.2 WCID#2 shall inspect the work done by any Contractor to verify the delivery of materials and completion of work as represented in each payment draw.
- 4.3 WCID#2 shall review and approve payment draw requests and supporting documentation.
- 4.4 For all payment draws except the final payment draw submitted by Contractor, WCID#2 shall promptly pay the Contractor directly after its approval of the payment draws, less a 5% retainage and less any other amounts authorized to be withheld under the Construction Contract. For the final payment draw submitted by Contractor, WCID#2 shall make final payment to Contractor only after release of retainage is authorized by WCID#2.
- 4.5 WCID#2 hereby represents that County’s grant of funds cited in Section 5.1 shall be matched with land value, in-kind contributions, and/or cash by WCID#2, private funding,

and/or any other source, for a total match of One-Hundred Thousand Dollars (\$100,000.00 USD). If WCID#2 does not present the total amount cited above before funding is provided by County, then WCID#2 and County shall collaborate in maintaining an ongoing list that accounts for contributions for the Projects that are used as match by WCID#2.

- 4.6 In regard to any Property that is being credited for “In-Kind” match under this Agreement, WCID#2 hereby represents that it has not previously used any of that Property as “In-Kind” match under any other agreement or grant program.
- 4.7 WCID#2 shall acknowledge County participation and partnership in the Projects by including reference to Hays County on public signage and public literature that promotes and/or serves Property.
- 4.8 If the Project changes substantially from that described in Exhibit “A,” WCID#2 shall contact the County Judge in writing. Substantial changes to the Projects must be reviewed and approved by the County Commissioners Court. If substantial changes are not approved by the County, WCID#2 shall:
- (1) proceed with original Project as described in Exhibit “A”; or
 - (2) refund to County the estimated County funds allocated to the portion of the Project(s) that has changed.

V. County’s Rights and Duties.

- 5.1 Subject to the conditions precedent cited in Article VI of this Agreement, County shall pay WCID#2 an amount not to exceed One-Hundred Thousand Dollars (\$100,000.00 USD) in Bond Funds, which are lawfully available current funds, for the construction of the Projects, to be paid in lump sum within fifteen (15) business days of the beginning date of this Agreement cited in Section 2.1, above.
- 5.2 County shall, upon ten (10) business days’ written notice to WCID#2, have a right to inspect all receipts, invoices, proofs of purchase, and records of expenditures related to the

Project. County's rights under this Section shall extend until three (3) years after the termination date cited in Section 2.1, above.

- 5.3 Subject to the conditions in Article IV, Section 4.8 of this Agreement, County shall reserve the right to be reimbursed the estimated funds allocated to the portion of the Project(s) that is subject to change.

VI. Conditions Precedent.

- 6.1 This Agreement shall become effective and binding on WCID#2 and the County upon approval by the Hays County Commissioners Court and the governing board of WCID#2.
- 6.2 **Public Dedication of Park Improvements.** WCID#2 shall present evidence to the County that the Properties associated with the Projects are burdened with public dedications in perpetuity, or their equivalent, that run with the land and grant a right of access to the public, with reasonable limitations on the time, place, and manner of the public's use ("Public Dedication").

VII. Amendments.

- 7.1 This Agreement can be amended only by written approval of the Hays County Commissioners Court and the governing board of WCID#2.

VIII. Authorization to Sign.

- 8.1 Judge Bert Cobb, M.D., Hays County Judge, is authorized to sign this Agreement on behalf of Hays County, Texas. _____, WCID#2's _____, is authorized to sign this Agreement on behalf of WCID#2.

IX. Representations.

- 9.1 WCID#2 and County each make the following representations to each other as inducements to enter into this Agreement:
- a. That it has the legal authority to enter into this Agreement for the purposes stated herein and to perform the obligations it has undertaken hereunder;

- b. That the meetings at which this Agreement and any amendments were approved were held in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code;
- c. That it has been represented by legal counsel and has had legal counsel available to it for consultation prior to entering into this Agreement;
- d. That the officer who signed this Agreement has the legal authority to sign documents on its behalf;
- e. That before this Agreement was approved, its governing body had already identified and its staff had already segregated sufficient lawfully available current funds for performance of all of its obligations under this Agreement even if such performance extends beyond the fiscal year in which this Agreement was approved and executed.

X. Severability.

- 10.1 If any clause, sentence, paragraph or article of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination 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. To this extent, the provisions of this Agreement are declared to be severable.

XI. Entire Agreement.

- 11.1 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 modified or amended except by written agreement duly executed by WCID#2 and County and approved in the manner provided in Section VII above.

XII. Interpretation

- 12.1 The parties acknowledge and confirm that this Agreement has been entered into pursuant to the authority granted under the Interlocal Cooperation Act, which is codified as Chapter 791 of the Texas Government Code. All terms and provisions hereof are to be construed and interpreted consistently with that Act. This Agreement shall not be more strictly construed against either WCID#2 or County.

XIII. Applicable Law and Venue

- 13.1 This Agreement shall be construed in accordance with the laws of the State of Texas. All obligations hereunder are performable in Hays County, Texas, and venue for any action arising hereunder shall be in Hays County, Texas.

EXECUTED IN DUPLICATE ORIGINALS THIS _____ DAY OF _____ 2011.

WCID#2

HAYS COUNTY, TEXAS

BY: _____
TITLE: _____
JUDGE

**_____
JUDGE BERT COBB, M.D.
HAYS COUNTY**

ATTEST:

ATTEST:

**_____
TONI MILAM
WCID#2 SECRETARY**

**_____
LIZ Q. GONZALEZ
HAYS COUNTY CLERK**

Exhibit A
The Project

Exhibit A

Hays County WCID #2 – Bear Creek Trail and Neighborhood Park – The Project

Despite the total estimated project cost cited below, Hays County's total contribution to the Hays County WCID #2 – Bear Creek Trail and Neighborhood Park project shall not exceed \$100,000.00. The following elements are eligible for the use of Hays County Park Bond funding.

Neighborhood Park Elements

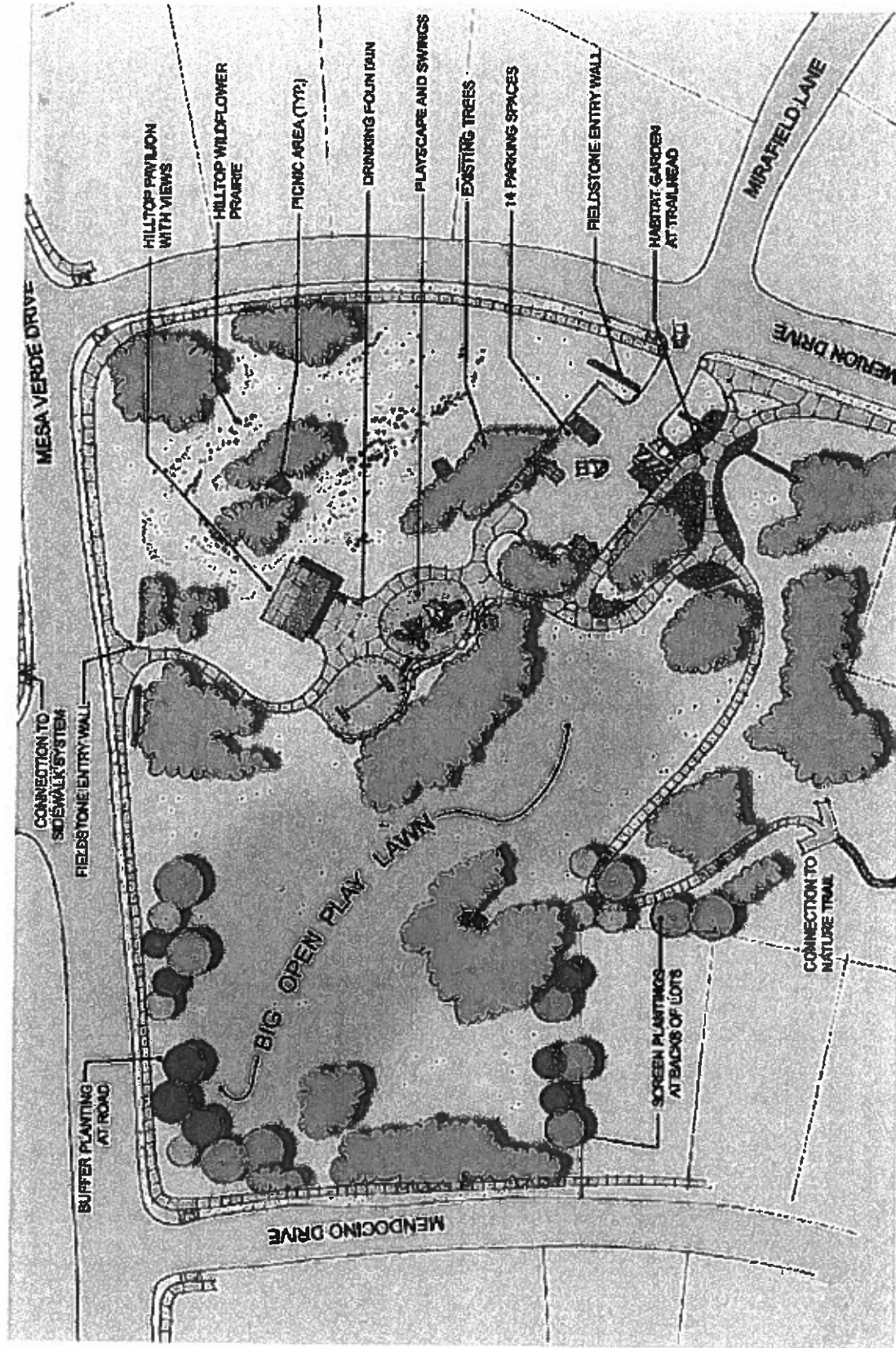
<u>Description</u>	<u>Est. Cost</u>
Neighborhood Park Site Preparation	\$34,000
Multi-use Pavilion	\$60,000
Playground	\$52,000
Park Furnishings – picnic tables, benches, drinking fountain, trash receptacles	\$14,000
Nature Study/Interpretive Areas/Trailhead	\$11,000
Concrete Trail within Neighborhood Park	\$6,000
Plantings – playfield, prairie, trees/shrubs	<u>\$20,000</u>
	\$197,000

Trail Elements

<u>Description</u>	<u>Est. Cost</u>
Trail Site Preparation	\$30,800
Trail Construction – 1.6 mi. decomposed granite, 1.2 mi. natural surface	\$160,200
Low Water Crossings/Culverts	\$47,500
Trail Furnishings – seating, trash receptacles, signing	<u>\$8,000</u>
	\$246,500

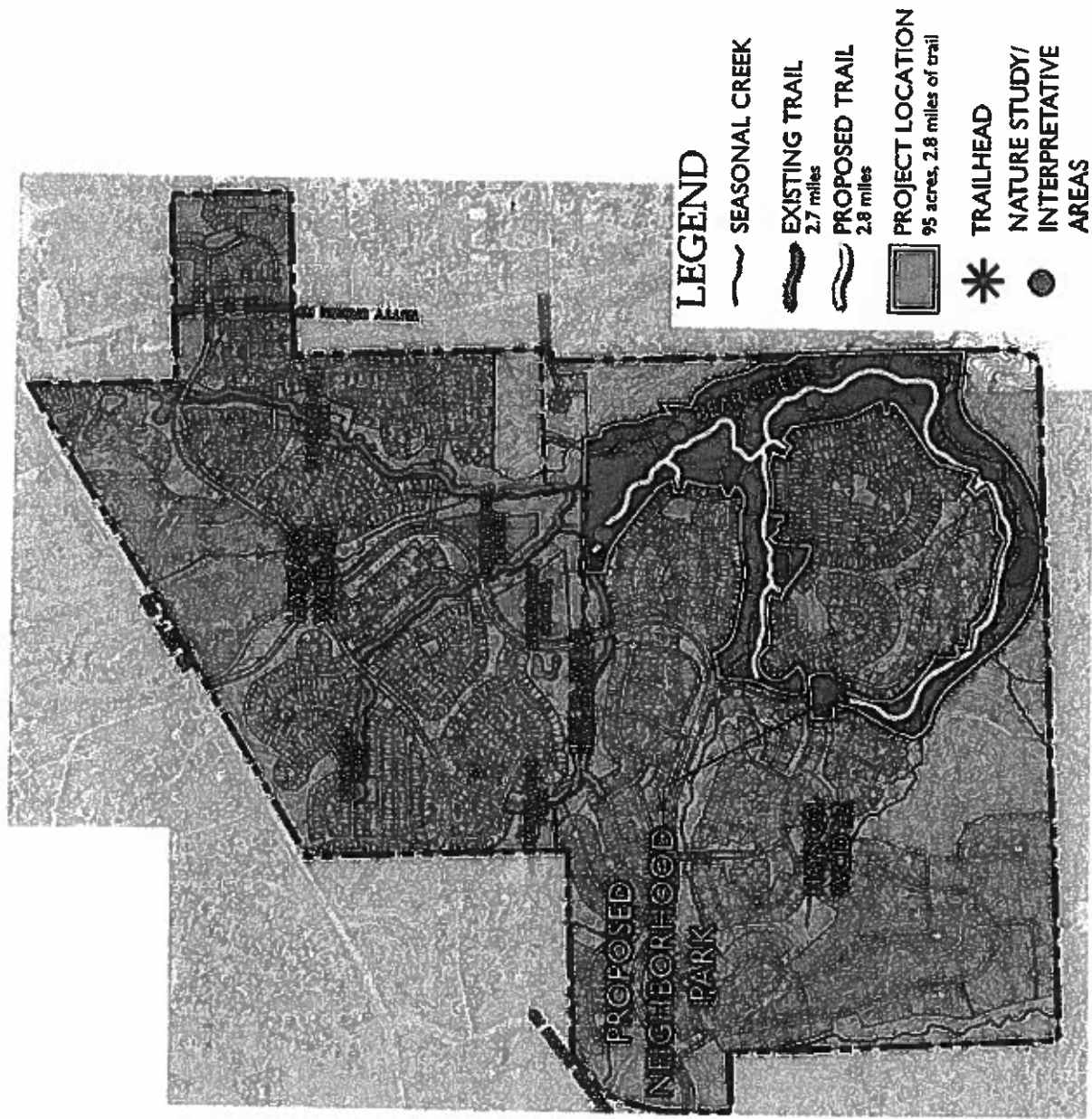
Exhibit B
Project Site Plan

Neighborhood Park Plan



Bear Creek Trail and Neighborhood Park

Trail Plan



Bear Creek Trail and Neighborhood Park

Exhibit C
The Property (Legal Description)

