STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF NOVEMBER A.D., 2008, 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

25700 ADOPT PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2008 "HOME CARE AND HOSPICE" MONTH

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a proclamation declaring the month of November 2008 "Home Care and Hospice" Month. All voting "Aye". MOTION PASSED

25701 ADOPT PROCLAMATION RECOGNIZING THE WEEK OF NOVEMBER 16TH – 22ND AS "TACKLE HUNGER WEEK"

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a proclamation recognizing the week of November 16th – 22nd as "Tackle Hunger Week". All voting "Aye". MOTION PASSED

PUBLIC COMMENT

[T1-202] Carl Owens (SWimberley) made public comment regarding the CPAT Scoring and moratorium on bond funds.

25702 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices for week of November 4, 2008 in the amount of $1,077,662.64; for the week of November 11, 2008 in the amount of $606,918.50; the week of November 18,2008 in the amount of $1,126,695.92 as recommended by the County Auditor with removal of two invoices from P2Emulsions in the amount of $48,020.04 and $24,682.32 in the Road & Bridge General Fund on the 11/11/08 disbursement report. All voting "Aye". MOTION PASSED

25703 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 28, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners Court Minutes of October 28, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25704 APPROVE RENEWAL BID #2006-B08 "CONCRETE CREWS FOR PROVIDING CONCRETE WORK FOR THE HAYS COUNTY ROAD DEPARTMENT" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID WITH MYERS CONCRETE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal bid #2006-B08 "Concrete Crews for providing concrete work for the Hays County Road Department" for one (1) additional year as provided for in original bid with Myers Concrete. All voting "Aye". MOTION PASSED

25705 APPROVE RENEWAL BID #2006-B04 "PLUMBING SERVICES FOR COUNTY BUILDINGS" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID WITH TEXAS STATE PLUMBING

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal bid #2006-B04 "Plumbing Services for County buildings" for one (1) additional year as provided for in original bid with Texas State Plumbing. All voting "Aye". MOTION PASSED

25706 AUTHORIZE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LEXIS/NEXIS RELATING TO ADVANCED PERSON SEARCH AND ASSET LOCATIONS FOR COLLECTION PURPOSES

Collections Administrator Judy Seim spoke of this being a continuation of services currently being utilized. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a contract with Lexis/Nexis relating to advanced person search and asset locations for collection purposes. All voting "Aye". MOTION PASSED**

25707 APPROVE AUGUST 2008 AND SEPTEMBER 2008 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve August 2008 and September 2008 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

25708 APPROVE AWARD OF BID #2009-B02 "POLICE MOTORCYCLES" FOR HAYS COUNTY SHERIFF'S DEPARTMENT TO 35 NORTH HONDA

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of Bid #009-B02 "Police motorcycles" for Hays County Sheriff's Department to 35 North Honda. All voting "Aye". MOTION PASSED

25709 APPROVE SPECIFICATIONS FOR RFQ #2009-P02 "ENGINEERING SERVICES FOR IMPLEMENTATION OF THE TEXAS COMMUNITY DEVELOPMENT PROGRAM" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for RFQ #2009-P02 "Engineering Services for implementation of the Texas Community Development Program" and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

25710 AUTHORIZE APPROVAL TO REJECT BIDS RECEIVED FOR BID #2009-B03 "TRACTOR & SIDE MOUNT MOWER" AND RE-BID DUE TO THE FACT THAT THE WRONG NUMBER OF UNITS WERE BID

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize approval to reject bids received for Bid #2009-B03 "Tractor & Side Mount Mower" and re-bid due to the fact that the wrong number of units were bid. All voting "Aye". MOTION PASSED

25711 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve utility permits #1992 on Fulton Ranch Road issued to PEC, #1993 on CR105/Turnersville Road issued to Texas Gas Service, #1994 on Trail Driver issued to LCRA, #1995 on CR122/Bebee Road issued to PEC, #1996 on Francis Harris/CR265 issued to PEC, and #1997 on Francis Harris/CR265 issued to PEC as presented by the Hays County Road Department. All voting "Aye". MOTION PASSED

25712 APPROVE THE "MEDICARE ENROLLMENT APPLICATION – RE-ASSIGNMENT OF MEDICARE BENEFITS" WHICH ALLOWS PAYMENTS FOR SERVICES PROVIDED BY THE CERTIFIED NURSE MIDWIFE OF THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO BE PAID TO THE COUNTY OF HAYS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the "Medicare Enrollment Application – re-assignment of Medicare Benefits" which allows payments for services provided by the certified nurse midwife of the Hays County Personal Health Department to be paid to the County of Hays. All voting "Aye". MOTION PASSED

25713 APPROVE AWARD TO MULTIPLE VENDORS FOR BID #2009-B01 ROAD BUILDING MATERIALS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award to multiple vendors for Bid #2009-B01 Road Building materials. All voting "Aye". MOTION PASSED

25714 AUTHORIZE COMMERCIAL OSSF PERMIT FOR BETH ADAMS FOR AN AUTOMOTIVE REPAIR SHOP LOCATED AT 18161 FM150 WEST, DRIFTWOOD, IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for Beth Adams for an automotive repair shop located at 18161 FM 15 West, Driftwood, in Precinct 4. All voting "Aye". MOTION PASSED

25715 APPROVE CANCELING COMMISSIONERS COURT MEETING OF DECEMBER 2ND AND 30TH, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve canceling Commissioners Court Meetings of December 2nd and 30th, 2008. All voting "Aye". MOTION PASSED

25716 ACCEPT DONATION TO THE SHERIFF'S OFFICE FROM DRIPPING SPRINGS COOKOFF CLUB FOR $750 AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept donation to the Sheriff's Office from Dripping Springs Cookoff Club for $750 and amend the Budget accordingly. All voting "Aye". MOTION PASSED

25717 APPROVE REPLACEMENT OF LAPTOP COMPUTER FOR EXTENSION OFFICE AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve replacement of laptop computer for Extension Office and amend the Budget accordingly. All voting "Aye". MOTION PASSED

25718 APPROVE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF BUDA FOR LIBRARY SERVICES AT THE BASIL ANTHONY MOREAU MEMORIAL LIBRARY

Special Counsel Mark Kennedy spoke of changes made in the agreement. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the County Judge to execute an agreement with the City of Buda for library services at the Basil Anthony Moreau Memorial Library. All voting "Aye". MOTION PASSED**

25719 GIVE NOTICE OF CONTRACT TERMINATION WITH FIRST SOUTHWEST COMPANY AND AUTHORIZE THE COUNTY JUDGE TO ACCEPT A CONTRACT WITH SPECIALIZED PUBLIC FINANCE INC. TO SERVE AS FINANCIAL ADVISORS TO THE COUNTY [T1-374]

Dan Wegmiller spoke. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to give notice of contract termination with First Southwest Company and authorize the County Judge to accept a contract with Specialized Public Finance Inc. to serve as financial advisors to the County. All voting "Aye". MOTION PASSED**

25720 [08-4-60 – 34 lots] **HIGHPOINT PHASE 4 SECTION 1B AN AMENDED PORTION OF HIGHPOINT PHASE 4 SECTION 1 – APPROVE PLAT AMENDMENT PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE SECTION 232.011** [T1-450]

Subdivision Coordinator Clint Garza gave staff recommendation for approval of plat amendment. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve plat amendment pursuant to Texas Local Government Code Section 232.011 on Highpoint Phase 4 Section 1B, an amended portion of Highpoint Phase 4 Section 1. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley was not present for this item. MOTION PASSED**

25721 [08-4-59 – 35 lots] **HIGHPOINT PHASE 4 SECTION 1A AN AMENDED PORTION OF HIGHPOINT PHASE 4 SECTION 1 – APPROVE PLAT AMENDMENT PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE SECTION 232.011** [T1-485]

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve plat amendment pursuant to Texas Local Government Code Section 232.011 on Highpoint Phase 4 Section 1A an amended portion of Highpoint Phase 4 Section 1. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley was not present for this item. MOTION PASSED

25722 ADOPT A RESOLUTION IN SUPPORT OF ADDITIONAL COUNTY AUTHORITY [T1-505]

Changes were made to Item #4 in the resolution as follows: *Providing authority for Hill Country Counties to assess impact fees to help ~~counties access impact fees to help counties fund the changes in infrastructure due to development~~ fund infrastructure improvements necessary to accommodate development in immediate area.* Changes were made to Item #3 as follows: *Providing authority for Hill Country counties to regulate population density and add it as it relates to resource protection and availability*. **A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a resolution in support of additional county authority with changes made this date. All voting "Aye". MOTION PASSED**

25723 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR BULLETPROOF VESTS IN THE AMOUNT OF $22,597.50 [T1-715]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to accept a grant award from the bureau of Justice Assistance (BJA) for bulletproof vests in the amount of $22,597.50. All voting "Aye". MOTION PASSED

25724 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF SAN MARCOS TO FACILITATE THE EXPENDITURE OF TEXAS PARKS AND WILDLIFE GRANT FUNDS ON THE SAN MARCOS SPRINGS CONSERVATION PARK [T1-753]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an Interlocal Cooperation Agreement with the City of San Marcos to Facilitate the expenditure of Texas Parks and Wildlife Grant Funds on the San Marcos Springs Conservation Park. All voting "Aye". MOTION PASSED

25725 AWARD A CONTRACT TO AVATT FOR REPLACING 3 AIR CONDITIONING UNITS FOR THE COURTHOUSE [T1-769]

Maintenance Supervisor Ron Knott spoke of three units needed. County Auditor Bill Herzog suggested paying for this out of the capital improvement line item in the countywide operations budget. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to award a contract to Avatt for replacing 3 air conditioning units (stainless steel option with 10 year warranty = $51,897.41) for the Courthouse. All voting "Aye". MOTION PASSED**

25726 AMEND THE BUDGET TO ADJUST THE SALARY OF HAYS COUNTY JUVENILE CENTER FACILITY ADMINISTRATOR [T1-907]

Judge Sumter spoke of action taken by the Hays County Juvenile Board to adjust the Facility Administrators salary from $59,407 to $64,671. Sheriff Allen Bridges spoke in support of adjusting the salary of the Juvenile Center Administrator. [T1-1924] Shari Miller (Human Resources Dept) spoke of wrong comparison originally made and follow-up to correct that error. District Attorney Sheri Tibbe spoke in support of the adjustment. **A motion was made by Commissioner Barton, seconded by Judge Sumter to amend the budget to adjust the salary of Hays County Juvenile Center Facility Administrator to $64,671 effective November 1, 2008. All voting "Aye". MOTION PASSED**

25727 APPROVE THE SELECTION OF MRB GROUP FOR ARCHITECTURAL SERVICES FOR CONSTRUCTION OF ADDITIONAL OFFICE SPACE AT THE RPTP FACILITY ON YARRINGTON ROAD [T1-966]

RPTP Director Jerry Borcherding spoke of two firms that were considered for this project. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the selection of MRB Group for architectural services for construction of additional office space at the RPTP Facility on Yarrington Road. All voting "Aye". MOTION PASSED**

25728 **ACCEPT DONATION OF .81 ACRES OF REAL PROPERTY ON ELDER HILL RD FROM RANDY LAWRENCE AND TO REQUEST SPECIAL COUNSEL TO PREPARE THE DEED** [T1-988]

Commissioner Ford spoke of landowner that wants to donate land on Elder Hill Road. She spoke of advantages to accepting this land at this time. RPTP Director Jerry Borcherding spoke in support of this action. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept donation of .81 acres of real property on Elder Hill Road from Randy Lawrence and to request Special Counsel to prepare the Deed. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING PURCHASING DEPARTMENT ADVERTISING A REQUEST FOR PROPOSAL FOR THE HAYS COUNTY ROAD BOND PROGRAM PROJECT MANAGER [T1-1029]

Discussion was had regarding role of Commissioners I n the road bond projects. Former County Judge Eddy Etheredge spoke at the request of Judge Sumter. [T1-1878] Jim Etherton (Reynolds, Smith & Hills) spoke. [T2-2561] No action was taken.

25729 **ACTION TO REPLACE WRECKED VEHICLES IN THE BUILDING MAINTENANCE AND JUVENILE PROBATION DEPARTMENTS AND AMEND THE BUDGET ACCORDINGLY** [T1-2329]

County Auditor Bill Herzog recommended totaling-out the vehicles and using self insurance funds for replacements. **A motion was made by Judge Sumter, seconded by Commissioner Barton to replace wrecked vehicles in the Building Maintenance and Juvenile Probation Departments and amend the Budget accordingly. All voting "Aye". MOTION PASSED**

25730 [08-3-34 – 4 lots] **MUSTANG VALLEY SUBDIVISION SECTION 3 – APPROVE FINAL PLAT**

[T1-2399] Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. Joe Day made public comment. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat of Mustang Valley Subdivision Section 3. All voting "Aye". MOTION PASSED**

25731 [03-3-34 – 18 lots] **MUSTANG VALLEY SUBDIVISION SECTION 1 – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY IN THE AMOUNT OF $301,424.01 FOR STREET AND DRAINAGE IMPROVEMENTS** [T1-3340]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat and accept construction fiscal surety in the amount of $301,424.01 for street and drainage improvements for Mustang Valley Subdivision Section 1. All voting "Aye". MOTION PASSED**

25732 **AUTHORIZE THE COUNTY JUDGE AND SPECIAL COUNSEL MARK KENNEDY TO NEGOTIATE AND EXECUTE A CONTRACT WITH HALFF & ASSOCIATES FOR SURVEYING AND ENGINEERING SERVICES FOR DESIGN OF MCGREGOR LANE (CR187) AT ITS CROSSING OF BARTON CREEK** [T1-3410]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge and Special Counsel Mark Kennedy to negotiate and execute a contract with Halff & Associates for surveying and engineering services for design of McGregor Lane (CR 187) at its crossing of Barton Creek. All voting "Aye". MOTION PASSED

25733 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN CP&Y, INC. AND HAYS COUNTY AND BETWEEN URS/LOPEZ GARCIA GROUP AND HAYS COUNTY** [T2-68]

Commissioner Barton spoke of minor changes to the agreement. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a professional services agreement between CP&Y, Inc. and Hays County and between URS/Lopez Garcia Group and Hays County contingent on changes recommended this date. All voting "Aye". MOTION PASSED**

25734 AUTHORIZE THE CIVIL DIVISION CHIEF TO RETAIN OUTSIDE COUNSEL IN COLLABORATION WITH THE CITY OF AUSTIN AND THE HILL COUNTRY CONSERVANCY FOR PRELIMINARY TRANSACTIONAL WORK ON THE DAHLSTROM RANCH PROJECT, THE COSTS OF OUTSIDE COUNSEL SERVICES NOT TO EXCEED $10,000.00 [T2-159]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the Civil Division Chief to retain outside counsel in collaboration with the City of Austin and the Hill Country Conservancy for preliminary Transactional work on the Dahlstrom Ranch Project, the costs of outside counsel services not to exceed $10,000.00 out of the Park Bond funds (Fund 45). All voting "Aye". MOTION PASSED

25735 AUTHORIZE THE COUNTY JUDGE TO SIGN A COMPLIANCE LETTER OFFERED BY TXDOT TO ENSURE THAT HAYS COUNTY WILL REMAIN IN COMPLIANCE WITH TXDOT'S POLICIES AND PROCEDURES FOR RIGHT OF WAY ACQUISITION UNDER THE PASS THROUGH TOLL AGREEMENT [T2-179]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to sign a compliance letter offered by TXDOT to ensure that Hays County will remain in compliance with TXDOT's policies and procedures for Right of Way acquisition under the Pass Through Toll Agreement. All voting "Aye". MOTION PASSED

25736 EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE POSSIBLE PURCHASE, LEASE OR VALUE OF REAL PROPERTY FOR THE PURPOSES OF ENDANGERED SPECIES HABITAT PROTECTION WITH ACTION

Court convened into closed executive session at 1:15 p.m. and reconvened into open meeting at 2:15 p.m. **A motion was made by Commissioner Ford, seconded by Judge Sumter to allow Commissioner Ford and Commissioner Conley to craft a call for project that meets the new vision criteria that was discussed with CPAT last June for a project that has any one of these three criteria: (1) access to water; (2) water quality protection; (3) endangered critical habitat; with at least 500 acres or more and we'll put out a call to property owners in Hays County to bring forward proposals to the Court through the Conservation Easement or CC Plan position and the deadline would be in early to mid January to be set by Commissioner Conley and Commissioner Ford in consultation with consultants and authorize, if needed, to advertise the public notice not to exceed $1,000. All voting "Aye". MOTION PASSED**

Judge Sumter left the meeting at this time.

PANEL DISCUSSION AND WORKSHOP MODERATED BY NAISMITH AND BORCHERDING WITH OTHER INVITED EXPERTS AND STAKEHOLDERS TO DISCUSS THE IMPORTANCE, IMPACTS AND OPTIONS REGARDING VOLUMETRIC CONTROLS WITHIN PROPOSED DEVELOPMENT REGULATIONS. POSSIBLE ACTION BY COURT MAY FOLLOW [T2-277]

Grant Jackson (Naismith Engineering) provided a handout showing runoff rate comparisons and runoff volume comparisons. [T2-581] Mike Barrett (Professor at UT) spoke of options (post development and pre-development) – no increase in volume is a very strict requirement. Need to manage volume to maintain stability of creeks. He suggested encouragement of five-acre tracts. Morgan Biers (City of Austin – Stream Restoration Project) spoke of impact of not regulating storm water beyond peak flow control. Would make developers responsible for what they are doing. [T2-890] Hank Smith (Civil Engineer) spoke of cost concerns and restrictions for storm water runoff systems. RPTP Director Jerry Borcherding spoke of being in the process of putting together an erosion control manual. Discussion was had regarding holding a workshop and posting notice for proposed final development regulations. It was agreed that December 16th would be the date for a workshop.

DISCUSSION TO CONSIDER COMMISSIONERS COURT SCHEDULING FOR THE MONTHS OF NOVEMBER AND DECEMBER [T2-2701]

Commissioner Barton spoke of need to determine court scheduling for the months of November and December.

DISCUSSION REGARDING SETTING POLICY FOR CONSIDERATION OF REVIEW COMMENTS ON WATER AVAILABILITY STUDIES FROM HAYS TRINITY GROUNDWATER DISTRICT [T2-2822]

Commissioner Conley spoke of partnership with the Hays Trinity Groundwater District. He suggested that he, Commissioner Ford, Jerry Borcherding, Clint Garza and Mark Kennedy get with the Hays Trinity Groundwater District to work out details regarding this partnership.

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 18, 2008.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF NOVEMBER A.D., 2008, 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**
ELIZABETH Q. GONZALEZ	**DEPUTY COUNTY CLERK**

KAREN FORD, COMMISSIONER PCT. 4 WAS ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

District Judge Bill Henry swore in new Deputy Constable Pct. 1, Sandy Riojas.

PUBLIC COMMENTS

[T1-80] City of San Marcos Mayor Susan Narviaz made public comment about the election results & process.

FIRE MARSHAL PRESENTATION TO THE COURT BY MARK CHAMBERS

[T1-104] Hays County Fire Marshal, Mark Chambers gave a power-point presentation and a brief overview of duties performed in his office. He spoke of additional codes needed to be performed for the health and safety of the citizens of Hays County. He spoke of Juvenile Setter Program designed to help juveniles with fire setting tendencies.

25737 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of $683,793.29 as recommended by the County Auditor. All voting "Aye". MOTION PASSED

25738 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 17TH & 18TH, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of November 17th & 18th, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25739 AUTHORIZE COMMERCIAL OSSF PERMIT FOR ST. MARK'S EPISCOPAL CHURCH OF SAN MARCOS FOR A CHAPEL AND SANCTUARY LOCATED AT 3039 RANCH ROAD 12, SAN MARCOS, IN PRECINCT 3

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Commercial OSSF Permit for St. Mark's Episcopal Church of San Marcos for a Chapel and Sanctuary Located at 3039 Ranch Road 12, San Marcos, in Precinct 3. All voting "Aye". MOTION PASSED

25740 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AVOCA LTD. FOR A DEER PROCESSING FACILITY LOCATED AT 1310 OLD MARTINDALE ROAD IN PRECINCT 1

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Institutional OSSF Permit for Avoca Ltd. For a Deer Processing Facility Located at 1310 Old Martindale Road in Precinct 1. All voting "Aye". MOTION PASSED

25741 APPROVE AWARD OF CONTRACT TO PSI FOR GEOTECHNICAL SERVICES FOR THE HAYS COUNTY GOVERNMENT OFFICE COMPLEX AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award of contract to PSI for Geotechnical Services for the Hays County Government Office Complex and authorize County Judge to execute same. All voting "Aye". MOTION PASSED

25742 CALL FOR A PUBLIC HEARING ON DECEMBER 9, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN MOUNT OLIVE RANCH SUBDIVISION

[T1-370] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on December 9, 2008 to establish traffic regulations in Mount Olive Ranch Subdivision consisting of a stop sign on Red Sky Road at Mount Olive School Road, and set a speed limit of 25 MPH on Red Sky Road. All voting "Aye". MOTION PASSED**

25743 CALL FOR A PUBLIC HEARING ON DECEMBER 9, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON FISCHER STORE RD., CR 181

[T1-376] **A motion was made by Commissioner Conley, seconded by Judge Sumter to call for a public hearing on December 9, 2008 to establish traffic regulations on Fischer Store Rd., CR 181 consisting of raising the speed limit to 45 MPH on Fischer Store Road between Sachtleben Road and the eastern approach to Blanco River Bridge. All voting "Aye". MOTION PASSED**

25744 APPROVE PURCHASE OF A BACKHOE, PREVIOUSLY OWNED BY THE COUNTY, FROM THE INSURANCE COMPANY FOR NOT MORE THAN $4,999.00

[T1-380] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of a backhoe, previously owned by the County, from the Insurance Company for not more than $4,999.00. All voting "Aye". MOTION PASSED**

25745 CALL FOR A PUBLIC HEARING ON DECEMBER 9, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION, PHASE 1, SECTION 4

[T1-393] **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on December 9, 2008 to establish traffic regulations in Rim Rock Subdivision Phase 1, Section 4 consisting of setting speed limits and placing of stop signs. All voting "Aye". MOTION PASSED**

25746 [08-3-48 – 1 LOT] **THE RIDGE AT WIMBERLEY SPRINGS SECTION 1 APPROVE PRELIMINARY PLAN**

[T1-399] Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. Section 1 is 19.2 acres in size and is designated for a future Wimberley ISD elementary school. **A motion was made by Commissioner Conley, seconded by Judge Sumter, to approve preliminary plan of the Ridge at Wimberley Springs Section 1. All voting "Aye". MOTION PASSED**

25747 ACCEPT THE PROPOSAL FROM DEMOSS PLUMBING CO., INC. FOR PLUMBING SERVICES AT THE JUVENILE DETENTION CENTER AND AMEND THE BUDGET IF NECESSARY

[T1-418] **A motion was made by Judge Sumter, seconded by Commissioner Barton to accept the proposal from Demoss Plumbing Co., Inc. for plumbing services at the Juvenile Detention Center and amend the budget if necessary. All voting "Aye". MOTION PASSED**

25748 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HALFF ASSOCIATES, INC. TO PREPARE AND SUBMIT A GRANT APPLICATION FOR UP TO $300,000 TO THE TEXAS WATER DEVELOPMENT BOARD FOR A FLOOD PROTECTION PLANNING STUDY OF THAT PORTION OF THE COUNTY DRAINED BY THE GUADALUPE/BLANCO RIVER BASIN

[T1-441] Grants Administrator, Jeff Hauff, gave a brief overview of grant. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with Halff Associates Inc. to prepare and submit a grant application for up to $300,000 to the Texas Water Development Board for a flood protection planning study of that portion of the county drained by the Guadalupe/Blanco River Basin. All voting "Aye". MOTION PASSED**

25749 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE TO PARTICIPATE IN IH 35 & 210 PROJECT (HOME DEPOT OVERPASS)

[T1-558] **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of Kyle to participate in IH 35 & 210 project. (Home Depot Overpass) All voting "Aye". MOTION PASSED**

DISCUSSION TO AUTHORIZE THE PURCHASING DEPARTMENT TO ADVERTISE A REQUEST FOR PROPOSAL FOR THE HAYS COUNTY ROAD BOND PROGRAM PROJECT MANAGER

[T1-604] Discussion was had about whether there should be more than one Project Manager.

25750 AUTHORIZE UNIFORM RENTALS FOR THE HAYS COUNTY CIVIC CENTER

[T1-900] Barry Nelson, Civic Center Manager spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize uniform rentals for the Hays County Civic Center. All voting "Aye". MOTION PASSED**

25751 TRANSFER FUNDS FROM STAFF SALARIES AND FICA TO MISC. EQUIPMENT IN THE HAYS COUNTY CIVIC CENTER BUDGET

[T1-940] Barry Nelson, Civic Center Manager spoke. He needs to use the money from the staff salary savings to purchase additional needed equipment, such as roping boxes, chute extensions, rough stock panels, and gates. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to transfer funds from staff salaries and FICA to misc. equipment in the Hays County Civic Center Budget. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #19 RE: *AUTHORIZE THE PURCHASING DEPARTMENT TO ADVERTISE A REQUEST FOR QUALIFICATION FOR THE DESIGN OF FM 110/SAN MARCOS LOOP* **– was pulled.**

25752 CLARIFY AND APPROVE SALARY ADMINISTRATION PRACTICES

[T1-1050] Human Resources Director Dee Dee Baen spoke of a couple of issues. #1: Authorize the Treasurer to pay salary as approved by HR and the Auditor up to the 25th percentile. #2: For employees receiving lump sum merit to be paid out in two equal installments in October and April. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the Treasurer to pay salary as approve by HR and the Auditor up the 25th percentile; and for County Employees receiving lump sum merit to be paid out in two equal installments in October and April. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C. VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

[1-1160] Court convened into closed executive session at 10:30 a.m. and reconvened into open meeting at 11:10 a.m. No discussion and no action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING KRUEGER VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

[T1-1174] Court convened into closed executive session at 11:10 a.m. and reconvened into open meeting at 11:25 a.m. No discussion and no action taken.

25753 TRANSFER OR LEASE OF APPROXIMATELY 1,300 SQ. FT. AT THE INTERSECTION OF LBJ AND MLK DRIVES TO THE CITY OF SAN MARCOS FOR THE PLACEMENT OF A COMMEMORATIVE MARKER AND TO AUTHORIZE COMMISSIONER INGALSBE AND SPECIAL COUNSEL, MARK KENNEDY TO NEGOTIATE AND PREPARE AN INTERLOCAL AGREEMENT FOR SAME

[T1-1190] Christopher Jones, Deputy Mayor Pro Tem./Place 4 Councilman from the City of San Marcos spoke of erecting a Commemorative Marker at the corner of LBJ and MLK. Diane McCabe of Texas State University and Rodney Cobb of the City of San Marcos spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to transfer or Lease approximately 1,300 sq. ft. at the intersection of LBJ and MLK Drives to the City of San Marcos for the placement of a commemorative marker and to authorize Commissioner Ingalsbe and Special Counsel Mark Kennedy to negotiate and prepare an Interlocal Agreement for same. All voting "Aye". MOTION PASSED**

WORKSHOP – PRESENTATION AND DISCUSSION OF HAYS COUNTY HEALTH ASSESSMENT BY JIM WALKER

[T1-1483] Jim Walker gave a power-point presentation. Summary: *As part of their relationship in establishing the new Seton Medical Center Hays facility, the Hays County Commissioners Court and the Seton Family of Hospitals commissioned this assessment to better understand the health needs of the current population, where gaps in the system of services exist, as well as anticipating the effects of population growth in the coming years. The assessment is intended to be shared for public benefit in the community's deliberations in creating a safe, effective, patient-centered, timely, efficient and equitable system of healthcare for all residents of Hays County. Seton and Hays County mutually agreed to retain the non-profit Central Texas Sustainability Indicators Project (CTSIP) to conduct the Assessment because of the CTSIP's history of integrating both quantitative and qualitative data to discern key trends on local and regional issues.*

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO

[T2-256] Court convened into closed executive session at 2:55 p.m. and reconvened into open meeting at 4:15 p.m. No discussion and no action taken.

25754 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH THERESA SCHWARTZ FOR CONSULTING SERVICES ASSOCIATED WITH PASS THROUGH TOLL AGREEMENT IMPROVEMENTS IN PRECINCT 2 AND/OR THE SURROUNDING INTERSTATE 35 CORRIDOR AREA

[T2-269] **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Consulting Services Agreement with Theresa Schwartz for consulting services associated with Pass Through Toll Agreement Improvements in Precinct 2 and/or the surrounding Interstate 35 corridor area, not to exceed 10 months, and to become effective December 1, 2008. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 25, 2008.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF DECEMBER A.D., 2008, 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford spoke of loss of Sheriff Allen Bridges and she led the court in a moment of silence and recognition of Sheriff Bridges. Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Clerk's Note: Agenda Item #1 RE: *MAINTENANCE DEPARTMENT PRESENTATION TO THE COURT BY RON KNOTT* **was PULLED**

25755 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount of $650,984.12 for week ending December 2,2008 and in the amount of $345,070.00 for week ending December 9,2008 as recommended by the County Auditor. All voting "Aye". MOTION PASSED

25756 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 25, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of November 25, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25757 APPROVE AWARD OF BID #2009-B04 "METAL PIPE" TO WILSON CULVERTS AND CONTECH CONSTRUCTION PRODUCTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve award of bid #2009-B04 "Metal Pipe" to Wilson Culverts and Contech Construction Products. All voting "Aye". MOTION PASSED

25758 AUTHORIZE COMMERCIAL OSSF PERMIT FOR ALBERT WOLF III FOR A WELDING SUPPLY SHOP LOCATED AT 127 TRADEMARK DRIVE, BUDA, IN PRECINCT 2

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize commercial OSSF Permit for Albert Wolf III for a welding supply shop located at 127 Trademark Drive, Buda, in Precinct 2. All voting "Aye". MOTION PASSED

25759 REJECT THE BIDS FOR BID #2009-B05 "LIGHT-BARS FOR THE SHERIFF'S DEPT. POLICE VEHICLES" AND AUTHORIZE PURCHASING TO RE-BID DUE TO THE FACT THAT THE WRONG ITEM WAS BID

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to reject the bids for Bid #2009-B05 "Light-Bars for the Sheriff's Dept. Police Vehicles" and authorize Purchasing to re-bid the fact that the wrong item was bid. All voting "Aye". MOTION PASSED

25760 APPROVE SPECIFICATIONS FOR BID #2009-B07 "ANNUAL CONTRACT FOR CARPET AND FLOOR CARE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for Bid #2009-B07 "Annual Contract for carpet and floor care" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

25761 APPROVE EXPENDITURES FOR VEHICLE COMPUTER STAND & REPLACEMENT CAMERA FOR FIRE MARSHAL TOTALING $1,743.00 FROM CURRENTLY BUDGETED FUNDS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve expenditures for vehicle computer stand & replacement camera for Fire Marshal totaling $1,743.00 from currently budgeted funds. All voting "Aye". MOTION PASSED

25762 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve utility permits #01999 issued to PEC on Manchaca Springs Road, #02000 issued to Goforth Venture on CR 157/Goforth Road, #01998 issued to LCRA on Sentinel Hill; as presented by the Hays County Road Department. All voting "Aye". MOTION PASSED

25763 RE-APPOINT KATE JOHNSON AS CHAIRPERSON OF THE HAYS COUNTY HISTORICAL COMMISSION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to re-appoint Kate Johnson as Chairperson of the Hays County Historical Commission. All voting "Aye". MOTION PASSED

UPDATE ON PARK BOND SALE SET FOR DECEMBER 16, 2008 BY DAN WEGMILLER. POSSIBLE ACTION MAY FOLLOW PRESENTATION [T1-102]

Financial Advisor Dan Wegmiller gave an update on Park Bond sale set for December 16, 2008. Sale is in the amount of $9,985,000.

25764 CALL FOR A PUBLIC HEARING ON DECEMBER 23, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON RICH LANE [T1-188]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on December 23, 2008 to establish traffic regulations on Rich Lane. All voting "Aye". MOTION PASSED

25765 CALL FOR A PUBLIC HEARING ON DECEMBER 23, 2008 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGN) ON THE NEW PARK ROAD AT THE FIVE MILE DAM SOCCER COMPLEX [T1-195]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to call for a public hearing on December 23, 2008 to establish traffic regulations (Stop Sign) on the new park road at the Five Mile Dam Soccer Complex. All voting "Aye". MOTION PASSED

PUBLIC HEARING REGARDING ESTABLISHING TRAFFIC REGULATIONS ON FISCHER STORE RD, CR 181 [T1-202]

Judge Sumter declared the public hearing open. David Jones made public comment in opposition to increasing the speed limit. Commissioner Conley and RPTP Director Jerry Borcherding spoke of road improvements. Judge Sumter closed the public hearing. Commissioner Conley postponed action at this time

25766 ESTABLISH TRAFFIC REGULATIONS IN MOUNT OLIVE RANCH SUBDIVISION

[T1-425] Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borcherding gave staff recommendation to establish a stop sign on Red Sky Road at Mount Olive School Road and set a speed limit of 25 MPH on Red Sky Road. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish a STOP sign on Red Sky Road at Mount Olive School Road and set a speed limit of 25 MPH on Red Sky Road. All voting "Aye". MOTION PASSED**

25767 ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION PHASE 1, SECTION 4. POSSIBLE ACTION MAY FOLLOW [T1-436]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borcherding gave staff recommendation to establish a stop sign on Rutherford Drive at Hawthorne Loop, a stop sing on Pine Post cove at Hawthorne Loop, set a speed limit of 25 MPH on Black Stone Cove, Shallow Water Cove and Pine Post Cove, and set a speed limit of 35 MPH on Rutherford Drive and the remaining section of Hawthorne Loop. **A motion was made by Commissioner Ford, seconded by Judge Sumter to establish a STOP sign on Rutherford Drive at Hawthorne Loop, on Black Stone Cove at Hawthorne Loop, and on Pine Post cove at Hawthorne Loop; set a speed limit of 25 MPH on Black Stone Cove, Shallow Water Cove and Pine Post Cove, and set a speed limit of 35 MPH on Rutherford Drive and the remaining section of Hawthorne Loop. All voting "Aye". MOTION PASSED**

25768 CALL FOR A PUBLIC HEARING ON JANUARY 13, 2009 TO DISCUSS POSSIBLE CANCELLATION OF A PORTION OF WOODCREEK SECTION 25 [T1-452]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on January 13, 2009 to discuss possible cancellation of a portion of Woodcreek Section 25. All voting "Aye". MOTION PASSED

ACCEPT THE RESIGNATION OF BRYAN DAVIS, HAYS COUNTY AGRICULTURAL AND NATURAL RESOURCE AGENT [T1-480]

Members of the court gave their appreciation to Bryan Davis for the service he has provided to Hays County. No action was necessary.

DISCUSSION OF INTERNAL AND EXTERNAL PROCEDURES AND POLICIES FOR ADMINISTERING THE ROAD BOND PACKAGE [T1-536]

Mike Weaver (Prime Strategies Inc.) spoke of process, procedures and policies for the Hays County Road Bond Program: #1- Master Project/Program Budget, #2 - Overall Program Schedule, and #3 - Process & Procedures. His presentation included a handout that included the following: professional service agreement (PSA), road bond budget, oracle, cash flow example, account/tracking tables, construction monthly report, project bi-weekly report, construction change order/invoice example, and utility agreement templates. Commissioner Barton spoke of moving forward with all road projects at the same time, fast track software, utilizing project managers, and policies that are needed. Commissioner Conley spoke of consolidating some tasks. Commissioner Ingalsbe spoke of importance of consistency. Commissioner Ford spoke in support of moving forward with all the projects at the same time.

25769 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR FUNDING OF THE BLUE HOLE PARK PROJECT IN WIMBERLEY, TEXAS

[T1-1497] Special Counsel Mark Kennedy addressed questions asked by Commissioner Ford. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an Interlocal Agreement for funding of the Blue Hole Park project in Wimberley, Texas. All voting "Aye". MOTION PASSED**

25770 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN EMPG GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR UP TO $22,000 [T1-1609]

Grants Administrator Jeff Hauff explained the grant. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to submit an EMPG Grant application to the office of the Governor, Division of Emergency Management for up to $22,000. All voting "Aye". MOTION PASSED**

25771 APPROVE PURCHASE OF RADAR EQUIPMENT AND VIDEO FOR NEW CONSTABLE VEHICLES IN PCT. 4 [T1-1640]

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve purchase of radar equipment and video for new Constable vehicles in Pct. 4. All voting "Aye". MOTION PASSED

25772 APPROVE TRANSFER OF VEHICLE FROM THE CONSTABLE'S OFFICE, PCT. 4 BACK TO THE SHERIFF'S OFFICE [T1-1666]

Commissioner Conley requested postponement of this action until new Constable takes office in January 2009. [T1-1959] Constable Debbie Brown advised that they have four cars (2 current vehicles plus 2 new vehicles) and this car is not needed. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve transfer of vehicle from the Constable's Office Pct. 4 back to the Sheriff's Office. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

25773 AMEND CONTRACT WITH LAND DESIGN PARTNERS, INC. FOR THE DESIGN OF THE WINTERS MILL PARKWAY TRAIL PROJECT TO INCLUDE ADDITIONAL SERVICES FOR SURVEY WORK IN AN AMOUNT NOT TO EXCEED $19,690 [T1-1743]

Grants Administrator Jeff Hauff explained the need to amend the contract with Land Design Partners Inc. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to amend contract with Land Design partners Inc. for the design of the Winters Mill Parkway Trail Project to include additional services for survey work in an amount not to exceed $19,690. All voting "Aye". MOTION PASSED**

25774 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD FROM THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT, HOMELAND SECURITY GRANT PROGRAM FOR $8,759.95 FOR SUPPORT OF THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) [T1-1786]

Emergency Management Coordinator Jeff Turner requested authorization for this grant. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to accept a grant award from the Governor's Division of Emergency Management, Homeland Security Grant program for $8,759.95 for support of the Community Emergency Response Team (CERT). All voting "Aye". MOTION PASSED**

25775 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR FUNDING OF MULTIPLE PARKS PROJECTS IN SAN MARCOS, TEXAS [T1-1808]

Special Counsel Mark Kennedy spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement for funding of multiple parks projects in San Marcos, Texas, contingent on edits by Special Counsel and approval by Precinct 1 Commissioner. All voting "Aye". MOTION PASSED**

25776 PROHIBIT THE SALE AND USE OF SKYROCKETS WITH STICKS AND MISSILES WITH FINS WITHIN THE UNINCORPORATED AREAS OF HAYS COUNTY [T1-2028]

Hays County Fire Marshal Mark Chambers spoke of need to prohibit the sale and use of skyrockets with sticks and missiles with fins. He gave the current drought index and future outlook indicating an extreme fire danger. **A motion was made by Judge Sumter, seconded by Commissioner Conley to prohibit the sale and use of skyrockets with sticks and missiles with fins within the unincorporated areas of Hays County due to current drought conditions. All voting "Aye". MOTION PASSED**

25777 ACTION TO APPOINT A WORK GROUP TO RESEARCH AND DEVELOP A WATER CONSERVATION INCENTIVES PROGRAM TO BENEFIT COUNTY RESIDENTS [T1-2243]

Grants Administrator Jeff Hauff spoke of staff that has been looking at various incentives. Special Counsel Mark Kennedy spoke of problem with payment of rebates. Recommended group: Margaret Buentello (Grants Dept), Grants Administrator Jeff Hauff, Special Counsel Mark Kennedy and his designee, Betty Landbright, Hays Trinity Groundwater Conservation District representative, Michele Tuttle, new Hays County Public Information Officer, Commissioner Ford, Hays County Master Naturalist Program representative, David Patterson, Barton Springs Edwards Aquifer District representative, and a water provider representative. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Jeff Hauff and Commissioner Ford to put together a work group to research and develop a water conservation incentives program to benefit County Residents. All voting "Aye". MOTION PASSED**

25778 APPROVE AND PROVIDE GUIDANCE TO THE HEALTH DEPARTMENT ON NURSING STAFF POSITIONS [T1-2646]

Director of Nursing Priscilla Hargraves spoke of losing her OBGYN Nurse by resignation. She has had no other applicants for the position of Women's Health Nurse Practitioner. Average salary range in San Marcos is $60,000 - $80,000. She is requesting a posted salary of $72,000 for this position in order to get an experienced Nurse. Shari Miller spoke of research done by Human Resources which agrees with the requested salary. Priscilla Hargraves spoke of possibly using a volunteer without liability insurance. The Health Dept. currently has 105 maternity clients (95% are high risk pregnancy) and 60 family planning clients. Commissioner Conley spoke of need to evaluate these positions and better educate the community and look for partnerships. Human Resources Director Dee Dee Baen spoke of this being a very specialized occupation. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve advertising the position of Nurse Practitioner up to the 55th percentile to be paid out of salary savings. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to allow chosen candidate to parallel with current Nurse Practitioner for 4 weeks versus 2 weeks. All voting "Aye". MOTION PASSED.**

25779 ADVERTISE FOR REQUESTS FOR PROPOSAL FOR A PROGRAM MANAGER FOR COUNTY ROAD PROJECTS AND TO CONSIDER OTHER PROFESSIONAL SERVICES RELATED TO THE COUNTY'S ROAD BOND PACKAGE [T1-3767]

Commissioner Barton spoke of changes made to the proposed RFP for Program Manager. RPTP Director Jerry Borcherding requested change in wording on Item #15. [T1-3955] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Purchasing to advertise for Requests for Proposal for a Program Manager for County Road Projects and to consider other professional services related to the County's Road Bond Package and to furthermore work out language with RPTP Director Jerry Borcherding on RFP item #15. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item#32 RE: *PRESENTATION BY SALLY BRANNON WITH EARTHKEEPER EROSION & SEDIMENT CONTROL WITH DISCUSSION AND POSSIBLE ACTION TO FOLLOW IN COURT* **was PULLED.**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO

Court convened into closed executive session at 1:35 p.m. and reconvened into open meeting at 2:35 p.m. No discussion and no action taken.

PRESENTATION OF FINAL RHCP BY CONSULTANTS REGARDING THE REGIONAL HABITAT CONSERVATION PLAN [T2-60]

Commissioner Ford thanked everyone for appearing today regarding the regional habitat conservation plan. A presentation was given of the final Regional Habitat Conservation Plan. Major Concepts of the draft plan: Purpose and Need, Basic Elements of the Draft, Participation Process, and Funding Plan.

25780 ACTION TO FORM A LEGISLATIVE COMMITTEE [T2-1214]

Judge Sumter suggested the following people for a Legislative Committee: Cecilia Adare, Linda Fritsche, Joyce Cowan, Luanne Caraway, Jeff Hauff, Priscilla Hargraves, Mark Kennedy, Commissioner Ford, and Commissioner Conley. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to form a Legislative Committee of Cecilia Adare, Linda Fritsche, Joyce Cowan, Luanne Caraway, Jeff Hauff, Priscilla Hargraves, Mark Kennedy with Co-Chairs being Commissioner Ford and Commissioner Conley. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 9, 2008.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF DECEMBER A.D., 2008, 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chaplain Hicks (Sheriff's office) gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF RETIREMENT AND SERVICE AWARD PLAQUES

Capt. Mike Davenport presented retirement/service awards to Guadalupe Flores (he was not present), Victoria Espinoza (15 yrs), and Sam Courtney (20 yrs). Commissioner Barton presented a retirement/service award to Terry Johnson (12 yrs). Constables Peterson, Kohler, Ayres & Mancillas presented a service award to Constable Pct. 4 Debbie Brown.

DISCUSSION REGARDING VACANCY IN THE OFFICE OF THE HAYS COUNTY SHERIFF UNDER CHAPTER 87, SUBCHAPTER D OF THE TEXAS LOCAL GOVERNMENT CODE [T1-170]

Gary Conner made public comment in support of Bill Huddleston (candidate for County Sheriff). Russ Molenaar made pubic comment in support of Chief Deputy Sheriff Sherman Brodbeck. Charlie Johnson made public comment in support of Sherman Brodbeck. Judge Sumter spoke of public input members of the court have been receiving – she would like more time for consideration. Commissioner Barton spoke of need for additional time and input before making a decision. Special Counsel Mark Kennedy spoke of conversation he had with the Attorney General's office regarding holding an executive session to consider candidates for the office. He spoke of Chapter 87 of the Local Government Code. People being considered for the position need to be notified of a possible closed executive session. Commissioner Conley spoke of people who have notified him of interest in serving as Sheriff. He is opposed to having an executive session on this issue – he would like for all discussions to be in open court. Commissioner Conley spoke of input he has received from employees of the Sheriff's Department. He spoke in support of appointing Sherman Brodbeck. Commissioner Ford spoke of contact/input she has received and she would like more time for consideration. Commissioner Ingalsbe also requested more time for consideration. Judge Sumter suggested having a special meeting on Monday. Commissioner Conley requested that the record reflect that he asked members of the court that if they've contacted the Sheriff's Department about having someone internally being appointed as Sheriff, a question which has not been answered yet. Commissioner Barton and Commissioner Ingalsbe spoke.

25781 APPROVE PAYMENT OF COUNTY INVOICES [T1-1252]

County Auditor Bill Herzog requested addition of invoice from Don Hudson in the amount of $3,467. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of $1,416,108.65 plus an additional payment in the amount of $3,467 as recommended by the County Auditor. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Barton and Commissioner Conley not present for vote**

25782 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 9, 2008

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of December 9, 2008 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Barton and Commissioner Conley not present for vote

25783 APPROVE AWARD OF BID #2009-B03R "TRACTORS W/SIDE MOUNT MOWERS FOR THE ROAD DEPARTMENT" TO DIETZ TRACTOR FOR A TOTAL COST OF $78,998.00 FOR TWO UNITS

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve award of Bid #2009-B03R "Tractors w/side mount mowers for the Road Department" to Dietz Tractor for a total cost of $78,998.00 for two units. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Barton and Commissioner Conley not present for vote

25784 ACCEPT A DONATION OF $3,000.00 FOR PURCHASE OF A COMPUTER WITH EDITING SOFTWARE AND SCANNER FOR THE HAYS COUNTY HISTORICAL COMMISSION [T1-1295]

Hays County Historical Commission Chair Kate Johnson spoke in support of accepting this donation to be used to purchase computer, software, and scanner. **A motion was made by Judge Sumter, seconded by Commissioner Ford to amend the budget and accept a donation of $3,000.00 for purchase of a computer with editing software and scanner for the Hays County Historical Commission. All voting "Aye". MOTION PASSED**

25785 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR A U.S. FISH & WILDLIFE SERVICE, COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND (SECTION 6 TRADITIONAL) GRANT IN THE AMOUNT OF $54,063 FOR A KARST INVERTEBRATE STUDY [T1-1372]

Grants Administrator Jeff Hauff spoke. Grant funds will be used for a study to determine the distribution of karst invertebrates in Hays County by sampling caves and using hydrogeologic evaluations of those caves to establish management units for the species. 25% match to be provided by Hays County [½ of that to come out of the FY2009 budget and ½ out of the FY2010 budget]. Commissioner Conley voiced his opposition to this study. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to accept a Grant Award from the Texas Parks and Wildlife Department for a U.S. Fish & Wildlife Service, Cooperative endangered species Conservation Fund (Section 6 Traditional) Grant in the amount of $54,063 for a Karst Invertebrate Study. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

25786 APPROVE TEXAS TUITION PROMISE FUNDS AS A PAYROLL DEDUCTION [T1-2179]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Texas Tuition Promise Funds as a payroll deduction and waive current enrollment policy regarding payroll deductions. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATION REGARDING PROJECT MUNCH [T1-2320]

Court convened into closed executive session at 11:20 a.m. and reconvened into open meeting at 11:55 a.m. No discussion and no action taken in open court.

25787 APPROVE PAYMENT FOR 351.50 HOURS OF COMPENSATION TIME ACCUMULATED BY DEPUTY MARK HANNA IN THE HAYS COUNTY CONSTABLE PCT. 2 OFFICE [T1-2335]

Note: Posted agenda shows 674.75 hours – should have been 351.50 hours. Constable Pct. 2 James Kohler spoke of overtime that has been accumulating over the years. Commissioner Barton spoke of new deputy vacancy in the department that will soon be filled. County Treasurer Michele Tuttle spoke of county policy of 120 hours for compensation time. Judge Sumter spoke of only allowing payment down to 120 hours. Commissioner Barton spoke of amount of work in Precinct 2. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment down to 120 hours of compensation time accumulated by Deputy Mark Hanna in the Hays County Constable Pct. 2 office. All voting "Aye". MOTION PASSED**

25788 DISCUSSION OF POLICIES FOR ADMINISTERING THE ROAD BOND PACKAGE WITH ACTION [T1-2693]

Mike Weaver (Prime Strategies Inc.) spoke of projects Phase I, Phase 2A, and Phase 2B; Project Consultants; Project Schedules; Schedule Summary; Cash Flows; and Next Steps. Bond Counsel Dan Wegmiller spoke of funding. Mike Weaver spoke of Professional Services Contract, Work Authorizations, Invoicing, Change Orders, Construction Guidelines, Environmental Process, Utility Relocation, and Utility Agreements. [T2-657] **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve Commissioners ability to sign off on Work Authorizations and Invoices - to go directly to the Auditor's Office - and if a County Commissioner is out (and we put together a 7-day approval) invoices will come to the County Judge; and furthermore, to authorize Commissioners to sign Change Orders up to $25,000 cap for a total 10% increase over the original amount of the contract or decreases by more than 20% - anything other than 10% above or 20% below will come to Commissioners Court for approval. All voting "Aye". MOTION PASSED** [T2-788] **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to ask Special Counsel to work with our Program Manager to develop a standard professional services contract that can be used by the County with all the road bond project consultants and our contractors. All voting "Aye". MOTION PASSED**

25789 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RECEIPT OF BIDS PERTAINING TO THE SALE OF OBLIGATIONS DESIGNATED AS "HAYS COUNTY, TEXAS LIMITED TAX BONDS, SERIES 2008" [T1-1360]

Bond Counsel Dan Wegmiller (Specialized Public Finance Inc) provided a list of bids received (10 bidders). **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to accept recommendation of First Southwest Company at 4.482336% and to sell bonds in the amount of $9,985,000 and authorize the County Judge to execute the receipt of bids pertaining to the sale of obligations designated as "Hays County, Texas Limited Tax Bonds, Series 2008" All voting "Aye". MOTION PASSED**

25790 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS LIMITED TAX BONDS, SERIES 2008"

[T2-1000] **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute an Order by the Commissioners Court of Hays County, Texas authorizing the issuance of "Hays County, Texas Limited Tax Bonds, Series 2008". All voting "Aye". MOTION PASSED**

25791 AUTHORIZE THE PURCHASING DEPARTMENT TO ADVERTISE A REQUEST FOR PROPOSAL FOR THE DESIGN OF FM 110/SAN MARCOS LOOP [T2-1025]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Purchasing Department to advertise a Request For Proposal for the design of FM 110/San Marcos Loop All voting "Aye". MOTION PASSED

25792 ISSUE A REQUEST FOR QUALIFICATIONS TO "PRE-CERTIFY" ENGINEERING AND PROFESSIONAL SERVICES FOR THE COUNTY'S ROAD BOND PROJECTS AND OTHER ROADS AS DETERMINED BY THE COMMISSIONERS COURT [T2-1110]

Commissioner Barton recommended advertising for ten categories: (1) general civil and roadway design; (2) geo-technical services; (3) environmental services; (4) bridge and structural engineering, (5) hydrology and drainage studies; (6) utility coordination and re-location; (7) ROW acquisition; (8) survey; (9) aerial and/or sub-surface mapping (should be combined with survey? Or with utility re-location); and (10) public involvement and public information. Proposed points: 20 points for qualification of firm or team 20 points for project manager qualifications 20 points for qualification if key personnel 20 points for availability of key personnel (includes both work load, office locations, and physical locations) 10 points for diversity 5 points for quality submittal 5 points for demonstrated understanding. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Purchasing to advertise, for a date in early January, to issue a Request For Qualifications to "Pre-Certify" engineering and professional services for the county's road bond projects and other roads as determined by the Commissioners Court. All voting "Aye". MOTION PASSED**

25793 APPROVE THE SCOPE OF WORK AND FEES ESTIMATE BY LAN FOR THE DACY LANE IMPROVEMENTS AND TO AUTHORIZE COMMISSIONER INGALSBE AND SPECIAL COUNSEL TO NEGOTIATE A CONTRACT FOR SAME [T2-1195]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the scope of work and fees estimate by LAN for the Dacy Lane improvements and to authorize Commissioner Ingalsbe, Commissioner Barton, and Special Counsel to negotiate a contract for same. All voting "Aye". MOTION PASSED

25794 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF NIEDERWALD FOR THE ONGOING MAINTENANCE, REPAIR AND/OR UPGRADE OF ROADWAYS WITHIN THE INCORPORATED LIMITS OF THE CITY OF NIEDERWALD [T2-1271]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into an Interlocal Agreement with the City of Niederwald for the ongoing maintenance, repair and/or upgrade of roadways within the incorporated limits of the City of Niederwald All voting "Aye". MOTION PASSED

25795 APPROVE AN ALIGNMENT FOR DACY LANE APPROVED BY THE CITY OF KYLE; AND AUTHORIZE COMMISSIONER INGALSBE AND SPECIAL COUNSEL TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH THE CITY OF KYLE FOR THE CONSTRUCTION OF DACY LANE [T2-1388]

A public meeting was held in Kyle to gather input from property owners, recommendation by LAN was for Route B because this alignment did not displace anyone, the City of Kyle has verbally committed to contributing $2 million towards this project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Alignment B for Dacy Lane approved by the City of Kyle; and authorize Commissioner Ingalsbe and Special Counsel to negotiate an Interlocal Agreement with the City of Kyle for the construction of Dacy Lane. All voting "Aye". MOTION PASSED**

25796 EXTEND MAINTENANCE FISCAL SURETY UNTIL JANUARY 8, 2011 FOR THE STREET AND DRAINAGE IMPROVEMENTS IN THE MOUNT OLIVE RANCH SUBDIVISION [T2-1490]

Subdivision Coordinator Clint Garza gave staff recommendation for extending the maintenance fiscal surety for Mount Olive Ranch Subdivision until January 8, 2011. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to extend maintenance fiscal surety until January 8, 2011 for the street and drainage improvements in the Mount Olive Ranch Subdivision. All voting "Aye". MOTION PASSED**

25797 [08-2-61, 203 LOTS] **– LOS ALTOS HILLS SUBDIVISION – APPROVE PRELIMINARY PLAN**

[T2-1527] Subdivision Coordinator, Clint Garza gave staff recommendation for approval of preliminary plan. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Preliminary Plan of Los Altos Hills Subdivision. All voting "Aye". MOTION PASSED**

25798 [08-2-65 – 1 LOT] **– EL REGALO DE LA PAZ LOT 1 - WAIVE PUBLIC HEARING AND APPROVE PARTIAL VACATION AND REPLAT OF LOT 1 AND APPROVE PRELIMINARY PLAN** [T2-1596]

Subdivision Coordinator, Clint Garza gave staff recommendation for approval of preliminary plan. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive public hearing and approve partial vacation and replat of Lot 1 and approve Preliminary Plan of El Regalo De La Paz Lot 1. All voting "Aye". MOTION PASSED**

PRESENTATION BY HALFF ASSOCIATES, INC. REGARDING DEVELOPMENT OF A COUNTYWIDE DRAINAGE BASIN MASTER PLAN AND DISCUSSION OF FLOODING OR DRAINAGE ISSUES IN LOCAL AREAS [T2-1630]

PE Wes Birdwell gave a powerpoint presentation outlining the goals of this effort and the potential partnerships involved in funding the plan.

25799 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR UP TO $300,000 UNDER THE FLOOD PROTECTION PLANNING PROGRAM AND TO SIGN ALL DOCUMENTS ASSOCIATED WITH THIS APPLICATION [T2-2400]

A motion was made by Judge Sumter, seconded by Commissioner Conley to approve resolution authorizing the County Judge to submit a Grant Application to the Texas Water Development Board for up to $300,000 under the Flood Protection Planning Program and to sign all documents associated with the application. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ECONOMIC NEGOTIATIONS RELATED TO THE POSSIBLE LOCATION OF A DISTRIBUTION CENTER FOR U.S. FOOD SERVICE IN THE UNINCORPORATED AREA OF THE COUNTY, EAST OF BUDA [T2-2414]

A powerpoint presentation was given by John Fowler (US Foodservice), Susan Harris (Site Solutions Inc.), and Ann Woessner (Jones Lang Lasalle) regarding U. S. Food Service and the proposed location of a distribution center in the unincorporated area of the county east of Buda. Warren Ketteman (Buda Economic Development) spoke of the Sunfield MUD.

25800 HIRE A CONSTRUCTION COORDINATOR ABOVE THE 25TH PERCENTILE

[T3-333] **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to hire a Construction Coordinator above the 25th percentile in the amount of $60,000 (55th percentile). All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, EVALUATE AND DELIBERATE THE APPOINTMENT AND SALARY FOR THE POSITION OF COMMUNICATIONS SPECIALIST

[T3-343] Court convened into closed executive session at 5:10 p.m. and reconvened into open meeting at 6:10 p.m. No discussion and no action taken.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 16, 2008.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF DECEMBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

PUBLIC COMMENT REGARDING APPOINTMENT OF COUNTY SHERIFF

Russ Molenaar made public comment in support of Sherman Brodbeck.. Gary Conner made public comment in support of Bill Huddleston. Janet Perry made public comment in support of Bill Huddleston. Roger Kew made public comment supporting members of the court on whatever decision they make. Mike Davenport and Steve Avalos appeared before the court and Mike Davenport spoke in support of making an appointment from within the Sheriff's Department. James Reynolds made public comment in support of Bill Huddleston. Charlie Johnson made public comment in support of Sherman Bodbeck. David Wendel made public comment in support of Bill Huddleston

25801 DISCUSSION AND ACTION TO FILL A VACANCY IN THE OFFICE OF THE HAYS COUNTY SHERIFF UNDER CHAPTER 87, SUBCHAPTER D OF THE TEXAS LOCAL GOVERNMENT CODE [T1-365]

Judge Sumter spoke of the court requesting additional time for consideration last week. She spoke of executive session notice that was given. Commissioner Conley felt like all discussions should be in open session. Special Counsel Mark Kennedy spoke of Texas Government Code Section 551.074 that provides for a closed executive session – the majority of the court can vote to have an executive session. Commissioner Barton thanked the officers in the Sheriff's Department that continue to do their job and he gave his condolences to the family and friends of Sheriff Bridges. He spoke of criteria he is looking for in this position. Commissioner Conley spoke in support of an appointment from within the department. He stated that, for the record, the Republican Party has not made an endorsement for this position. Commissioner Ford spoke of interest in the position and she would like to see all deliberation in open court. Commissioner Ingalsbe spoke of sensitive information that may need to be in executive session but she would like the majority of the discussion to be in open meeting. She advised that she is ready and would like to make a decision as quickly as possible. [T1-853] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to appoint Tommy Ratliff to the office of Hays County Sheriff and to recognize that this appointment will become effective immediately, to run through the remainder of the current term, and will continue until the next general election in 2010.** Commissioner Barton suggested that a short executive session be held to consider sensitive information before taking a vote. Commissioner Ford spoke in support of appointment of Tommy Ratliff. Judge Sumter spoke of all the candidates being well qualified. Commissioner Conley spoke of having been very involved in the Sheriff's Department over the last four years. He feels like the appointment should be made from within the department. [T1-1340] A motion was made by Commissioner Barton to lay the existing motion on the table to allow the court to convene into executive session to discuss background material regarding candidates. MOTION DIED FOR LACK OF A SECOND. Judge Sumter, Commissioner Conley, and Commissioner Barton spoke. **Commissioner Ford, Commissioner Barton, Commissioner Ingalsbe, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 22, 2008.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF DECEMBER A.D., 2008, 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Clerk's Note: Commissioner Conley was not present when the meeting was called to order.

Commissioner Ford led the court in a moment of silence in recognition of our troops and the holiday season and led the court in the Pledge of Allegiance to the flags.

SWEARING IN OF NEW SHERIFF
Judge Sumter swore in new Sheriff Tommy Ratliff and he gave a brief public statement.

Judge Sumter called the meeting to order.

PUBLIC COMMENT
Brian Watson made public comment regarding appointment of Sheriff Tommy Ratliff.

25802 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of $711,106.42 for December 23, 2008 disbursements and in the amount of $812,149.92 for December 30, 2008 disbursement as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley was not present for vote. MOTION PASSED

25803 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 16, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of December 16, 2008 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley was not present for vote. MOTION PASSED

25804 AUTHORIZE COUNTY JUDGE TO EXECUTE AMENDMENT EXTENDING CONTRACT TERMINATION DATE FOR CAPCOG GRANT 08-12-G16 FOR RECYCLING CENTER

A grant contract extension was requested from CAPCOG to allow for more time to find a suitable property for the recycling center. A contract amendment has been issued extending the expiration date to April 30, 2009. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize County Judge to execute amendment extending contract termination date for CAPCOG Grant 08-12-G16 for Recycling Center. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley was not present for vote. MOTION PASSED**

25805 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON RICH LANE [T1-168]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borcherding gave staff recommendation to establish a stop sign on Rich Lane at Turnersville Road, CR 106, and set a speed limit of 30 MPH. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to establish traffic regulations on Rich Lane consisting of a stop sign on Rich Lane at Turnersville Road CR 106 and set a speed limit of 30 MPH. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley was not present for vote. MOTION PASSED**

25806 HOLD A PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGN) ON THE NEW PARK ROAD AT THE FIVE MILE DAM SOCCER COMPLEX [T1-177]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borcherding gave staff recommendation to establish a stop sign at the intersection of the new Park Road and Old Stagecoach Road as one is exiting the Five Mile Dam Park. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to establish traffic regulations of a stop sign on the new Park Road at the Five Mile Dam Soccer Complex. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley was not present for vote. MOTION PASSED**

25807 APPROVE THE TAKINGS IMPACT ASSESSMENT PREPARED BY GRANT JACKSON/NAISMITH ENGINEERING WITH REGARD TO THE PROPOSED DEVELOPMENT REGULATIONS [T1-191]

Grant Jackson (Naismith Engineering) spoke of action needed**. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the Takings Impact Assessment prepared by Grant Jackson/Naismith Engineering with regard to the proposed Development Regulations and approve for public notice. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present for vote. MOTION PASSED.**

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Special Counsel to work with Grant Jackson for language of public notice and to publish public notice on December 28, 2008 or January 4, 2009 in the San Marcos Daily Record and Holley Media. Commissioner Barton abstained from voting on grounds of conflict of interest. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present for vote. MOTION PASSED.

Clerk's Note: Commissioner Conley came to the meeting at this time. He apologized to the court for being late due to family circumstances.

Clerk's Note: Agenda Item #12 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A 381 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND HEB GROCERY COMPANY "PROJECT MUNCH"* **was PULLED. No discussion and no action taken.**

25808 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO THE CONTRACT WITH WESTAR CONSTRUCTION FOR A WATER SERVICE CONNECTION, IN THE AMOUNT OF $5,700.00 [T1-381]

Grants Administrator Jeff Hauff spoke. The change order is needed for a connection to an existing water line in the Blanco Vista Subdivision to run water service to the park for irrigation and public use. The point of connection was mislocated on the original plans due to discrepancies between plans on file with the subdivision and the actual termination point as verified by field investigations. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute Change Order #1 to the contract with Westar Construction for a water service connection, in the amount of $5,700.00. All voting "Aye". MOTION PASSED**

25809 APPOINT 10 MEMBERS TO A CITIZEN COMMITTEE TO LOOK AT DIFFERENT LOCATIONS WITHIN THE COUNTY TO HOUSE A SHOOTING SPORTS COMPLEX

[T1-415] Stephen Marlow spoke. Commissioner Barton suggested an appointee from each member of the court. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Stephen Marlow, J. B. Kolodzey, Herman Waters, Willy T. Ribbs, and Tomas Mijares to a 10 member citizen committee, with final appointments to be made at the January 13, 2009 meeting, to look at different locations within the County to house a shooting sports complex. All voting "Aye". MOTION PASSED**

25810 ACTION REGARDING DISABILITY BENEFITS AND CONDITIONS FOR COUNTY EMPLOYEES AND GENERAL COUNTY POLICIES REGARDING MEDICAL DISABILITY, DISABILITY BENEFITS, AND DISABILITY RETIREMENT [T1-673]

Commissioner Barton spoke of standards for county retirement and medical coverage offered to retirees. He spoke of employee Terry Johnson who qualifies for disability requirement but does not qualify for retiree medical coverage of $150 per month under county policy. He spoke of various options and possible variance to county policy. He suggested using the Texas A&M rule of one month of coverage for every year of service. Discussion was had regarding other options available for this employee It was agreed that the county insurance committee needs to look at possible changes for disability retirement. [T1-1191] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to ask Human Resources and County Treasurer to work up guidelines based on this premise, that we allow anyone who is determined to have a medical disability, between now and the time the insurance committee takes this issue up, and who also meets at least 8 years of continuous fulltime service with Hays County to be eligible for same benefits ($150 per month premium) as an employee eligible to retire under the Rule of 75 and based on the A&M Rule – one month of credit for each year of service – and this policy would expire as soon as the insurance committee has deliberated the issue and either confirms or amends the current policy – years of service to be rounded off, up or down, in half years. Commissioner Barton, Commissioner Ford, and Commissioner Conley voting "Aye". Commissioner Ingalsbe and Judge Sumter voting "No". MOTION PASSED**

DISCUSSION REGARDING APPOINTMENT OF GLORIA WHITEHEAD, MAYOR OF THE CITY OF WOODCREEK, AS THE SMALL CITY REPRESENTATIVE TO CAMPO [T1-1324]

Judge Sumter suggested appointment of Gloria Whitehead, Mayor of the City of Woodcreek. Commissioner Ingalsbe spoke of six other Mayors that have indicated that they would like to have Mayor Gonzales continue to serve on CAMPO. Court agreed that they would like for all eleven cities to participate in recommending a small city representative to CAMPO. No action was taken.

25811 PARTNER WITH THE CITY OF SAN MARCOS ON A COMPREHENSIVE ECONOMIC DEVELOPMENT PLAN [T1-1512]

Amy Madison, San Marcos Economic Development Director, spoke of putting together a comprehensive economic development plan between Austin and San Antonio. Four proposals are being considered by the SMED Board. Partners in the plan are EDSM Board, City of San Marcos, San Marcos Chamber of Commerce, Central Texas Medical Center – pending partnerships are: Gary Job Corps, Texas State University, San Marcos CISD, and Hays County. They are also seeking partnership from Caldwell County and City of Lockhart. She is requesting $25,000 from Hays County. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to partner with the City of San Marcos on a Comprehensive Economic Development Plan with a commitment of $25,000 from contingency funds and with Commissioner Conley and Commissioner Ingalsbe to be stakeholders in the process. All voting "Aye". MOTION PASSED**

25812 APPROVE FUNDS FOR CONSTRUCTION OF JP BENCH FOR NEW PRECINCT OFFICE [T1-1838]

The bench in the courtroom at the current location is not moveable and it is proposed that the new bench will be built by the building maintenance department on site to meet ADA specifications. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve funds for construction of Justice of the Peace bench for new precinct office in an amount not to exceed $3,000 from the building fund. All voting "Aye". MOTION PASSED**

25813 AUTHORIZE COUNTY JUDGE AND SPECIAL COUNSEL TO EXECUTE AN INTERLOCAL AGREEMENT WITH TEXAS PARKS AND WILDLIFE FOR KARST STUDY GRANT AND TO NEGOTIATE A SERVICE CONTRACT WITH ZARA ENVIRONMENTAL LLC TO FULFILL THE SCOPE OF SERVICES SET FORTH IN THE INTERLOCAL AGREEMENT [T1-1883]

Grants Administrator Jeff Hauff explained the need for an interlocal agreement. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize County Judge to execute an Interlocal Agreement, on approval by Special Counsel, with Texas Parks and Wildlife for karst study grant and to negotiate a service contract with Zara Environmental LLC to fulfill the scope of services set forth in the Interlocal Agreement to include a discretionary exemption. **Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

25814 [08-2-54 – 2 Lots] **BLANCO RIVER ESTATES, REPLAT OF LOT 50 & 51 WAIVE PRELIMINARY PLAN AND PUBLIC HEARING AND ACCEPT FINAL PLAT** [T1-1958]

Subdivision Coordinator Clint Garza gave staff recommendation for this replat. The proposed replat will adjust the lot line between the two lots and will ad .14 acres to lot 51. Because this is a simple lot line adjustment the owners would like a waiver of preliminary plan an public notification, pursuant to Hays County Subdivision Regulations Article XI, 11.3. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive preliminary plan and public hearing and accept final plat of Blanco River Estates Replat of Lots 50 & 51. All present voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 23, 2008.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31ST DAY OF DECEMBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS: THE FOLLOWING WERE NOT PRESENT JEFFERSON W. BARTON COMMISSIONER, PCT. 2 AND WILL CONLEY COMMISSIONER, PCT. 3.

25815 **RESCIND PRIOR ACTION OF COMMISSIONERS COURT TAKEN ON OR ABOUT OCTOBER 14, 2008, APPOINTING TOMMY RATLIFF TO JUSTICE OF THE PEACE FOR PRECINCT 5** [T1-5]

A motion was made by Judge Sumter seconded by Commissioner Ford to rescind prior action of Commissioners Court taken on or about October 14, 2008, appointing Tommy Ratliff to Justice of the Peace for Precinct 5. All voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 31, 2008.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF JANUARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Rev. Santiago Heredia, El Buen Pastor Church in San Marcos, gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

25816 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payments of county invoices in the amount of $500,596.57 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25817 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 22 & 23, 2008

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of December 22 & 23, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25818 APPROVE AWARD OF BID #2009-B05R "RE-BID FOR LIGHTBARS FOR SHERIFF'S DEPARTMENT TO PROJECT RESPONDER PUBLIC SAFETY EQUIPMENT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve award of Bid #2009-B05R "Re-Bid for Lightbars for Sheriff's Department to Project Responder Public Safety Equipment". All voting "Aye". MOTION PASSED

25819 APPROVE AWARD OF BID #2009-B07 "CARPET AND FLOOR CARE COUNTYWIDE" TO HILL COUNTRY CARPET

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve award of Bid #2009-B07 "Carpet and Floor Care Countywide" to Hill Country Carpet. All voting "Aye". MOTION PASSED

25820 APPROVE BUDGET AMENDMENT #09-02 FOR GENERAL FUND

Amendments: Sheriff's Dept. = $1,650 transfer for replacement tasers deemed equipment rather than supply. Historical Commission = $3,000 donation accepted for computer, scanner and software. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Budge Amendment #09-02 for General Fund. All voting "Aye". MOTION PASSED**

25821 RE-APPOINT BOB LOVE AND MYRON YOSHIOKA TO THE ESD #6 BOARD OF DIRECTORS FOR A TWO-YEAR TERM RETRO-ACTIVELY EFFECTIVE JANUARY 1, 2009

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to re-appoint Bob Love, Myron Yoshioka to the ESD #6 Board of Directors for a two-year term retroactively effective January 1, 2009. All voting "Aye". MOTION PASSED

25822 APPROVE OFFICIAL BONDS FOR COUNTY OFFICIALS: SHERIFF, TAX ASSESSOR, COMMISSIONERS PCT. 1 AND PCT. 3, CONSTABLES PCT. 1-5 AND JUSTICE OF THE PEACE PCT 1, PLACE 1

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Official Bonds for County Officials: Sheriff, Tax Assessor, Commissioners Pct. 1 and Pct. 3, Constables Pct. 1-5 and Justice of the Peace Pct. 1, Place 1. All voting "Aye". MOTION PASSED

25823 ALLOW COMMISSIONERS FORD AND BARTON TO REFINE THE RFQ AND APPROVE SPECIFICATIONS FOR RFQ #2009-P05"PROFESSIONAL/ENGINEERING SERVICES FOR HAYS COUNTY ROAD BOND PROJECTS" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

[T1-57] Commissioner Ford and Commissioner Barton suggested changes in the RFQ. **A motion was made by Commissioner Ford, seconded by Judge Sumter to allow Commissioner Ford and Commissioner Barton to work with Jerry Borcherding to refine the final RFQ and approve specifications for RFQ #2009-P05 "Professional/Engineering Services for Hays County Road Bond Projects" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED**

25824 [08-4-04 – 2 LOTS] **CHRISTAL MOUNTAIN SUBDIVISION APPROVE FINAL PLAT** [T1-270]

RPTP Director Jerry Borcherding gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Final Plat for "Christal Mountain Subdivision". All voting "Aye". MOTION PASSED**

25825 CALL FOR LOCAL OPTION ELECTION TO BE HELD ON MAY 9, 2009, IN JUSTICE PRECINCT 3 [T1-334]

Elections Administrator Joyce Cowan spoke of petitions received exceeding the required number of signatures to call for an election. Issue to be voted on: The Legal Sale of All Alcoholic Beverages Including Mixed Beverages. **A motion was made by Judge Sumter, seconded by Commissioner Conley to call for Local Option Election to be held on May 9, 2009, in Justice Precinct 3. All voting "Aye". MOTION PASSED**

25826 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A 381 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND H.E.B. GROCERY COMPANY "PROJECT MUNCH" [T1-530]

Amy Madison gave a powerpoint presentation. H.E.B. is requesting a 20 year Chapter 381 Economic Development Agreement. The agreement provides 100% rebate of real property tax for each of six planned expansions. The project adds an additional 750,000 sq. ft. doubling the current size of their facility. The project adds 320 new full-time jobs and retains 534 jobs for a total of 854 jobs. The City of San Marcos has approved their agreement. Mike Mims spoke of H.E.B.'s contributions to the community and partnerships. Discussion was had regarding wages and benefits. Special Counsel Mark Kennedy spoke of minor edits that need to be made to the agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a 381 Economic Development Agreement between Hays County and H.E.B. Grocery Company "Project Munch" upon final review and edits to be made by Special Counsel Mark Kennedy. All voting "Aye". MOTION PASSED**

25827 APPROVE THE SELECTION OF HEJL, LEE & ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT FUNDED UNDER THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM [T1-1435]

Grants Administrator Jeff Hauff spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the selection of Hejl, Lee & Associates, Inc. for engineering services for the Cedar Oak Mesa Water System Improvement Project funded under the Texas Community Development Block Grant Program. All voting "Aye". MOTION PASSED**

25828 APPROVE BUDGET INCREASE FOR CONSULTANTS IN RELATION TO DEVELOPMENT OF HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN: LOOMIS-PARTNERS, INC. FOR $62,000 AND SMITH/ROBERTSON FOR $25,000

[T1-1490] Commissioner Conley suggested that funding come out of the LCRA fund – line item #25-457-5301. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve budget increase for consultants in relation to development of Hays County Regional Habitat Conservation Plan: Loomis-Partners, Inc. for $62,000 and Smith/Robertson for $25,000. All voting "Aye". MOTION PASSED**

25829 APPROVE THE PURCHASE OF TWO TRAFFIC COUNT/TRAFFIC STUDY DEVICES FOR THE ROAD & BRIDGE DEPT. FROM TIMEMARK, INC. FOR AN AMOUNT NOT TO EXCEED $2,948.75 [T1-1642]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the purchase of two traffic county/traffic study devices for the Road & Bridge Dept. from Timemark, Inc. for an amount not to exceed $2,948.75 and amend budget as recommended by County Auditor [transfer funds from line item #03-438-5454 into #03-438-5719]. All voting "Aye". MOTION PASSED

25830 ESTABLISH A POLICY FOR APPOINTMENT OF AN ELECTED OFFICIAL TO REPRESENT A SMALL CITY TO CAMPO [T-1864]

Discussion was had regarding small city appointment to CAMPO. The City of San Marcos already has a seat on the board. [T1-2308] **A motion was made by Judge Sumter, seconded by Commissioner Ford to establish a policy for appointment of an elected official to represent a small city to CAMPO as follows: appointments are for 2 years (except for appointments made this year which will expire December 31, 2009), a call to go out to all cities for interest in making a nomination, appointment to be made for one representative and one alternate. All voting "Aye". MOTION PASSED**

25831 APPOINT WILLY WISKO TO THE HAYS COUNTY ESD #6 BOARD OF DIRECTORS TO SERVE A TWO-YEAR TERM RETROACTIVELY EFFECTIVE JANUARY 1, 2009

[T1-2549] **A motion was made by Commissioner Ford, seconded by Commissioner Barton to appoint Willy Wisko to the Hays County Emergency Services District #6 Board of Directors to serve a two-year term retroactively effective January 1, 2009. All voting "Aye". MOTION PASSED**

25832 AUTHORIZE THE COUNTY TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF BUDA, TEXAS FOR THE DEDICATION OF PARK BOND FUNDS TO THE STAGECOACH PARK PROJECT [T1-2562]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County to execute an Interlocal Agreement with the City of Buda, Texas for the dedication of Park Bond Funds to the Stagecoach Park Project. All voting "Aye". MOTION PASSED

25833 AUTHORIZE THE COUNTY JUDGE TO EXECUTE PROFESSIONAL SERVICE AGREEMENT ADDENDUM #2 FOR THE COUNTY'S CONTRACT WITH PBS&J REGARDING THE DESIGN OF A HAYS COUNTY GOVERNMENT COMPLEX; AND TO RATIFY THE EXECUTION OF PROFESSIONAL SERVICE AGREEMENT ADDENDUM #1 [T1-2585]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute Professional Service Agreement Addendum #2 for the County's contract with PBS&J regarding the design of a Hays County Government Complex; and to ratify the execution of a Professional Service Agreement Addendum #1. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Ford voting "Aye". Commissioner Conley and Judge Sumter voting "No". MOTION PASSED

25834 AUTHORIZE THE HAYS COUNTY DISTRICT ATTORNEY TO HIRE AN ASSISTANT DISTRICT ATTORNEY AT A SALARY THAT IS GREATER THAN THE MINIMUM SALARY IN THAT POSITION'S RANGE [T1-2977]

Special Counsel Mark Kennedy spoke of candidate that has been identified for hire and request is for a salary equivalent to the Assistant DA that resigned. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the Hays County District Attorney to hire an assistant District Attorney at a salary of $64,950 that is greater than the minimum salary in that position's range. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner voting "Aye". Judge Sumter was not present for vote. MOTION PASSED**

DISCUSSION TO CONSIDER COMMISSIONERS COURT SCHEDULING FOR THE MONTH OF JANUARY AND THROUGHOUT THE SPRING [T1-3274]

Discussion was had regarding scheduling for the month of January and throughout the spring. Discussed taking a break on January 20th for Presidential Inauguration.

Court convened into closed executive session at 12:20 p.m. and reconvened into open meeting at 12:40 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE HAYS COUNTY DETENTION CENTER PURSUANT TO CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING MELISSA & JERRY SHINN PURSUANT TO CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 6, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF JANUARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Human Resources Director Dee Dee Baen introduced new county employees. Pastor Paul Bunton of Abundant Life Christian Church gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

CEREMONIAL SWEARING IN OF ALL NEWLY ELECTED OFFICIALS TO HAYS COUNTY

District Judge Bill Henry swore in the following newly elected officials: Sheriff Thomas E. Ratliff, Commissioner Pct. 1 Debbie Gonzales Ingalsbe, Commissioner Pct. 3 Will Conley, Tax Assessor-Collector Luanne Caraway, JP Pct. 1 Place 1 Jo Anne Prado, Constable Pct. 1 David Peterson, Constable Pct. 2 James Kohler, Constable Pct. 4 Ron Hood, and Constable Pct. 5 Matt Mancillas.

25835 ADOPT A PROCLAMATION DECLARING JANUARY 19, 2009 AS DR. MARTIN LUTHER KING, JR. DAY [T1-112]

Harvey Miller spoke of events to be held on Martin Luther King Jr. Day. **A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation declaring January 19, 2009 as Dr. Martin Luther Kind, Jr. Day. All voting "Aye". MOTION PASSED**

PRESENTATION BY CONSTABLE DAVID PETERSON, PRECINCT 1 [T1-168]

Constable Pct. 1 David Peterson spoke of work performed by constables and he spoke of his current staff. Constable Peterson provided figures on warrants and civil process that has been served by his office (reporting period: April 1, 2008 – December 31, 2008). He spoke of other assistance provided by his department (funeral escorts, bailiff for JP court, and public/information calls).

PRESENTATION BY JEFF HAUFF REGARDING THE GRANTS DEPARTMENT

[T1-337] Grants Administrator Jeff Hauff spoke of goals for the grant department, active grant projects, (41 active grants = $4,066,836), three pending grant applications, project management, committee participation, park bond projects (total funding commitments to date = $21,156,836), and future direction.

PUBLIC COMMENT

[T1-605] David Glenn made public comment regarding water availability during extreme drought.

25836 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices as submitted by the County Auditor in the amount of $616,852.23 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25837 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 31, 2008 AND JANUARY 6, 2009

Commissioner Ford requested correction to Resolution #25834: add "Ford" to votes cast. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of December 31, 2008 and January 6, 2009 as presented by the County Clerk with correction to Resolution #25834. All voting "Aye". MOTION PASSED**

25838 APPROVE RENEWAL MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN RED CROSS OF CENTRAL TEXAS

This MOU defines a working relationship with Red Cross and Hays County in preparing for and responding to certain disaster situations. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal Memorandum of Understanding with the American Red Cross of Central Texas. All voting "Aye". MOTION PASSED**

25839 APPROVE THE OCTOBER 2008 TREASURER'S REPORT & INVESTMENT REPORT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the October 2008 Treasurer's Report & Investment Report. All voting "Aye". MOTION PASSED

25840 [69 LOTS] **PUBLIC HEARING AND ACTION TO CANCEL A PORTION OF WOODCREEK SECTION 25 AND APPROVE PRELIMINARY PLAN FOR** [08-3-48 – 146 LOTS] **THE RIDGE AT WIMBERLEY SPRINGS** [T1-688]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation for approval. Section 25 consists of 266 lots and this cancellation will vacate 69 of those lots from subdivision back to acreage. The total acreage being removed is 19.1 acres. Commissioner Conley spoke of this being an existing subdivision. Winton Porterfield appeared representing Wimberley Springs Partners Ltd. and Engineer Tracy Bratton (Loomis Partners Inc.) spoke of density issues and improvements that will be made. Winton Porterfield spoke of moving density from the creek/recharge zone, 10 acres of walking trails, and deed restrictions to encourage rainwater collection and conservation. Public comment was made by John Seib Jr. (Attorney for Hill Country Ranches POA), Susan Cook, Maurice Guimont, Steve Thurber, Janet Acord, Alex Broun (Hays Trinity Groundwater District), Jim McMeans (Citizens Alliance for Responsible Development), Jack Hollon (Hays Trinity Groundwater District & Wimberley Valley Watershed Assoc.), Jack O'Reilly, Larry Calvert, Charlott Chapman, Cheryl Fillekes (geophysicist), and Kent Acord. Commissioner Conley spoke of efforts being made to address water conservation and availability. Discussion was had by the court regarding current regulations and new subdivision regulations coming forward, property owner's rights, mandatory rainwater collection, concerns regarding Aqua Texas, and responsibilities of Hays Trinity Groundwater Conservation District. [T1-2800] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to cancel a portion of Woodcreek Section 25, being Lots 1-44, 49-59, & 145-157; to approve preliminary plan for "The Ridge at Wimberley Springs"; and should the Ridge at Wimberley Springs Subdivision not be approved for final plat within thirty-six (36) months, that the cancellation of Woodcreek Section 25 Lots 1-44, 49-59, and 145-157 be rescinded. All voting "Aye". MOTION PASSED**

25841 ACCEPT A SMACK-DOWN CHALLENGE FROM THE PCT 4 BOWLING TEAM FOR TOP TEAM SCORE AND MOST MONEY RAISED AT THE 2009 BIG BROTHERS BIG SISTER, HAYS COUNTY BOWL FOR KIDS SAKE, SATURDAY, FEBRUARY 7 FROM 11 AM TO 1 PM [T1-200]

Aileen Hays from Big Brothers Big Sisters spoke of bowling event to be held on February 7th at Sunset Bowling Lanes in San Marcos (Marde Gras Theme) and she spoke of fundraisers being used to provide scholarships, etc. for the kids. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept a smack-down challenge from the Pct 4 bowing team for top team score and most money raised at the 2009 Big Brothers Big Sister, Hays County Bowl for Kids Sake, Saturday, February 7 from 11 AM to 1 PM. All voting "Aye". MOTION PASSED**

PRESENTATION AND REVIEW OF CITIZENS COMMITTEE REPORT ELECTED OFFICIALS COMPENSATION SURVEY [T-355]

Commissioner Barton gave background information regarding elected officials compensation survey. Katherine Ray (Ray Associates) spoke of members on the committee: 2 citizens, Kyle Asst. City Manager, Hays ISD Asst. Superintendent, Buda Chamber of Commerce President, Texas State University Professor, and C-Fan Human Resources Manager and counties that were used: Bastrop County, Brazoria County, Comal Count, Denton County, Ellis County, Fort Bend County, Guadalupe County, McLennan County, Montgomery County, and Williamson County. She explained the methodology and recommendations.

DISCUSSION OF HAYS COUNTY PARTICIPATION IN TEXHEALTH CENTRAL TEXAS, NONPROFIT REGIONAL HEALTH COVERAGE PROGRAM FOR SMALL EMPLOYERS. [T2-1011]

Ann Kitchen, Executive Director of Integrated Care Collaboration, spoke of offering a basic low-cost health plan for small employers. Would attract economic development in the area. She explained liabilities and risks. Funds are being requested from Burnet, Hays, Travis and Williamson counties for start-up funds. Hays County funding would be $32,550 (1st year), $36.401 (2nd year), and $18,620 (3rd year) – a total cost of $87,571.

25842 [08-3-4– 1 LOT] **VACATE A PORTION OF LOT 1 AND APPROVAL FINAL PLAT OF RESUBDIVISION OF EL REGALO DE LA PAZ LOT 1, CREATING LOT 1-A** [T2-1900]

Subdivision Coordinator Clint Garza gave staff recommendation for final approval. This is a 3 acre lot being replatted into a 2.5 acre lot by vacating 0.5 acre into the parent tract of 22.838 acres. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to vacate a 0.5 acre portion of Lot 1, creating Lot 1-A, and approve final plat of "Resubdivision of El Regalo De La Paz Lot 1". All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #10 RE: *REVIEW AND/OR MODIFY THE CITIZENS PARK ADVISORY TEAM (CPAT) CHARGE* **was PULLED.**

25843 **ACCEPT RESIGNATION OF RANDY VAN CAMP AND APPOINT RODNEY WHITE TO FILL THE UNEXPIRED TERM ON THE HAYS COUNTY ESD #1 BOARD** [T2-1940]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept resignation of Randy Van Camp and appoint Rodney White to fill the unexpired term which ends December 31, 2009 on the Hays County ESD #1 Board. All voting "Aye". MOTION PASSED

25844 **HIRE A COMMUNICATIONS SPECIALIST ABOVE THE MINIMUM** [T2-1953]

Human Resources Director Dee Dee Baen requested permission to hire an individual for position of Communications Specialist at a salary above minimum in the amount of $52,000 to be effective February 1, 2009 (43rd percentile). **A motion was made by Commissioner Ford, seconded by Commissioner Barton to hire a Communications Specialist above the minimum at a salary of $52,000 with effective hire date of February 1, 2009. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

DISCUSSION REGARDING ECONOMIC NEGOTIATIONS RELATED TO THE POSSIBLE LOCATION OF A DISTRIBUTION CENTER FOR U.S. FOOD SERVICE IN THE UNINCORPORATED AREA OF THE COUNTY, EAST OF BUDA [T2-2096]

Commissioner Barton spoke of presentation previously made to the court by U.S. Food Service and issues that have come up regarding traffic concerns.

FORMULATE AND ADOPT A POLICY AND/OR PROCEDURE TO FILL THE VACANCY OF JUSTICE OF THE PEACE, PRECINCT 5 [T2-2334]

Commissioner Conley felt like non-countywide positions should be handled by the Commissioner of that area and countywide positions should be handled by the entire court. Commissioner Ford spoke of need for standard criteria for consideration of vacant elected official positions. Commissioner Barton spoke of heightened interest in appointed positions and he would like to lay out a process. Commissioner Ingalsbe felt like the Commissioner should take the lead in an appointment in their precinct. Commissioner Barton spoke of committee he has put together to look at applicants

Clerk's Note: Agenda Item #18 RE: *PRESENTATION FROM LEADERSHIP SAN MARCOS* **was PULLED.**

Clerk's Note: Agenda Item #19 RE: *PRESENTATION BY SALLY BRANNON WITH EARTHKEEPER EROSION & SEDIMENT CONTROL WITH DISCUSSION AND POSSIBLE ACTION TO FOLLOW IN COURT* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 13, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF JANARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, HAD SCHEDULED A SPECIAL MEETING AND THE FOLLOWING MEMBERS APPEARED:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

COUNTY JUDGE ELIZABETH "LIZ" SUMTER,; COMMISSIONER PRECINCT 2 JEFFERSON W. BARTON; AND COMMISSIONER PRECINCT 3 WILL CONLEY.

THE MEETING WAS NOT CALLED TO ORDER BECAUSE THE REQUIRED QUORUM WAS NOT PRESENT TO HOLD AN OFFICIAL MEETING REGARDING THE FOLLOWING POSTED ITEM:

PROJECTWISE TRAINING - SOFTWARE TRAINING FOR TRACKING THE PROGRESS OF ROAD BOND PROJECTS. Christen Eschberger and Jenie Flores of HNTB did provide training on the Projectwise Software to various county staff, Commissioner Ingalsbe, Commissioner Ford, and others in attendance.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 15, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF JANUARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

MAINTENANCE DEPARTMENTAL PRESENTATION TO THE COURT BY RON KNOTT

Maintenance Supervisor Ron Knott gave a presentation regarding the responsibilities of the county maintenance department, staff and various projects.

25845 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of $610,153.59 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25846 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 13, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of January 13, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25847 APPROVE RE-APPOINTMENT OF COMMISSIONER INGALSBE TO THE CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) BOARD

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve re-appointment of Commissioner Ingalsbe to the Capital Area Rural Transportation System (CARTS) Board All voting "Aye". MOTION PASSED

25848 AUTHORIZE COMMERCIAL OSSF PERMIT FOR EDWARD TADDIA FOR AN AUTOMOTIVE REPAIR SHOP LOCATED AT 451 S. CANYONWOOD, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize commercial OSSF Permit for Edward Taddia for an automotive repair shop located at 451 S. Canyon wood, Dripping Springs, in Precinct 4. All voting "Aye". MOTION PASSED

25849 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUBCONTRACT AGREEMENTS WITH TEXAS STATE UNIVERSITY FOR GRANT FUNDS FOR THE COUNTY'S PARTICIPATION IN THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Subcontract Agreements with Texas State University for grant funds for the County's participation in the Advanced Law Enforcement Rapid Response Training (ALERRT) Program. All voting "Aye". MOTION PASSED

25850 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE GRANT AWARD FROM THE TEXAS JUDICIAL COUNCIL TASK FORCE ON INDIGENT DEFENSE FOR $67,100

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to accept and execute grant award from the Texas Judicial Council Task Force on Indigent defense for $67,100. All voting "Aye". MOTION PASSED

25851 APPROVE BUDGET AMENDMENT 09-03 FOR GENERAL FUND

Budget being amended: TP&W/KARST Study – Invertebrates = $63,074 to budget new grant accepted 12/16/08. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve budge amendment 09-03 for general fund. All voting "Aye". MOTION PASSED**

25852 APPROVE THE NOVEMBER 2008 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve the November 2008 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

25853 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE FY 2008 HAYS COUNTY SHERIFF'S FEDERAL FORFEITURE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept the delivery of the internal examination reports for the FY 2008 Hays County Sheriff's Federal Forfeiture. All voting "Aye". MOTION PASSED

25854 APPROVE UTILITY PERMIT #02003

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve utility permit #02003 on CR 219/Mount Sharp Road issued to PEC. All voting "Aye". MOTION PASSED

25855 APPROVE AN ADDITIONAL $2,380 FOR WATERLINE EASEMENT ON MCCARTY LANE FOR JUDY TELFORD

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve an additional $2,380 for waterline easement on McCarty Lane for Judy Telford. All voting "Aye". MOTION PASSED

25856 REAPPOINT HARRELL ROBINSON TO THE HAYS COUNTY ESD #1 BOARD OF DIRECTORS

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to reappoint Harrell Robinson to the Hays County ESD #1 Board of Directors. All voting "Aye". MOTION PASSED

25857 CALL FOR A PUBLIC HEARING ON FEBRUARY 3, 2009 TO ESTABLISH TRAFFIC REGULATIONS ON OLD BLACK COLONY ROAD, CR 147 [T1-208]

Proposed traffic regulations: Stop sign on Old Black Colony Road at Cole Springs Road and speed limit of 35 MPH. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on February 3, 2009 to establish traffic regulations on Old Black Colony Road, CR 147. All voting "Aye". MOTION PASSED**

25858 RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR CREEK ROAD RANCH SUBDIVISION, SECTION 3 [T1-220]

RPTP Director Jerry Borcherding gave staff recommendation for approval. **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 Creek Road Ranch Subdivision, Section 3. All voting "Aye". MOTION PASSED**

25859 ADOPT BYLAWS FOR AND APPOINT 5 ADDITIONAL MEMBERS TO A CITIZEN COMMITTEE TO REVIEW SITES AND LOCATIONS WITHIN THE COUNTY TO HOUSE A SHOOTING SPORTS COMPLEX [T1-244]

Court discussed action taken to form a citizen committee charged with finding a location to house the Hays County Shooting Sports Complex - five members have already been appointed and five additional members are needed. Steven Marlow provided drawings of proposed facility. Discussed land needed and possible funding sources. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to adopt By Laws for the Hays County Shooting Sports Task-Force and appoint Mark Bennet, Charles Capp, Gary Connor, Richard Gillespie, John Sanford to the citizen committee (now at 10 members) to review sites and locations within the County to house a shooting sports complex. All voting "Aye". MOTION PASSED**

25860 APPOINT MECHELLE KUTACH FOR A TWO-YEAR TERM TO THE ESD #1 BOARD EFFECTIVE JANUARY 1, 2009 [T1-815]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to appoint Mechelle Kutach for a two-year term to the ESD #1 Board effective January 1 2009. All voting "Aye". MOTION PASSED

25861 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PURCHASE AGREEMENT AND DEED CONVEYING A PORTION OF THE PROPERTY OWNED BY HAYS COUNTY AT THE CORNER OF MARTIN LUTHER KING STREET AND LBJ STREET IN SAN MARCOS, TEXAS TO THE CITY OF SAN MARCOS WITH THE STIPULATION THAT THE PROPERTY BE USED FOR THE CONSTRUCTION OF A MONUMENT HONORING LYNDON BAINES JOHNSON AND DR. MARTIN LUTHER KING, JR

[T1-832] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Purchase Agreement and Deed conveying a portion of the property owned by Hays County at the corner of Martin Luther King Street and LBJ Street in San Marcos, Texas to the City of San Marcos with the stipulation that the property be used for the construction of a monument honoring Lyndon Baines Johnson and Dr. Martin Luther King, Jr. All voting "Aye". MOTION PASSED**

25862 AUTHORIZE THE COUNTY AUDITOR AND PURCHASING DIRECTOR TO NEGOTIATE A CONTRACT WITH "NEW WORLD SYSTEMS" FOR FINANCIAL ACCOUNTING SOFTWARE [T1-913]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Auditor and Purchasing Director to negotiate a contract with "New World Systems" for financial accounting software. All voting "Aye". MOTION PASSED

25863 AUTHORIZE THE COUNTY TO SEND A LETTER OF INTENT TO PARTICIPATE IN THE TEXHEALTH CENTRAL TEXAS, NONPROFIT REGIONAL HEALTH COVERAGE PROGRAM FOR SMALL EMPLOYERS [T1-991]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County to send a letter of intent to participate in the TexHealth Central Texas, Nonprofit Regional Health Coverage Program for small employers. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING THE RFP'S FOR BOND PROGRAM MANAGER AND THE RFQ'S FOR PRE-CERTIFICATION OF DESIGN CONSULTANTS [T1-1105]

Discussion was had regarding the RFP's for Bond Program Manager and the RFQ's for Pre-Certification of Design Consultants and the selection process.

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 20, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF JANARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order.

25864 **EXECUTIVE SESSION AND ACTION TO AUTHORIZE COUNTY REPRESENTATIVES TO JOIN IN CONTESTING THE APPLICATION BY JEREMIAH VENTURE FOR A NEW TEXAS LAND APPLICATION PERMIT (TLAP), PERMIT NUMBER 1478500, CURRENTLY FILED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

The Court convened into closed executive session at 4:05 p.m. and reconvened into open meeting at 4:30 p.m.

Kirk Holland of Barton Springs Aquifer Conservation District spoke. **A motion was made by Commissioner Barton seconded by Judge Sumter to authorize our legal counsel, along with outside counsel from Lowerre, Frederick, Perales, Allmon, and Rockwell, on behalf of Hays County, to join in the contested case hearing related to a request for new Texas Land Application Permit Number WQ0014785001, filed by Jeremiah Venture LP; and to authorize the Commissioner for Precinct 2, or his designee, to be the coordinator and representative of Hays County in these matters as they proceed. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 23, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF JANUARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COMMISSIONER PCT. 3 WILL CONLEY BEING ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Tim Darnell of Hill Country Church gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

HUMAN RESOURCE DEPARTMENT PRESENTATION TO THE COURT BY DEE DEE BAEN
Human Resources Director Dee Dee Baen gave a powerpoint presentation regarding the HR department mission, goals and staff experience.

25865 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $813,438.91 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED.

25866 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 15TH & 20TH, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of January 15 & 20, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED.

25867 APPROVE RE-APPOINTMENTS OF F.H. "BUDDY" MARTIN AND SHARON O'BREIN TO THE HAYS COUNTY ESD #3 FOR ADDITIONAL TWO YEAR TERMS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve re-appointments of F.H. "Buddy" Martin and Sharon O'Brein to the Hays County ESD #3 for additional two year terms. All present voting "Aye". MOTION PASSED.

25868 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AGREEMENT WITH HEJL, LEE & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE CEDAR OAKS MESA WATER SYSTEM IMPROVEMENT PROJECT

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a contract agreement with Hejl, Lee & Associates Inc. for professional engineering services for the Cedar Oaks Mesa Water System Improvement Project. All present voting "Aye". MOTION PASSED.

25869 APPROVE RE-APPOINTMENTS OF KEN DOWNING, RON SPANGENBERG AND EDDIE GUMBERT TO ESD #4

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve re-appointments of Ken Downing, Ron Spangenberg and Eddie Gumbert to ESD #4. All present voting "Aye". MOTION PASSED.

25870 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve utility permit # 02001 on Jerrys Lane issued to PEC Inc and permit #02002 on Old Black Colony Road issued to PEC Inc. All present voting "Aye". MOTION PASSED.

25871 AUTHORIZE COMMERCIAL OSSF PERMIT FOR STEVE HARPER FOR AN AUTOMOTIVE TOWING BUSINESS LOCATED AT 141 S. CANYONWOOD, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for Steve Harper for an automotive towing business located at 141 S. Canyonwood, Dripping Springs, in Precinct 4. All present voting "Aye". MOTION PASSED.

25872 APPROVE BUDGET AMENDMENT #09-04

Budgets being amended: Sheriff's Dept. = $1,000 donation from Wal-Mart for SWAT program, Commissioner Pct. 4 $600 transfer from special projects to office equipment line item for new Pct. 4 building art work. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Budget Amendment #09-04 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED.**

25873 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR A WATER/WASTEWATER REGIONAL FACILITY PLANNING STUDY RELATED TO THE GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD FOR THIS PURPOSE [T1-272]

Special Counsel Mark Kennedy spoke of changes that were made in the agreement. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a Professional Services Agreement with HDR Engineering, Inc. for a Water/Wastewater Regional Facility Planning Study related to the grant from the Texas Water Development Board for this purpose. All present voting "Aye". MOTION PASSED.**

25874 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AGREEMENT WITH ZARA ENVIRONMENTAL LLC FOR A KARST STUDY RELATED TO THE SECTION 6 GRANT FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT [T1-313]

Special Counsel Mark Kennedy spoke of changes that were made in the agreement. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract agreement with Zara Environmental LLC for a karst study related to the Section 6 Grant from the Texas Parks and Wildlife Department. All present voting "Aye". MOTION PASSED**

25875 APPROVE THE PURCHASE OF FOUR SPEED CUSHIONS FROM CENTERLINE SUPPLY FOR THE ROAD DEPARTMENT FOR TRAFFIC CALMING MEASURES ON COUNTY ROADS IN THE AMOUNT OF $5,250.00 [T1-367]

RPTP Director Jerry Borcherding spoke of intended use on County Road 266. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the purchase of four speed cushions from Centerline Supply for the Road Department for traffic calming measures on County roads in the amount of $5,250.00. All present voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item # 12 RE*: [08-3-77 – 1 lot]* ***BURNETT RANCH SECTION 1 TRACT 3 – APPROVE THE CONVEYANCE OF A PORTION OF TRACT 3 VIA A METES AND BOUNDS DESCRIPTION WITHOUT REVISION OF THE PLAT, PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE*** **was PULLED.**

25876 ACCEPT ANNUAL RACIAL PROFILE REPORT FROM CONSTABLE PRECINCT 3

[T1-418] Constable Pct. 3 Darrell Ayres presented his annual Racial Profile Report. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept the annual racial profile report from Constable Precinct 3. All present voting "Aye". MOTION PASSED**

25877 ACCEPT EVIDENCE OF COMPLIANCE WITH LOCAL GOVERNMENT CODE 86.0021 FROM CONSTABLE PRECINCT 3

Constable Darrell Ayres spoke of requirement to provide evidence that he has been issued a Permanent Peace Officer License. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept evidence of compliance with Local Government Code 86.0021 from Constable Precinct 3. All present voting ""Aye". MOTION PASSED.**

DISCUSSION REGARDING DIRECTION FOR HAYS COUNTY'S RECYCLING PROGRAM [T1-565]

Recycling/Parks Director Jerry Pinnix provided recycling figures for 2008 – the recycling market has taken a downturn. He recommends continuing with recycling and stockpiling until the market changes. Discussion was had regarding need for a location for recycling in Precinct 2.

25878 APPROVE A $2,000.00 LOCAL CONTRIBUTION TO CAMPO'S FY2009 STP MM PROGRAMS AND PROJECTS [T1-1069]

Programs & Projects: Air Quality Emissions Analysis, Air Quality Education, Outreach and Voluntary Emissions Reduction Program, Commute Solutions, Digital Aerial Photographs, Modeling Best Practices, Model Improvements, and Public Outreach Program. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve a $2,000.00 local contribution to CAMPO's FY2009 STP MM programs and projects from contingency funds. All present voting "Aye". MOTION PASSED**

25879 APPOINT A "SMALL CITY" REPRESENTATIVE AND AN ALTERNATE TO CAMPO

[T1-1185] Judge Sumter spoke of input received from various cities throughout the county. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to appoint Kyle Mayor Mike Gonzalez as a "Small City" representative and Village of Wimberley Mayor Pro-tem/Council Member Bob Flocke as Alternate to CAMPO for a one year term (to expire December 31, 2009) and for the court to consider thereafter a term of two years. All present voting "Aye". MOTION PASSED**

25880 AUTHORIZE FUNDING FOR ADDITIONAL APPLICANTS UNDER THE COUNTY COMMUNITY AND SOCIAL SERVICE AGENCY GRANT PROGRAM [T1-1253]

During an August 8, 2008 workshop, the Commissioners Court reviewed and allocated funding to Community and Social Service agencies based upon a formal application process for funding. Two additional agencies have recently requested funds through the grant application process set up for this program. A portion of the funds made available through the program was reserved during the budget process. A committee was established to review the initial applications and provide recommendations to the Court. Grants Administrator Jeff Hauff gave recommendations by the committee: $5,000 for Big Brothers/Big Sisters and $5,000 for PALS (Prevent a Litter). Discussion was had regarding the process and need for more information. Commissioner Ford suggested allocating $2500 to each of these organizations and encourage them to come back for additional funds later in the year. Court will put out a call for other interested organizations. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize funding in the amount of $2,500 each for additional applicants Big Brothers/Big Sisters and PALS under the county community and social service agency grant program. All present voting "Aye". MOTION PASSED**

25881 APPOINT GRANT SIBLEY TO THE HAYS COUNTY ESD #3 TO REPLACE OUTGOING MEMBER-AT-LARGE DOYLE KRUMREY [T1-1893]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to appoint Grant Sibley to the Hays County ESD #3 to replace outgoing member-at-large Doyle Krumrey. All present voting "Aye". MOTION PASSED

25882 RE-INSTATE THE CONTRACT WITH LAN AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 FOR CONTRACT ENGINEERING SERVICES WITH LAN FOR SH 21 [T1-1900]

Commissioner Ingalsbe spoke of additional services that were not in the original contract. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to re-instate the contract with LAN and authorize the County Judge to execute supplemental Agreement No. 1 for contract engineering services with LAN for SH 21. All present voting "Aye". MOTION PASSED**

25883 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATIONS #2 AND #3 WITH LAN FOR ENGINEERING SERVICES FOR SH 21 [T1-2053]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute work authorizations #2 and #3 with LAN for engineering services for SH 21. All present voting "Aye". MOTION PASSED

PRESENTATION AND REVIEW OF THE CITIZENS PARKS ADVISORY TEAM CHARGE AND FUTURE DIRECTION [T1-2070]

Grants Administrator Jeff Hauff gave a brief history of CPAT. On May 12, 2007 voters approved the issuance of $30,000,000 of tax bonds for parks, natural areas, open space, and related projects, and the preservation of water quality, aquifer recharge areas, and wildlife habitat. A Citizens Parks Advisory Team (CPAT) was created and bylaws were approved on August 28, 2007. A Parks & Open Space Master Plan was developed and adopted on July 20, 2006. Project selection criteria were established and total funding commitments to date is $21,156,836. He spoke of definition of "Open Space" – he feels like there is a variety of different projects out there now. Jeff Hauff spoke of current issues and direction that needs to be addressed. Several members of CPAT spoke. Suggested agenda item for the next CPAT meeting is to discuss development and delivery of items that were project priorities in June (recreation, endangered species habitat, or "landmark" project) and possibly reducing the number of members on CPAT. Commissioner Ford suggested looking at the current Master Plan.

25884 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #2 TO THE CONTRACT WITH WESTAR CONSTRUCTION, INC. FOR THE FIVE MILE DAM PROJECT, IN THE AMOUNT OF $283,100.00 [T2-370]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute change order #2 to the contract with Westar Construction Inc. for the Five Mile Dam project, in the amount of $283,100.00. All present voting "Aye". MOTION PASSED

25885 AUTHORIZE THE COUNTY JUDGE TO EXECUTE UTILITY EASEMENT DOCUMENTS AND PROVIDE PAYMENT TO PEDERNALES ELECTRIC COOPERATIVE (PEC), IN THE AMOUNT OF $7,035.75, FOR THE INSTALLATION OF UNDERGROUND ELECTRICAL SERVICE AT FIVE MILE DAM PARK [T2-399]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute utility easement documents and provide payment to Pedernales Electric Cooperative (PEC), in the amount of $7,035.75, for the installation of underground electrical service at Five Mile Dam Park. All present voting "Aye". MOTION PASSED

HAYS HISTORICAL COMMISSION PRESENTATION OF "JOURNEY TO CALIFORNIA" [T2-450]

Hays County Historical Commissioner Chair Kate Johnson spoke of their "Journey to California" and presented a video of the trip re-tracing Col. Jack C. Hays' journey from Hays County to San Francisco California where he became the first Sheriff and eventually became Surveyor General for the State of California.

PRESENTATION FROM GRANT JACKSON/NAISMITH ENGINEERING ON PROPOSED DEVELOPMENT REGULATIONS, INCLUDING (1) DISCUSSION ON CONSULTANT'S RESPONSES TO PUBLIC COMMENT AND (2) ECONOMIC CONSIDERATIONS SPECIFIC TO THE CHARRETTE EXERCISE [T2-1166]

Grant Jackson of Naismith Engineering spoke of changes made since July 2008. Grant Jackson spoke of consultants' responses to public comment and of economic considerations specific to the Charrette exercise. There was also talk of the water availability and ground withdrawal. Court agreed to continue discussion on this item next week.

25886 APPOINT A MEMBER TO SERVE ON THE BOARD OF DIRECTORS ON THE PLUM CREEK CONSERVATION DISTRICT [T3-2097]

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to appoint James Holt to serve on the Board of Directors on the Plum Creek Conservation District for a four year term. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING AN APPOINTMENT TO FILL A VACANCY FOR JUSTICE OF THE PEACE, PRECINCT 5 [T3-2120]

Commissioner Barton spoke of a short list of 10 candidates being considered. From that list there are four (4) possible candidates: Rick Norton, Connie Freeman, Scott Cary and Janette Sheldon. By next week the committee should come back with a recommendation.

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 27, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF FEBRUARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Scott Sandall, Saint John's Presbyterian Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

ELECTION DEPARTMENT PRESENTATION TO THE COURT BY JOYCE COWAN

Joyce Cowan, Election Administrator gave a brief overview of duties that her office performs. She spoke of voting 60,000 voters in the November 2008 Presidential Election. As of January 2009 we have 91,601 registered voters in Hays County. Ms. Cowan is also keeping up with the legislature and the new bills they might pass that would affect the Elections Office in the future. Joyce Cowan spoke of ending one election and starting another one. She spoke of her office dealing with 13 entities.

25887 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to approve payment of county invoices in the amount of $925,384.94 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25888 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 27, 2009

A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to approve Commissioner Court Minutes of January 27, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25889 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT WITH MRB GROUP FOR ARCHITECTURAL SERVICES FOR OFFICE SPACE FOR RPTP DEPARTMENT PER RFQ #2008-P17

A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to authorize the County Judge to execute contract with MRB Group for Architectural Services for office space for the RPTP Department per RFQ #2008-P17. All voting "Aye". MOTION PASSED

25890 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to approve utility permit #02006 on New Old Stagecoach Road issued to Westar and permit #02005 on Old Stagecoach Road (Park) issued to Westar. All voting "Aye". MOTION PASSED

25891 APPROVE PURCHASE OF A DATE/TIME STAMP FOR THE COUNTY CLERK'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to approve purchase of a Date/Time Stamp for the County Clerk's Office and amend the budget accordingly. All voting "Aye". MOTION PASSED

25892 **PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON OLD BLACK COLONY ROAD, CR 147** [T1-230]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to establish traffic regulations of a Stop Sign on Old Black Colony Road/CR 147 at Cole Springs Road/CR 148 and set a speed limit of 35 MPH on Old Black Colony Road/CR 147. All voting "Aye". MOTION PASSED**

25893 [08-3-53 – 1 LOT] **PINNICLE RIDGE ESTATES, REPLAT OF LOT 4 & 5 - WAIVE PRELIMINARY PLAN AND PUBLIC HEARING AND ACCEPT FINAL PLAT** [T1-247]

Subdivision Coordinator Clint Garza gave staff recommendation. Property owner would like to dissolve the property lines and make one lot. **A motion was made by Commissioner Conley seconded by Commissioner Ford to waive preliminary plan and accept final plat of Pinnicle Ridge Estates Replat of Lots 4 & 5. All voting "Aye". MOTION PASSED**

25894 [09-3-1 – 2 LOTS] **BIG SKY RANCH, AN AMENDED PLAT OF LOT 1 AND LOT 25 - ACCEPT PLAT AMENDMENT** [T1-261]

Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Conley seconded by Commissioner Ford to accept plat of Big Sky Ranch, an amended plat of Lot 1 and Lot 25. All voting "Aye". MOTION PASSED**

25895 [08-3-77 – 1 LOT] **BURNETT RANCH SECTION 1A TRACT 3 - APPROVE CONVEYANCE OF A PORTION OF TRACT 3 VIA A METES AND BOUNDS DESCRIPTION WITHOUT REVISION OF THE PLAT, PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE** [T1-283]

Subdivision Coordinator Clint Garza gave staff recommendation. Surveyor R.J. Pata spoke of no incentive for existing homeowners to do a subdivision plat. **A motion was made by Commissioner Conley seconded by Commissioner Barton to approve conveyance of a portion of Tract 3 via a metes and bounds description without revision of the plat, pursuant to section 232.0100 of the Texas Local Government Code. All voting "Aye". MOTION PASSED**

25896 [08-4-02 – 2 LOTS] **DRIPPING SPRINGS RANCH, REPLAT OF LOT 1A, A RESUBDIVISION OF TRACTS 1 & 2 - APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON MARCH 3, 2009** [T1-603]

Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Ford seconded by Commissioner Conley to approve preliminary plan and call for a public hearing on March 3, 2009 for Dripping Springs Ranch Replat of Lot 1A a resubdivision of Tracts 1 & 2. All voting "Aye". MOTION PASSED**

28597 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SUPPLEMENTAL AGREEMENT WITH PRIME STRATEGIES** [T1-620]

Mike Weaver of Prime Strategies spoke. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to authorize the County Judge to execute the Supplemental Agreement with Prime Strategies and to amend the contract under the fee schedule after January 1, by adding " provided that the consumer price index all workers or the equivalent, for the previous calendar year has not decreased". All voting "Aye". MOTION PASSED** Mike Weaver of Prime Strategies presented the Court with a monthly report

28598 **APPROVE REQUEST FOR REFUND OF TAXES PAID** [T1-795]

John Kimbro purchased property at a Constable sale and paid the taxes that were due. The court then set aside the sale and the property was returned to the original property owner. Mr. Kimbro is requesting refund of the taxes he paid. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to approve the request for refund of taxes paid by John Kimbro. All voting "Aye". MOTION PASSED**

25899 AWARD THE ENGINEERING DESIGN SERVICES CONTRACT FOR FM 110/SAN MARCOS LOOP TO KBR (KELLOGG BROWN & ROOT) AND AUTHORIZE COMMISSIONER INGALSBE TO NEGOTIATE A FEE PROPOSAL [T1-833]

A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to award the Engineering Design Services Contract for FM 110/San Marcos Loop to KBR (Kellogg Brown & Root) and authorize Commissioner Ingalsbe to negotiate a fee proposal. All voting "Aye". MOTION PASSED

25900 APPOINTMENT TO FILL THE JUSTICE OF PEACE, PRECINCT 5 VACANCY [T1-852]

A Citizens Committee was given a list of 17 potential candidates for JP5 positon. The Committee first narrowed their decision down to 10 and then down to 4 candidates last week. Commissioner Barton recommended the appointment of Sergeant Scott J. Cary to fill the Justice of the Peace, Precinct 5 vacancy. **A motion was made by Commissioner Barton seconded by Judge Sumter to appoint Sergeant Scott J. Cary to fill the Justice of the Peace, Precinct 5 vacancy with the effective date of February 10, 2009. All voting "Aye". MOTION PASSED**

25901 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT WITH LAND DESIGN PARTNERS TO INCREASE THE CONTRACT IN THE AMOUNT OF $59,150 FOR ADDITIONAL SERVICES RELATED TO PHASE II DESIGN/CONSTRUCTION OF THE FIVE MILE DAM PARK PROJECT [T1-1640]

A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to authorize the County Judge to execute agreement with Land Design Partners to increase the contract in the amount of $59,150 for additional services related to Phase II Design/Construction of the Five Mile Dam Park Project. All voting "Aye". MOTION PASSED

25902 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT WITH LAND DESIGN PARTNERS TO INCREASE THE CONTRACT IN THE AMOUNT OF $13,250 FOR ADDITIONAL SERVICES RELATED TO PHASE I DESIGN/CONSTRUCTION OF THE FIVE MILE DAM PARK PROJECT [T1-1690]

A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to authorize the County Judge to execute agreement with Land Design Partners to increase the contract in the amount of $13,250 for additional services related to Phase I Design/Construction of the Five Mile Dam Park Project All voting "Aye". MOTION PASSED

25903 APPROVE RESOLUTION AUTHORIZING CERTAIN INDIVIDUALS AS SIGNATORIES FOR CONTRACT DOCUMENTS ASSOCIATED WITH THE OFFICE OF RURAL COMMUNITY AFFAIRS, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AWARD FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT [T1-1759]

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve Resolution authorizing certain individuals as signatories for contract documents associated with the Office of Rural Community Affairs, Texas Community Development Block Grant Program Award for the Cedar Oak Mesa Water System Improvement Project. All voting "Aye". MOTION PASSED

25904 APPROVE OFFERING AND PAYING A SALARY WITHIN THE POSTED PAY RANGE FOR THE SENIOR PLANNER AND NURSE PRACTITIONER POSITIONS [T1-1769]

A motion was made by Commissioner Conley seconded by Judge Sumter to approve offering and paying a salary within the posted pay range for the Senior Planner and Nurse Practitioner positions. All voting "Aye". MOTION PASSED

25905 AUTHORIZE THE PURCHASE OF A LAPTOP/PRINTER FOR HUMAN RESOURCES TOTALING $2,350 AND AMEND THE BUDGET ACCORDINGLY [T1-1860]

A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to authorize the purchase of a laptop/printer for Human Resources totaling $2,350 and amend the budget accordingly. All voting "Aye". MOTION PASSED

25906 AUTHORIZE PAYROLL DEDUCTION FOR THE UNITED WAY FUNDRAISING CAMPAIGN [T1-1872]

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize payroll deduction for the United Way fundraising campaign. All voting "Aye". MOTION PASSED

25907 APPROVE MONTHLY TRAVEL ALLOWANCE, PHONE ALLOWANCE, AND PURCHASE OF A CHAIR FOR THE NEW POSITION OF SENIOR PLANNER AND AMEND THE BUDGET ACCORDINGLY [T1-2189]

A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve monthly travel allowance, phone allowance for the new position of senior planner and amend the budget accordingly. All voting "Aye". MOTION PASSED

25908 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GENERAL RELEASE WITH METLIFE [T1-2217]

A motion was made by Commissioner Barton seconded by Judge Sumter to authorize the County Judge to execute a general release with Metlife. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING THE 9/30/08 COURT APPROVED CONTRACT AMENDMENT WITH THE TRUST FOR PUBLIC LAND (TPL) FOR THE SERVICES OF SANDRA TASSELL IN LIGHT OF THE 1/27/09 DISCUSSION OF CPAT DIRECTION [T1-2299]

Commissioner Ford gave a brief overview of previous discussions concerning Sandra Tassell and CPAT.

Clerk's Note: Agenda #31 RE: *EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING LITIGATION AND/OR CONTEMPLATED LITIGATION RELATED TO INTERLOCAL AGREEMENTS FOR THE REGULATION OF SUBDIVISIONS IN EXTRA-TERRITORIAL JURISDICTIONS LOCATED IN HAYS COUNTY. ACTION MAY FOLLOW IN OPEN COURT* **was PULLED**

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO DISCUSS, DELIBERATE AND CONDUCT THE PERFORMANCE EVALUATION OF THE INTERIM DIRECTOR OF PERSONAL HEALTH [T1-2877]

Court convened into closed executive session at 1:05 p.m. and reconvened into open meeting at 2:10 p.m. **No action taken.**

DISCUSSION REGARDING ESTABLISHING COUNTY POLICIES AND PROCEDURES RELATED TO PUBLICATIONS OF NOTICE BY HAYS COUNTY [T1-2897]

Members of the Commissioners Court have, from time to time, mentioned the need to establish policies and procedures dealing with publications of notice. In order to be equitable to all newspapers of general circulation in Hays County, it is important to set procedural standards and communicate those standards to editors. Representatives of three newspapers in Hays County have expressed a willingness to take publications of notice on a rotation that is coordinated through the Hays County Purchasing Office.

DISCUSSION TO FORM A COMMITTEE(S) TO REVIEW AND RECOMMEND A ROW AGENT AND UTILITY RELOCATION AGENT TO COMMISSIONERS COURT [T1-2965]

This is posted as a follow up on the courts discussion to hire one ROW and one Utility Relocation Agent to represent the county as a whole on the road bond projects. Since the "pre-certify' engineers, etc. RFQ is due February 10th and the RFQ covered both ROW and Utility Relocation, we can utilize those responses to hire one ROW and one Utility agent/firm for the county. Commissioners discussed getting either a firm or an individual. There was also discussion of condemnation cases that occasionally come up.

DISCUSSION TO DETERMINE COURSE OF ACTION TO FINALIZE PROPOSED HAYS COUNTY DEVELOPMENT REGULATIONS WITH REGARD TO PENDING DECISIONS AND SCHEDULE FOR FINAL APPROVAL [T1-3285]

This action item was deemed necessary as a continuation of the court discussion and decision making started in our 1/27/09 workshop with Grant Jackson, Naismith Engineering. The Court had a discussion of pending decisions and actions necessary to get from here to final adoption of the new regulations by the court.

25909 **AUTHORIZE PURCHASING TO GET RFP FOR THE PURCHASE OF LEASE OF LAND AND/OR BUILDINGS FOR A PRECINCT TWO OFFICE AND ADVERTISE IN AREA WHERE PROPERTY IS LOCATED WITH AN AMOUNT NOT TO EXCEED $500** [T2-488]

A motion was made by Commissioner Barton seconded by Commissioner Conley authorize Purchasing Department to get RFP for the purchase or lease of land/or buildings for a Precinct 2 Office and advertise in area where property located with an amount not to exceed $500. All voting "Aye". MOTION PASSED

25910 **ALLOW PRECINCT 4 COMMISSIONER TO ENTER INTO NEGOTIATIONS WITH LANDSCAPE MATERIALS SUPPLIER AND INSTALLER FOR PCT 4 BUILDING IN AN AMOUNT NOT TO EXCEED $12,000** [T2-571]

Hays County, Precinct 4 was the recipient of a wonderful, pro bono landscape design from LCRA water conservation and plant expert, Elizabeth Drozda Freeman. The goal is to have the Pct. 4 office plantscape be a demonstration site for native, deer resistant and drought tolerant options. **A motion was made by Commissioner Ford seconded by Commissioner Barton to allow Precinct 4 Commissioner to enter into negotiations with Xanadu Nursery and Landscaping, Inc. for landscape materials supplier and installer for Pct 4 building in an amount not to exceed $12,000. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 FEBRUARY 3, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF FEBRUARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton led the court in a moment of silence and reflection and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Human Resources Director Dee Dee Baen introduced new employees. Judge Sumter spoke of bowling event to benefit Big Brothers Big Sisters. Judge Sumter called the meeting to order.

25911 SWEARING IN OF SCOTT CARY, JUSTICE OF THE PEACE, PRECINCT 5

Scott Cary introduced family members and friends that were present. Judge Sumter swore in Scott J. Cary as Justice of the Peace Precinct 5. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve the Bond for Justice of the Peace Pct. 5 Scott J. Cary. All voting "Aye". MOTION PASSED**

25912 AUTHORIZE PURCHASE OF VEHICLE COMPUTER DOCKING EQUIPMENT FOR INFORMATION TECHNOLOGY TO INSTALL IN SHERIFF & CONSTABLES VEHICLES AND AMEND BUDGET ACCORDINGLY [T1-138]

Jeff McGill, IT Director, spoke of option available at this time that was not available during the budget process. Budget Amendment #09-06 provides funding through budget transfers from the Sheriff and Constables 2-5 into the Information Technology Department budget. [T2-250] Judge Sumter spoke of changes in the budget amendment included in the agenda packet. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize purchase of vehicle computer docking equipment for Information Technology to install in Sheriff & Constables vehicles (33 units = $10,038) and amend budget accordingly. All voting "Aye". MOTION PASSED**

JUVENILE PROBATION DEPARTMENT AND JUVENILE DETENTION CENTER PRESENTATION TO THE COURT BY ED COOPER AND BRET LITTLEJOHN [T1-240]

Chief Probation Officer Ed Cooper gave a powerpoint presentation regarding the Juvenile Probation Department showing their mission, goals, trends and statistics, types of supervision, 2008 financial information, and programs and services. Bret Littlejohn, Administrator of the Juvenile Detention Center, gave a powerpoint presentation showing organizational chart, physical layout of the facility, services provided: detention, boot camp, juvenile intensive treatment program, sex offender residential treatment, public education provided by the John Wood Jr. Charter School, GED program, medical/dental services, psychological evaluations, psychiatric evaluations, transitional after placement services, faith based services, mentor program, Hays-Caldwell council substance abuse education, and Hays Women's Center counseling. He spoke of 63 signed contracts with other agencies, requests for placement, population figures, building repairs, and need for a new building (7 offices and 1 classroom).

DISCUSSION REGARDING THE INSTALLATION OF A GATE AT THE END OF SANDY POINT ROAD, IN PRECINCT 3 [T1-755]

Two property owners at the end of Sandy Point Road have asked permission to install a gate just beyond the point where the paved roadway ends. Edward Pope, President of Burnett Ranch POA, and his attorney Leslie M. Howe made public comment. The county's right of way ends where the pavement ends and a right of way easement extends to a back entrance to a park that is adjacent to the owner's properties. The right of way easement is not a property interest held by the county. Commissioner Conley spoke of dealing with this issue for several years. Special Counsel Mark Kennedy recommends the court take no action except to recognize that the installation of a gate beyond the paved area is not a County issue. He spoke of this originally being a private road easement (Sandy Point Road). Mr. Pope spoke of gate at the end of the unpaved portion of the road and he spoke of flooding.

PRESENTATION BY KATE JOHNSON OF THE HAYS COUNTY HISTORICAL COMMISSION REGARDING THE CAMINO REAL NATIONAL HISTORIC TRAIL [T1-1408]

Kate Johnson, Chair of the Hays County Historical Commission, spoke of the Camino Real National Historical Trail. The National Parks Service (NPS) came through and rated the area and Hays County received a rating of number 1 (CR266). She spoke of the San Marcos De Neve site. The NPS officials discovered new evidence of the upper road at a crossing on an unnamed tributary (off Main Street in Buda near Onion Creek). There are actual freight wagon tracks left in limestone rock of the creek. The HCHC will continue to work with the NPS to document the significant sites and road alignment in our county - funding is available for management studies from NPS to develop recreational opportunities along the Camino Real.

25913 APPOINT THE HAYS COUNTY HISTORICAL COMMISSION THROUGH DECEMBER 31, 2010 [T1-1619]

Proposed membership: Linda Coker, Stephanie Cruz, Jim Cullen, Bonnie Eissler, Robert Flocke, Robert Frizzell, Richard Gachot, Mary Giberson, Helena Goodson-Hauk, Dorothy Gumbert, Betty Harrison, Shelley Henry, Lu Hickey, Kate Johnson, Linda Keese, Richard Kidd, Sarah Ann Lowther, Mary Ann Mattis, Marianne Moore, Clemmie New, Zeke Palacios, LaMarr Petersen, Ofelia Vasquez-Philo, and Gary Rush. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to appoint the Hays County Historical Commission, as proposed, through December 31, 2010. All voting "Aye". MOTION PASSED**

25914 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payments of county invoices in the amount of $ 601,918.80 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25915 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 3, 2009

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Commissioner Court Minutes of February 3, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25916 AUTHORIZE THE COUNTY JUDGE TO APPROVE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR-CRIMINAL JUSTICE DIVISION FOR UP TO $10,139 FOR FY 2009-2010

The Safe and Drug Free Schools & Communities Act grant request will be used to fund the 5th year of operation for the Wimberley School Resources Officer. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to approve Resolution and submit a Grant Application to the Office of the Governor-Criminal Justice Division for up to $10,139 for FY 2009-2010. All voting "Aye". MOTION PASSED**

25917 ACCEPT AUDIT OF ESD #6 FOR THE FISCAL ENDED SEPTEMBER 30,2008

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept Audit of ESD #6 for the Fiscal ended September 30, 2008. All voting "Aye". MOTION PASSED

25918 AMEND BUDGETS OF PARK BOND FUNDS

Budget was amended to reflect allocation of $10,905,266 in Parks Bonds Series '08. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to amend Budgets of Park Bond Funds. All voting "Aye". MOTION PASSED**

25919 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT OF THE DISTRICT ATTORNEY'S OFFICE

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept the delivery of the internal examination report of the District Attorney's Office. All voting "Aye". MOTION PASSED

25920 APPROVE THE PAYMENT OF $750 TO ENVIROSOPH TECHNOLOGIES, LP TO SURVEY AN ALTERNATE LOCATION FOR AN EARLY WARNING SYSTEM LIGHT POST ON CR 1492 [T1-1647]

This early warning system light post is on the east side of the Blanco River on CR1492. In order to provide a safer "turn-around" near the river, the light post would need to be relocated to Shade Road instead. The survey would asses whether or not the new location will communicate with the electronic system. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the payment of $750 to Envirosoph Technologies, LP to survey an alternate location for an Early Warning System light post on CR 1492. All voting "Aye". MOTION PASSED**

25921 ACCEPT RECOMMENDATION OF EVALUATION COMMITTEE TO SELECT HDR FOR THE PROGRAM MANAGER/ROAD BOND PROGRAM AND AUTHORIZE COMMISSIONER FORD AND COMMISSIONER CONLEY, WITH SUPPORT FROM MARK KENNEDY, TO NEGOTIATE A CONTRACT AND BRING BACK TO COURT FOR APPROVAL [T1-1709]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept recommendation of evaluation committee to select HDR for the Program Manger/Road Bond Program and authorize Commissioner Ford and Commissioner Conley, with support from Mark Kennedy, to negotiated a contract and bring back to court for approval. All voting "Aye". MOTION PASSED

25922 CHANGE THE NAME OF TRIMBLE ROAD (CR 132) TO ROBERT S. LIGHT BOULEVARD [T1-1890]

Commissioner Barton spoke of need to change the road name on CR132. There is only one property owner on this road. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to change the name of Trimble Road (CR 132) to Robert S. Light Boulevard. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #15 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF WIMBERLEY, TEXAS FOR THE MAINTENANCE OF ROADWAYS WITHIN WIMBERLEY'S CORPORATE LIMITS was PULLED.

25923 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE FOR OFFICE SPACE AT 109 EAST HOPKINS, SUITE 200, FOR THE RELOCATION OF THE PRIMARY OFFICE FOR HAYS COUNTY COMMISSIONER, PRECINCT 3

Parking expense of $50 per month is not needed. Special Counsel Mark Kennedy spoke of changes to be made (beginning date, 3 one year extensions at option of the county beginning Feb. 1, 2010 with 30 day advance notice, and termination clause for failure to budget in the next fiscal year). **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a lease for office space at 109 East Hopkins, Suite 200, for the relocation of the primary office for Hays County Commissioner Precinct 3, with changes by Special Counsel, and with consideration that when office space is available in the courthouse, Precinct 3 Commissioner will have first option, and furthermore, amend budget accordingly. All voting "Aye". MOTION PASSED**

25924 APPROVE TEMPLATES AND FORMS OF AGREEMENT TO BE USED BY PRIME STRATEGIES FOR MANAGEMENT OF THE PASS THROUGH TOLL AGREEMENT PROJECTS [T1-2198]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve templates and forms of Agreement, as amended by Special Counsel, to be used by Prime Strategies for management of the Pass Through Toll Agreement Projects. All voting "Aye". MOTION PASSED

25925 HIRE HNTB TO DO DESIGN WORK ON RR 12 IN PRECINCT. 3 [T1-2399]

Commissioner Conley gave a brief history of the RR12 project. Discussion was had regarding RFP's. Mike Weaver [Prime Strategies] spoke of previous contract – scope of work has changed. [T1-2590] Special Counsel Mark Kennedy advised that contract/agreement can be amended to change subcontractor being used. Judge Sumter and Commissioner Ford voiced their concerns. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to hire HNTB to approve Professional Service Agreement for design work on RR 12 in Precinct 3, Work Authorization No. 1 (right and left turn lanes on RR12 at Hugo Road/CR214), Work Authorization No. 2 (right and left turn lanes at intersection of Wonderworld Drive/FM3407 and RR12), Work Authorization No. 3 (realignment of RR12 and RM32), and Work Authorization No. 4 (replacement and realignment of the vertical profile at the Sink Creek Bridge on RR12). Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford voting "No". MOTION PASSED**

Court convened into closed executive session at 1:45 p.m. and reconvened into open meeting at 3:30 p.m.

25926 EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO INTERVIEW, EVALUATE AND DELIBERATE THE APPOINTMENT OF THE PERSONAL HEALTH DIRECTOR POSITION

A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to appoint Priscilla Hargraves as the Personal Health Director effective this date February 10, 2009. All voting "Aye". MOTION PASSED

25927 EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE TO CONSIDER LITIGATION CONCERNING PROPERTY FOR RIGHT OF WAY AND OR RIGHT OF ENTRY ON FM 1626 BETWEEN THE INTERSECTION OF FM 2770 AND THE MUSTANG BRANCH OF ONION CREEK

Commissioner Barton noted that this item could fall under Section 551.071 as well. **A motion was made by Commissioner Barton seconded by Judge Sumter to authorize County staff and our contract counsel Duvall, Gruning & Dietz to work with Precinct 2 Commissioner to begin condemnation/right of entry into the property owned by the Nethers Brother Partnership and/or related partnerships on FM 1626 and authorize Special Counsel, as well as outside counsel, to pursue litigation if it becomes necessary for right-of-way on the same properties. All voting "Aye". MOTION PASSED**

25928 EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE REGARDING THE POSSIBLE ACQUISITION OF PROPERTY IN AND AROUND THE JACOB'S WELL ACRES SUBDIVISION

A motion was made by Commissioner Conley seconded by Commissioner Ford to allow counsel to negotiate and contract with Graham and Associates for up to $4,000 to go towards appraisals associated with the River Rock Development, also known as Jacob's Well Acres, and take funding from the LCRA line item. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING LITIGATION AND/OR CONTEMPLATED LITIGATION RELATED TO INTERLOCAL AGREEMENTS FOR THE REGULATION OF SUBDIVISIONS IN EXTRA-TERRITORIAL JURISDICTIONS LOCATED IN HAYS COUNTY

No discussion and no action take in open court..

Court was adjourned.

I, LINDA C. FRITSCHE, 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 FEBRUARY 10, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF FEBRUARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

HEALTH DEPARTMENT PRESENTATION TO THE COURT BY PRISCILLA HARGRAVES

Personal Health Dept. Director Priscilla Hargraves spoke of mission of the department is to protect, promote, maintain and improve the health and quality of life for Hays County citizens and visitors through a responsive, well managed and organized effort. She stated that "the organization exists to serve the public and this shall be done to the best of our ability". Mrs. Hargraves spoke of the various departments: TB/Communicable Disease, Family Clinic, Women's Health, Case Management, Well Child/Immunization, Emergency Preparedness, Immunization/Imm Trac PICS Outreach Specialists, Indigent HealthCare, and Billing Department. She spoke of savings to the County and/or Clients, Outreach, Quality Improvement, Future Planning, Statistics, Proposals to implement efficiency and reduce expenditures, and Challenges.

25929 ADOPT A PROCLAMATION DECLARING THE WEEK OF FEBRUARY 23RD TO MARCH 2ND, 2009 AS SEVERE WEATHER AWARENESS WEEK

Fire Marshal Mark Chambers spoke of Hays County being the number one county for flash flooding – designated by the National Weather Service. **A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation declaring the week of February 23 to March 2,2009 as Severe Weather Awareness Week. All voting "Aye". MOTION PASSED**

25930 AWARD A CONTRACT TO "NEW WORLD SYSTEMS" FOR FINANCIAL ACCOUNTING SOFTWARE AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE CONTRACT [T1-505]

County Auditor Bill Herzog spoke of need for this new system and he spoke of negotiated contract. The software will be utilized by the County Auditor, County Treasurer, and Human Resources Dept. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to award a contract "New World Systems" for financial accounting software and authorize the County Judge to sign the contract in the amount of $453,980 in line itme # 01-414-5712. All voting "Aye". MOTION PASSED**

25931 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $369,052.88 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25932 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 10, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of February 10, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25933 APPROVE THE PURCHASE OF TWO RADAR SPEED SIGNS FOR THE ROAD & BRIDGE DEPT. FROM RADARSIGN IN THE AMOUNT OF $7,874

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the purchase of two radar speed signs for the Road & Bridge Dept. from Radarsign in the amount of $7,874. All voting "Aye". MOTION PASSED

25934 ACCEPT A $500 DONATION FROM THE WIMBERLEY LION'S CLUB TO THE SHERIFF'S OFFICE FOR THE CRIME PREVENTION PROGRAM AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept a $500 donation from the Wimberley Lion's Club to the Sheriff's Office for the Crime Prevention Program and amend the budget accordingly. All voting "Aye". MOTION PASSED

25935 APPROVE OUT OF STATE TRAVEL FOR THE SHERIFF'S OFFICE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve out of state travel for the Sheriff's Office. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #5 RE: *APPROVE SPECIFICATIONS FOR RFQ #2009-P07 "HISTORIC PRESERVATION ARCHITECT FOR RESTORATION OF THE OLD HAYS COUNTY JAIL" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE* **was PULLED.**

25936 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SILVERADO SUBDIVISION SECTION 3 [T1-763]

RPTP Director Jerry Borcherding gave staff recommendation for release of maintenance bond and accept for maintenance all road and drainage improvements for Silverado Section 3. **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 Silverado Subdivision Section 3. All voting "Aye". MOTION PASSED**

25937 ACCEPT RECOMMENDATIONS OF CPAT AS EXPRESSED IN A LETTER DATED FEB. 9, 2009 TO THE COURT FROM THE CPAT EXECUTIVE COMMITTEE [T1-790]

Carl Owens (Swimberley) and Charlie Johnson made public comment. Grants Administrator Jeff Hauff went through the letter submitted by the CPAT Executive Committee recommending that (1) active members of the current CPAT Committee will become standing advisory board (to be named Hays County Parks and Open Space Board) to the Commissioners Court on current and future parks, open space, natural areas, wildlife habitat, water quality/quantity, and other associated conservation lands; (2) appoint previous members of the habitat conservation plan advisory committee to fill open slots on the newly formed Hays County Parks and Open Space Board; (3) allocate a total of $600,000 of the remaining park bond funds to "recreation" projects, with a $200,000 cap on awarded projects (if the Court agrees to the recommendations, Parks and Open Space Board subcommittee will proceed with development of criteria for recreation projects); (4) allocate $50,000 of the remaining park bond funds to a new Parks and Open Space Master Plan; (5) allocate the remainder of the bond funds to habitat, open space, and water quality/quantity/access projects, including that amount necessary to initiate the recommendations of the Regional Habitat Conservation Plan; (6) utilize the Hays County Parks and Open Space Board to advise the Commissioners Court on any future bond projects or initiatives; and (7) consider hiring County staff to manage parks, recreation, natural area, open space, wildlife habitat and associated lands to be owned or administered by the County. Lengthy discussion was had by the court and members of CPAT. [T1-2320} It was suggested that on bullet #2 replace "appoint" with "court to consider appointment of" and bullet #5 that the word "allocate" be changed to "reserve". **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept recommendations of CPAT as expressed in a letter dated February 9, 2009 to the Court from the CPAT Executive Committee with change in wording on bullet #2 by replacing the word "appoint" with "court to consider appointment of" and on bullet #5 replace "allocate" with "reserve". Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

25938 APPOINT GINA A. TERRELL TO THE CHILD PROTECTIVE SERVICE BOARD

A motion was made by Judge Sumter, seconded by Commissioner Barton, to appoint Gina A. Terrell to the Child Protective Service Board. All voting "Aye". MOTION PASSED

25939 SUPPORT THE 3RD ANNUAL AQUARENA EARTH DAY CELEBRATION BY DONATING $500.00 [T1-3033]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to support the 3rd Annual Aquarena Earth Day Celebration by donating $500.00. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #13 RE: *AUTHORIZE CONSTABLE MANCILLAS TO PURCHASE A GPS NAVIGATION SYSTEM AND AMEND THE BUDGET ACCORDINGLY* **was PULLED.**

25940 AUTHORIZE HIRING A TEMPORARY EMPLOYEE TO SCAN AND SHRED DOCUMENTS IN THE PCT. 4 JP OFFICE [T1-3055]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize hiring a temporary employee to scan and shred documents in the Pct. 4 JP Office to be funded from savings in the JP4 budget. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #16 RE: *FORM A COMMITTEE TO REVIEW AND RECOMMEND A UTILITY RELOCATION AGENT(S) FOR THE ROAD BOND PROJECTS* **was PULLED** [T1-3087]

UPDATE OF HAYS COUNTY STRATEGIC POLICY PLAN AND STATE OF TEXAS, OFFICE OF COMPTROLLER, LOCAL GOVERNMENT MANAGEMENT ASSESSMENT AND RISK ASSESSMENT

[T1-3240] Judge Sumter advised that the State Comptrollers Office will be doing a management assessment on March 19 & 20, 2009. She also spoke regarding the County Strategic Policy Plan. She has asked the following people for input regarding the proposed plan: Whit Hanks, Chance Sparks, Dianne Wassenich, Susan Meckel, and David Glen.

EXPERT PANEL DISCUSSION ON THE ROLE GROUNDWATER AVAILABILITY SHOULD PLAY IN THE DETERMINATION OF LOT SIZING IN THE NEW DEVELOPMENT REGULATIONS, AS WELL AS THE CLASSIFICATION OF GROUNDWATER SYSTEMS (CH. 715, 1.04). POSSIBLE ACTION TO FOLLOW DISCUSSION [T2-128]

Grant Jackson (Naismith Engineering) appeared before the court and introduced the Expert Panel: Rene Barker (Texas State Aquifer & Research Data Center), Raymond Slade (Texas State Aquifer & Research Data Center), Rick Elner (Edwards Aquifer Authority), Robert Bradley (Texas Water Development Board), Andrew Backus (Hays Trinity Groundwater Conservation District), Doug Weirman (Hays Trinity Groundwater Conservation District), John Dupnik (Barton Springs Edwards Aquifer Conservation District) and Jason Pinchback (Texas State University)

Discussion was had regarding the differences between the Edwards Aquifer and Trinity Group Aquifers. The volume of water is different and recharge features are different. Edwards Aquifer has a higher volume of water and more recharge features. Groundwater depletion is affecting wells and flow on Onion Creek in the Trinity Aquifers. There are more records regarding the Edwards Aquifer and little is known about the Trinity recharge. Andrew Backus spoke of need to look at the amount of property in the subdivision and not whether it is an individual well versus a centralized system. Discussion was had regarding water availability from groundwater, surface water, and rainwater. Discussion was had regarding lot sizing based on water sources. Discussed individual well usage (330 gallons per day) and well interference. Discussed lot sizing based on which aquifer is being used. Discussed "limiting groundwater withdrawal". Judge Sumter spoke of lot sizing, centralized systems to be regulated by usage, and extending the OSSF contributing zone rules throughout the county. Grant Jackson spoke of 1445 agreements and TCEQ rules regarding public water supply systems. Discussed extending the contributing zone to the area within the jurisdiction of the HTGCD. Discussed various charts used to determine lot sizing and need for an appendix using information from all charts.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 FEBRUARY 17, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF FEBRUARY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

25941 PROCLAMATION RECOGNIZING THE WEEK OF MARCH 1ST AS "SPEAK UP FOR KIDS" WEEK [T1-24]

This year's event is being dedicated in memory of the late Sheriff Allen Bridges. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve proclamation recognizing the week of March 1st as "Speak Up For Kids" Week. All voting "Aye". MOTION PASSED**

25942 APPROVE SPECIFICATIONS FOR RFQ #2009-P07 "HISTORIC PRESERVATION ARCHITECT FOR RESTORATION OF THE OLD HAYS COUNTY JAIL" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve specifications for RFQ #2009-P07 "Historic Preservation Architect for restoration of the Old Hays County Jail" and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

25943 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve payments of county invoices in the amount of $624,432.70 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25944 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 17, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve Commissioner Court Minutes of February 17, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25945 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A REQUEST FOR ADDITIONAL FUNDS IN THE AMOUNT OF $9,000.00 FROM TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) TITLE V PROGRAM FOR FAMILY PLANNING SERVICES

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to submit a request for additional funds in the amount of $9,000.00 from Texas Department of State Health Services (DSHS) Title V Program for Family Planning Services. All voting "Aye". MOTION PASSED

25946 ACCEPT DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE SHERIFF'S OFFICE JAIL COMMISSARY FOR FISCAL YEAR 2008

A motion was made by Commissioner Barton, seconded by Commissioner Conley to accept delivery of the Internal Examination Report for the Sheriff's Office Jail Commissary for Fiscal Year 2008. All voting "Aye". MOTION PASSED

25947 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT WITH ENVIROSOPH TECHNOLOGIES, LP FOR THE ANNUAL MAINTENANCE AGREEMENT FOR THE LOW-WATER CROSSING EARLY WARNING SYSTEM

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute the contract with Envirosoph Technologies, LP for the Annual Maintenance Agreement for the Low-Water Crossing Early Warning System. All voting "Aye". MOTION PASSED

25948 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE OF ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SILVERADO SUBDIVISION, SECTION 2 [T1-179]

RPTP Director Jerry Borcherding spoke of this being on last week with the wrong section number referenced. He gave staff recommendation for release of maintenance bond and accept for maintenance of all road and drainage improvements for Silverado Section 2. **A motion was made by Commissioner Ford seconded by Commissioner Conley to release the Maintenance Bond and accept for Maintenance of all road and drainage improvements within County ROW for Silverado Subdivision Section 2. All voting "Aye". MOTION PASSED**

25949 ACCEPT ANNUAL REPORT AND AUDIT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #3 [T1-203]

Buddy Martin gave a brief overview of the audit of the Hays County Emergency Services District #3. **A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to accept annual report and audit from the Hays County Emergency Services District #3. All voting "Aye". MOTION PASSED**

PRESENTATION AND UPDATE ON THE PROPOSED HAYS COUNTY GOVERNMENT CENTER [T1-420]

Commissioner Ingalsbe gave a brief powerpoint presentation showing the need for proceeding with a new Government Building. PBS&J, spoke of where the county stands as of today and gave a powerpoint presentation outlining the layout of the building and a timetable for delivery. Projection date of build out is between September and November 2011. Commissioner Ingalsbe spoke of land we may be able to acquire in the future surrounding the proposed Government Building. Commissioner Ingalsbe also spoke of rent that we wouldn't need to be paying once the building is completed, a savings of almost $200,000 per year. Commissioner Ingalsbe recognized the Building Committee and thanked them for all their effort. District Attorney Sherri Tibbe spoke of different needs for a new building. County Court at Law Judge Howard Warner spoke of having outgrown the Justice Center and urged the court to move forward. District Judge Gary Steele spoke of security problems and growth needs at the Justice Center. Gil Ortiz spoke on behalf of Adult Probation and the needs they have at their location and urged the court to proceed with building the new facility. County Tax Assessor/Collector Luanne Caraway spoke of needs her office has. Juvenile Department Chief Officer Ed Cooper spoke of outgrowing several buildings over the years. He urged the Court to continue with the new Building. District Clerk Cecelia Adair urged the court to continue with the new Building for the sake of current and future employees. Commissioner Ingalsbe spoke of public health and safety issues in current buildings the county owns/rents.

DISCUSSION REGARDING FORMING COMMITTEES TO RECOMMEND FIRMS FROM THE RESPONSES RECEIVED TO RFQ 2009-P05 FOR ENGINEERING/PROFESSIONAL SERVICES FOR THE ROAD BOND PROJECTS [T1-1764] [T2-487]

Commissioner Barton asked RPTP Director Jerry Borcherding for input on who he would like to serve on this committee. Jerry Borcherding suggested himself, Tim Vandevorde, and Betty Lambright. Judge Sumter suggested having the Commissioners dividing up the roads and forming committees on their own. Commissioner Conley suggested having a vote in Court today. Commissioner Ford spoke of getting a group of 7 people to tackle the first column. No action was taken.

PRESENTATION BY HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT ON TWC CHAPTER 36 AUTHORITY [T1-2017]

Commissioner Ford spoke. Wimberley resident David Glenn, Jim McMeans, and John Dupnik spoke in favor of Texas Water Commission (TWC) Chapter 36. Craig Payne and Melinda Everett spoke against TWC Chapter 36. Jim George and David Baker spoke in favor of TWC Chapter 36. Andrew Backus (Hays Trinity Groundwater Conservation District) gave a powerpoint presentation.

Clerk's Note: Agenda item #9 RE: *AUTHORIZE THE FILING OF THE RECORD PLAT FOR THE BILGER TRACT SUBDIVISION* **- was pulled**

DISCUSSION REGARDING IDENTIFICATION BADGES FOR ALL COUNTY EMPLOYEES, OR FOR CERTAIN COUNTY EMPLOYEES AND RELATED DELIBERATION REGARDING PROCEDURES TO IDENTIFY AND TRAIN KEY COUNTY PERSONNEL FOR EMERGENCY PREPAREDNESS AND RESPONSE [T2-103]

Emergency Management Coordinator Jeff Turner spoke of need for County Employees to have ID Badges. They could be used for security and emergency use. Mr. Turner suggested maybe having them color-coded. Human Resources Director suggested that the HR Department or Treasurer's Office maintain the cards. Court spoke of forming a committee of Dee Dee Baen, Jeff Turner, and Michele Tuttle. Jeff Turner spoke of using CERT people and American Red Cross and School District in emergencies and all have been pre-screened.

25950 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF WIMBERLEY, TEXAS FOR THE MAINTENANCE OF ROADWAYS WITHIN WIMBERLEY'S INCORPORATED LIMITS [T2-1995]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an Interlocal Agreement with the City of Wimberley, Texas for the maintenance of roadways within Wimberley's Incorporated Limits. All voting "Aye". MOTION PASSED

25951 AUTHORIZE THE CONTINUATION OF TEMPORARY EMPLOYEE TO PERFORM DUTIES RELATED TO IMAGING OF HISTORICAL JP 4 DATA FILES FOR A TIME PERIOD NOT TO EXCEED SEPTEMBER 30,2009 AND $4,800, AND THE TRANSFER OF FUNDS FROM SAVINGS/INSURANCE TO TEMPORARY EMPLOYEE LINE ITEMS WITHIN THE JP 4 BUDGET

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the continuation of temporary employee to perform duties related to imaging of historical JP 4 data files for a time period not to exceed September 30, 2009 and $4,800, and to transfer funds from savings/insurance to temporary employee line items within the JP 4 budget. All voting "Aye". MOTION PASSED

25952 ADOPT A COUNTY-WIDE POLICY REGARDING SUSPENSIONS OF EMPLOYMENT WITH PAY [T2-1378]

Suspensions With pay are ordered absences from employment while the employee still receives full pay and benefits. A suspension with pay allows for immediate response to a suspected, but not fully substantiated, offense and provides a period of time in which an investigation can be thoroughly pursued. Human Resources Director Dee Dee Baen spoke of surveying other counties and their policies. **A motion was made by Judge Sumter seconded by Commissioner Ford to adopt a county-wide policy regarding suspensions of employment with pay. All voting "Aye". MOTION PASSED**

25953 MODIFY SECTION 5.07 OF THE COUNTY-WIDE POLICY REGARDING EMPLOYEE RECOGNITION [T2-1550]

A committee has been formed to review and suggest alternatives to the County Recognition program for years of service. The members of the committee are as follows: Betty Oldham, Sheriff's Office; Janice Weber, R&B Department; Cindy Maiorka, Purchasing Department; Brett Littlejohn, Juvenile Detention Center; and Michele Walters, Commissioner Pct 4 office. Human Resources Director Dee Dee Baen spoke of committee recommending different gifts per milestone. **A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to modify Section 5.07 of the County-wide Policy regarding employee recognition. Delete: Pins: Pins will be issued to recognize employees after 5, 10, 15, and 20 years of service. Presentation of the pins will be made at Commissioners Court. Plaques: Plaques will be given to employees every 5 years after 20 years of service. Plaques will also be given to retirees at the time of retirement. Presentation of the plaques will be made at Commissioners' Court. Replace with: Employees will be recognized for 1,5,10,15,20,25,30,35 and 40 years of service. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING ESTABLISHMENT OF A COMMUNICATION POLICY AND PLAN [T2-1600]

While the communication plan should be a living document, this initial discussion with the Court will identify guiding principles for establishing such plan. As far as Press Releases go, the Court decided that emergency issues would be quoted by the County Judge. Anything related to ex-officio Commissioner would be through that Commissioner. Court will bring this issue back again next week.

Court convened into closed executive session at 4:30 p.m. and reconvened into open meeting at 5:40 p.m. and made the following motions:

25954 **EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING LITIGATION OR CONTEMPLATED LITIGATION RELATED TO JUSTIN WADE HAMPTON, MELISSA & JERRY SHINN, JOHN KIRK ZAMORA, DANIEL HEYSQUIERDO** [T2-3300]

A motion was made by Judge Sumter seconded by Commissioner Barton to authorize our Civil Counsel Mark Kennedy and David Mendoza to represent Hays County and respond to any and all claims made by Justin Wade Hampton, Melissa and Jerry Shinn, John Kirk Zamora, and/or Daniel Heysquierdo; and to authorize Counsel to negotiate and execute settlement of any claims at his discretion. All voting "Aye". MOTION PASSED

25955 **EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING LITIGATION RELATED TO CLAIM(S) BY STEPHANIE AND CRAG REDHAWK** [T2-3354]

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize Civil Counsel to respond to the claim filed by Stephanie and Crag Redhawk as a representative of Hays County, the Hays County Sheriff's Office, and each individual Hays County Deputy Sheriff named in Plaintiff's Original Petition; and further move to authorize counsel to coordinate with the Director of Human Resources, Dee Dee Baen, regarding the referral of this case to the Texas Association of Counties, which may be done at the discretion of Counsel and Ms. Baen with input from TAC. All voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHE, 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 FEBRUARY 24, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF MARCH A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

25956 APPROVE APPOINTMENT OF HECTOR RANGEL DEPUTY CONSTABLE, PCT. 1 AND SWEARING-IN OF DEPUTY RANGEL AND RESERVE DEPUTY CATHERINE ELLIS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve appointment of Hector Rangel Deputy Constable, Pct. 1 and swearing-in of Deputy Rangel and Reserve Deputy Catherine Ellis. All voting "Aye". MOTION PASSED

25957 ADOPT PROCLAMATION RECOGNIZING APRIL 2009 AS "CANCER AWARENESS MONTH" IN HAYS COUNTY

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve proclamation recognizing April 2009 as "Cancer Awareness Month" in Hays County. All voting "Aye". MOTION PASSED

RESOURCE PROTECTION AND TRANSPORATION PLANNING (RPTP) PRESENTATION

[T1-192] RPTP Director Jerry Borcherding introduced the Road Supervisors in the Road Department. Janice Weber, Infrastructure Services Supt., spoke of work done by the Sanitarians in the Environmental Department and she introduced them to the court. New Senior Planner Lisa Wright spoke to the court regarding her education and various jobs she held at the City of Paris, Texas. Roland Vasquez, Chief Environmental Investigator, spoke regarding his qualifications and services provided to the county by him and Environmental Investigator Mark Andrews. GIS/9-1-1 Program Manager Steve Floyd spoke of services being provided by his department. Subdivision Coordinator Clint Garza spoke of services provided, subdivision regulations, and number of new subdivisions in the county. Garry Ingalsbe, Equipment/Facilities Supt., spoke of work performed and money being saved. Operations Supt. Tim Vande Vorde spoke of traffic control and speed control devices that have been installed. He spoke of Erosion Control Crew that has been created. Environmental Compliance Specialist Betty Lambright spoke of environmental compliance plan, construction oversight and final release. Jerry Borcherding spoke of program to address violations and complaints as well as other issues. He spoke of responsibilities of various supervisors in his department and he commended them for the excellent jobs they are doing.

25958 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of $639,609.88 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25959 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 24, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of February 24, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25960 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Utility Permit #02009 to Texas Gas Service on Nutty Brown Road and Permit #02010 to Goforth Special Utility District on Peaceful Valley Road as presented by the Road Department. All voting "Aye". MOTION PASSED

25961 APPROVE A "DISCRETIONARY EXEMPTION" UNDER SECTION 262.024 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE PURPOSE OF MAKING DIRECT PAYMENT TO SAM, INC., A SUBCONTRACTOR OF CHIANG, PATEL & YERBY, INC. ON THE FM 150 @ IH 35 SOUTH IMPROVEMENT PROJECT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve a "Discretionary Exemption" under Section 262.024 of the Texas Local Government Code for the purpose of making direct payment to SAM, Inc., a subcontractor of Chiang, Patel & Yerby, Inc. on the FM 150 @ IH 35 South Improvement Project. All voting "Aye". MOTION PASSED

25962 ACCEPT INTO THE COUNTY MAINTENANCE SYSTEM ALL ROADS IN THE MEADOWS AT BUDA SUBDIVISION [T1-140

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept into the county maintenance system all roads in the Meadows at Buda Subdivision. All voting "Aye". MOTION PASSED

25963 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR THE OAKS AT GATLIN CREEK SUBDIVISION [T1-1414]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to release the Maintenance Bond and accept for maintenance all road and drainage improvements within County Right-Of-Way for the Oaks at Gatlin Creek. All voting "Aye". MOTION PASSED

25964 [08-4-02 - 1 Lot] **DRIPPING SPRINGS RANCH REPLAT OF LOT 1A, A RESUBIDIVISION OF TRACTS 1 AND 2 – PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-1430]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Dripping Springs Ranch Replat of Lot 1A, a resubdivision of Tracts 1 & 2. All voting "Aye". MOTION PASSED**

25965 [07-2-10 – 1 Lot] **BILGER TRACT SUBDIVISION AUTHORIZE THE FILING OF THE RECORD PLAT FOR THE BILGER TRACT SUBDIVISION** [T1-1448]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalse to authorize the filing of the record plat for the Bilger Tract Subdivision. All voting "Aye". MOTION PASSED**

25966 [09-4-05 – 74 Lots] **AMENDED PLAT OF CREEK OF DRIFTWOOD SUBDIVISION APPROVE FINAL PLAT AS AMENDED** [T1-1506]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat as amended of Creek of Driftwood Subdivision. All voting "Aye". MOTION PASSED**

25967 APPROVE THE RESALE OF PROPERTY HELD IN TRUST [T1-1547]

The property Held in Trust is: Lot 5 and part of Lot 6 Block 5 aka east 48' of that portion of Farm Lot 5 San Marcos, Hays County, Texas at an address of 214 Centre Street, San Marcos, Texas. The property failed to sell at an August 7, 2001 Tax Sale and was struck off to the county. There was another try to sell it on March 8, 2005, but failed. There's a bid on the property for $3,000.00. This bid has been approved by the San Marcos School Board and it is been requested that the City of San Marcos place the item on their agenda. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the resale of property held in trust described as Farm Lot 5 and part of Lot 6 Block 5. All voting "Aye". MOTION PASSED**

25968 AUTHORIZE A TRANSFER OF $1,200 WITHIN THE CONSTABLE'S DEPARTMENT FOR NEEDED LAW ENFORCEMENT SUPPLIES [T1-1596]

Constable David Peterson spoke of need for window tint on his vehicle and need for uniforms and badges/patches. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize a transfer of $1,200 within Constable Pct. 1's department for needed law enforcement supplies and amend the budget accordingly. All voting "Aye". MOTION PASSED**

25969 APPOINT A HEARING OFFICER TO PRESIDE OVER THE FOOD ESTABLISHMENT PERMIT REVOCATION HEARING OF THE CENTER FOOD MARKET 110 E CENTER ST., KYLE, TEXAS [T1-1676]

Environmental Health Dept. Sanitarian Amanda Kubesch spoke of numerous complaints regarding expired and spoiled food items. Repeated inspections and notices to correct the violations have not convinced the operators to operate in compliance with the regulations. If the permit is revoked the establishment will be able to reapply for a permit if they present a plan for improvement. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to appoint Justice of the Peace Pct. 3 Scott Cary as hearing officer to preside over the food establishment permit revocation hearing of the Center Food Market 110 E Center St., Kyle, Texas. All voting "Aye". MOTION PASSED**

25970 APPOINT PATSY R. WARD TO THE CHILD PROTECTIVE SERVICES BOARD[T1-1835]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to appoint Patsy R. Ward to the Child Protective Services Board. All voting "Aye". MOTION PASSED

25971 RATIFY AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE WORK AUTHORIZATIONS #1-7 FOR PROGRAM MANAGEMENT WITH PRIME STRATEGIES, INC [T1-1843]

A motion was made by Judge Sumter, seconded by Commissioner Barton to ratify authorization for County Judge to execute work authorizations #1-7 for program management with Prime Strategies, Inc. All voting "Aye". MOTION PASSED

25972 APPROVE ADDITIONAL COUNTY GRANT MATCHING FUNDS FOR FY09 FOR THE PURCHASE OF BULLETPROOF VESTS AND AMEND THE BUDGET ACCORDINGLY [T1-1882]

Grants Administrator Jeff Hauff spoke of grant for bulletproof vests (50% of cost from grant = $6,480). County Auditor Bill Herzog advised that he will prepare a budget amendment to fund county's portion of $6,480 from various Constable budgets. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve additional county grant matching funds for FY09 for the purchase of bulletproof vests and amend the budget accordingly. All voting "Aye". MOTION PASSED**

25973 ACCEPT THE ANNUAL FINANCIAL REPORT AND AUDIT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 [T1-1996]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept the Annual Financial Report and Audit from the Hays County Emergency Services District #5. All voting "Aye". MOTION PASSED

25974 APPROVE PAYMENT FOR MALPRACTICE INSURANCE COVERAGE FOR THE FAMILY NURSE PRACTITIONER STARTING MARCH 2, 2009 IN THE WOMEN'S HEALTH DEPARTMENT AT HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-2014]

In order to protect Hays County from liability suites, it is necessary for Nurse Practitioners providing direct patient care to have malpractice insurance. It is estimated that the insurance will cost approximately $2,000 for one year. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve payment for malpractice insurance coverage for the Family Nurse Practitioner starting March 2, 2009 in the Women's Health Department at Hays County Personal Health Department. All voting "Aye". MOTION PASSED**

25975 ADOPT A RESOLUTION SUPPORTING FULL TWC CH 36 AUTHORITY FOR THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT [T1-2062]

Andrew Backus (Hays Trinity Groundwater Conservation District Board President) spoke. Commissioner Conley spoke in support of resolution requesting the legislature to pass legislation giving the HTGCD full authority under TWC 36 to carry out its duties and manage its challenges. Sam Davis (Wimberley resident), Dorothy Knight, Daniel Boone (Comal County resident), Frank Sullivan (Wimberley resident), David Baker (Wimberley resident and Executive Director of the Wimberley Valley Water Assn), Susan Cook (Driftwood resident), David Glenn (Wimberley resident), Herb Smith (Wimberley resident), Susan Zimmerman (Wimberley area resident), Susan Nenney (Wimberley resident) made public comment. Commissioner Ford spoke of previous discussion at the February 24, 2009 court meeting and she spoke of resistance at the Legislative level. Andrew Backus spoke. [T2-859] Commissioner Barton suggested the following wording be added to the proposed resolution: *Now, Therefore, Be It Resolved That the Hays County Commissioners Court respectfully requests**, that at a minimum,** the Texas Legislature to pass legislation giving the Hays Trinity Groundwater Conservation District full authority under TWC 36 to carry out its duties and manage these challenges by:* Judge Sumter requested postponement of action at this time. Commissioner Ingalsbe and Commissioner Ford spoke. [T2-1300] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a Resolution supporting full TWC Ch 36 authority for the Hays Trinity Groundwater Conservation District. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter abstained. MOTION PASSED**

25976 ADOPT PROCESS TO SCORE AND ASSESS PROPOSALS FOR PROFESSIONAL AND ENGINEERING SERVICES RELATED TO HAYS COUNTY'S REQUEST FOR QUALIFICATIONS 2009-P05, ROAD WORK [T2-1325]

Commissioner Barton spoke of recommendations for scoring and assessing proposals. Timeline would be within 45 days, preferably sooner. **A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt the selection process as presented including Item #3 with the adoption of Option A rather than Option B and that we authorize and instruct the Director of RPTP to negotiate with HDR and their team to provide for assistance in the review process, and that their assistance and consulting to be funding from consulting line item in RPTP budget unless we are able to negotiate an overall contract for Program Management. All voting "Aye". MOTION PASSED**

25977 APPROVE REQUEST FOR PROPOSALS (RFP) FOR PROGRAM MANAGEMENT FOR THE GOVERNMENT CENTER AND AUTHORIZE PURCHASING TO ADVERTISE [T2-1560]

Need to change date to March 24th. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the RFP for program management for the Government Center and authorize Purchasing to advertise. All voting "Aye". MOTION PASSED**

25978 AUTHORIZE COMMISSIONER FORD, WITH SUPPORT FROM SPECIAL COUNSEL, TO NEGOTIATE AND AMEND CURRENT RHCP CONTRACT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDED CONTRACT FOR EXPANSION OF SCOPE OF SERVICES, IN AN AMOUNT NOT TO EXCEED $10,000, TO INCLUDE ENDANGERED HABITAT ASSESSMENT ON PROPERTIES UNDER REVIEW BY COUNTY AND FURTHER DISCUSSION OF THE PROPER PROCEDURE FOR MAKING REQUESTS TO LOOMIS FOR THIS PURPOSE [T2-1591]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize Commissioner Ford, with support from Special Counsel, to negotiate and amend current RHCP contract and authorize the County Judge to execute the amended contract for expansion of scope of services, in an amount not to exceed $10,000 to include endangered habitat assessment on properties under review by county and proper procedure for making requests to Loomis for this purpose. All voting "Aye". MOTION PASSED

25979 AUTHORIZE PCT 4 COMMISSIONER TO SPEND AN AMOUNT NOT TO EXCEED $12,000 FOR LANDSCAPE MATERIALS AND INSTALLATION AT THE NEW PCT 4 BUILDING [T2-1702]

On February 3, 2009, the court approved this expenditure with Xanadu Nursery. Additional research has determined that the County can purchase landscaping materials directly from a wholesale nursery at a cost savings. Plans are for Betty Lambright, working with our building maintenance staff, to provide oversight for final design and installation of landscaping. Some hard-to-locate plant materials or installation labor assistance may be purchased from Xanadu Nursery. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Pct 4 Commissioner to spend an amount not to exceed $12,000 for landscape materials and installation at the Pct 4 new Building. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

25980 ESTABLISH A COMMUNICATION POLICY AND PLAN [T2-1748]

Laureen Chernow spoke of changes made on previously proposed policy. Court requested additional changes. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to establish a Communication Policy and Plan as amended this date. All voting "Aye". MOTION PASSED**

UPDATE OF HAYS COUNTY STRATEGIC POLICY PLAN AND STATE OF TEXAS, OFFICE OF COMPTROLLER, LOCAL GOVERNMENT MANAGEMENT ASSESSMENT AND RISK ASSESSMENTS [T2-2093]

Judge Sumter gave an update of management assessment and risk assessments. She provided a list of interview questions for strategic policy planning.

Clerk's Note: Agenda Item #20 RE: *ADOPT A POLICY OR PROVIDE GUIDANCE TO DEFINE THE CURRENT OSSF RULES REGARDING SURFACE WATER VS. GROUND WATER DETERMINATION OF A PUBLIC/PRIVATE PROVIDER AND PROVIDE GUIDANCE ON LETTERS REQUIRED FROM PUBLIC/PRIVATE WATER/WASTEWATER PROVIDERS TO DETERMINE WATER AND/OR WASTEWATER AVAILABILITY FOR SUBDIVISIONS* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 3, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF MARCH A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
GINA MENDOZA	**DEPUTY COUNTY CLERK**

WITH COUNTY JUDGE ELIZABETH "LIZ" SUMTER ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the Flag and Commissioner Ingalsbe called the meeting to order

PRESENTATION BY JUDY SEIMS ON THE COMPLIANCE DEPARTMENT (T1-58)

Judy Seims Director of the Compliance Department spoke of the money they've collected. Money collected in 2007 was $1,480,492.55 and the money collected in 2008 was $1,619,106.18 resulting in a 19% increase in collections for County and District Courts. Judy Seims also spoke of PIF's, over 562 cases "Pay in Full" and the amount of phone calls made each day or notices mailed out. She also spoke of the accomplishments: (1) Inmate Trust Fund Accounts – collects money from inmate accounts (2) Working with the Texas Department of Parole – defendants report to the collections to establish payment plan if they still owe money after release (3) Motion to Revoke – collections makes sure that new plans are in place and court ordered costs are paid (4) Omnibase – defendants are reported to Omnibase if they refuse to work out payment arrangements in a timely manner and won't let them renew their driver's license until their fines or fees are paid in full.

PRESENTATION BY MIKE WEAVER OF THE MONTHLY PROGRESS REPORT FOR THE HAYS COUNTY PASS THROUGH FINANCE PROGRAM FOR FEBRUARY 2009 (T1-229)

Mike Weaver of HNTB gave an overview of the following: 1626 Phase A (FM 2270 to FM 967); FM 1626 Phase B (FM 967 to Brodie Lane); FM 110 (IH 35 to SH 123); US 290 (Nutty Brown Road to Trautwein Road); IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass); IH 35 Phase IIA (RM 150 Realignment); IH 35 Phase IIB (FM 1626 to Yarrington); FM 2001 (Frontage Road Connector). He spoke of the Lakewood Drive Project which is one of the priority projects – directly related to the construction of the Bear Creek Bridge it's about 30% over budget of the amount put into the bond package. He spoke of doing value engineering and looking at some ways to change as to when it gets phased and when it gets built. He spoke of getting 7 parcels donated which would save the County 3 – 4 million dollars.

PUBLIC COMMENTS
Celedonio Mendoza, Kyle resident and North Hays Optimist and of the Kyle City Crusher Softball Team, gave a public comment. Mark Key Dripping Springs resident made a public comment. Dan Ekakiadis former council member of the City of Kyle spoke.

25981 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve payments of county invoices in the amount of $2,783,164.76 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25982 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 3, 2009

A motion was made by Commissioner Barton, second by Commissioner Ford to approve Commissioners Court Minutes of March 3, 2009 as presented by the County Clerk with changes made to 25978 to reflect approve payment out of LCRA funds, and on item 25975 to reflect that Andrew Backus spoke as an individual in support of the resolution. All voting "Aye". MOTION PASSED

25983 APPROVE RENEWAL OF BID #2008-B08 "ANNUAL ROAD STRIPING" FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ford, to approve the renewal of bid # 2008-B08 "ANNUAL ROAD STRIPING" for one additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

25984 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 4 OF THE GRANT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FIVE MILE DAM PARK, ALLOWING THE EXISTING OVERHEAD UTILITY LINE ALONG THE SOUTHERN SIDE OF THE OLD SEGMENT OF OLD STAGECOACH ROAD (NOW PARK ROAD) TO REMAIN

A motion was made by Commissioner Barton, seconded by Commissioner Ford, to authorize the County Judge to execute Amendment 4 of the Grant Agreement with the Texas Parks and Wildlife Department for Five Mile Dam Park, allowing the existing overhead utility line along the southern side of the old segment of Old Stagecoach Road (now Park Road) to remain All voting "Aye". MOTION PASSED

Clerk's Note: Agenda item #7: *APPROVE THE CANCELLATION OF COMMISSIONERS COURT ON MARCH 17, 2009* - **was PULLED**

25985 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO JOINT ELECTION AGREEMENTS BETWEEN THE POLITICAL SUBDIVISIONS HOLDING SPECIAL AND GENERAL ELECTIONS ON MAY 9, 2009 WITH HAYS COUNTY (T1-855)

Political subdivisions holding elections on May 9, 2009 are City of Wimberley, Wimberley ISD, City of Woodcreek and Hays Trinity Groundwater District. Joyce Cowman spoke and explained that the Cities of San Marcos, Hays, and Dripping Springs will hold their elections on May 9, 2009. Bill Bradfield spoke in support for Jacobs Well and explained that they were only allowed to hold 2 elections and asked the court for help to see if there is any way to change the dates on the elections. **A motion was made by Commissioner Ford, seconded by Commissioner Conley, to authorize the County Judge to enter into Joint Election Agreements between the political subdivisions holding Special and General Elections on May 9, 2009 within Hays County with the City of Wimberley, Wimberley ISD, City of Woodcreek and Hays Trinity Groundwater District. All voting "Aye". MOTION PASSED**

25986 APPROVE AMENDED RESOLUTION AUTHORIZING THE DESIGNATION OF 10.2 ACRES OF THE PROPERTY AT FIVE MILE DAM PARK COMPLEX AS "OPEN SPACE" AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RELATED AMENDMENT THREE TO THE GRANT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT (T1-1046)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton, to approve amended Resolution authorizing the designation of 10.2 acres of the property at Five Mile Dam Park Complex as "Open Space" and to authorize the County Judge to execute the related amendment three to the Grant Agreement with the Texas Parks and Wildlife Department. All voting "Aye". MOTION PASSED

25987 AUTHORIZE THE ROAD & BRIDGE DIVISION TO PROVIDE SERVICES FOR THE CONSTRUCTION OF PEDESTRIAN TRAILS AT FIVE MILE DAM PARK (T1-1098)

Jeff Hauff Grants Director spoke of requesting the Road and Bridge Division to assist in the construction of pedestrian trails at Five Mile Dam Park. The use of County forces can be used as an in-kind match to the grant from the Texas parks and Wildlife Department, with 50% of the staff salaries, equipment hours, and materials cost – with appropriate documentation – reimbursable under the grant. Further, the trails are an element of the grant agreement with TPWD that must be completed and are not currently covered under any contract for park construction. The use of County forces is considered to be a cost-saving measure undertake to achieve park completion. RPTP Director Jerry Borcherding explained how much time it would for his staff to do the work involved and cost would be about $26,000, he also stated that no other projects that would be affected by this. **A motion was made by Commissioner Ford, seconded by Commissioner Conley, to authorize the Road & Bridge Division to provide services for the construction of pedestrian trails at Five Mile Dam Park. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #8: *RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BELTERRA SUBDIVISION PHASE 3 SECTION 11B* **- was PULLED**

25988 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACTS WITH LAN FOR ENGINEERING AND ROW SERVICES ON DACY LANE (T1-1158)

Bill Herzog explained the money would be coming out of reserves. Eddie Etheredge (LAN) explained the project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford, to authorize the County Judge to execute contracts with LAN for engineering and ROW services on Dacy Lane in the amount of approximately $1.2 million dollars to be paid from the general fund and be reimbursed by debt issued at a later date. All voting "Aye". MOTION PASSED**

25989 APPROVE $376.70 REIMBURSEMENT TO JERRY PINNIX, PARKS AND TRANSFER STATION DEPARTMENT FOR TRAINING LODGING EXPENSE (T1-1475)

A motion was made by Commissioner Ford, seconded by Commissioner Barton, to approve $376.70 reimbursement to Jerry Pinnix, Parks and Transfer Station Department for training lodging expense. All voting "Aye". MOTION PASSED

25990 [08-4-74 – 2 Lots] **RYAN HILL REPLAT OF LOTS 1 & 2 BLOCK A AND LOTS 5 & 7 BLOCK B – WAIVE PRELIMINARY PLAN APPROVAL AND PUBLIC HEARING; CONSIDER VARIANCE FROM HAYS COUNTY MINIMUM LOT SIZE RULES AND ACCEPT FINAL PLAT** (T1-1519)

A motion was made by Commissioner Ford, seconded by Commissioner Conley, to waive preliminary plan approval and accept final plat of Ryan Hill Replat of Lots 1 & 2 Block A and Lots 5 & 7 Block B and grant variance from Hays County minimum lot size rules. All voting "Aye". MOTION PASSED

25991 PROMOTE AND FUND HEALTH CHECK 2009 FOR HAYS COUNTY EMPLOYEES, EMPLOYEE DEPENDENTS THAT ARE ON THE COUNTY'S HEALTH INSURANCE PLAN AND AUTHORIZE PAYROLL DEDUCTION OF ADDITIONAL FEES FOR OPTIONAL SERVICES EMPLOYEES MAY ELECT (T1-1582)

Dee Dee Baen HR Director spoke of the pre-draw and funding needed. The actual day-long health fair portion of Health Check will be held on Thursday April 23 from 7 a.m. to 6 p.m. at Central Texas Medical Center. Tentative (contingent on the passing of this item) times from 7:30 am – 9:00 am on dates/locations are Wed 3/18 – Justice Center; Thur 3/19 – Road and Bridge (Yarrington); Thur 4/2/ - Sheriff's Office. Dependants are eligible for other testing done if they are 18 and older at their own expense. **A motion was made by Commissioner Ford, seconded by Commissioner Conley, to promote and fund Health Check 2009 for Hays County Employees, Employees dependents that are on the County's Health Insurance Plan and authorize payroll deduction of additional fees for optional services employees or their dependants may elect. All voting "Aye". MOTION PASSED**

25992 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL LICENSE AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF DRIPPING SPRINGS FOR LANDSCAPE/RAIN GARDEN WITHIN THE CITY ROW AT THE NEW PCT 4 BUILDING (T1-1710)

A motion was made by Commissioner Ford, seconded by Commissioner Conley, to authorize the County Judge to execute an Interlocal License Agreement between Hays County and the City of Dripping Springs for landscape/rain garden within the city ROW at the new Pct 4 building. All voting "Aye". MOTION PASSED

25993 EXTEND THE LOCAL DISASTER DECLARATION EXECUTED BY THE COUNTY JUDGE ON OR ABOUT THE 2ND DAY OF MARCH 2009 (T1-1770)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to extend the Local Disaster Declaration executed by the County Judge on or about the 2nd of March, 2009. All voting "Aye". MOTION PASSED

Clerk's Note Agenda item #12: RE: *DISCUSSION AND POSSIBLE ACTION TO PLACE CHAPTER 174 OF THE TEXAS LOCAL GOVERNMENT CODE IN EFFECT IN HAYS COUNTY, PURSUANT TO A MAJORITY OF VOTES CAST IN FAVOR OF ADOPTION OF THAT CHAPTER IN THE NOVEMBER 2008 GENERAL ELECTION; AND TO RECOGNIZE COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS (CLEAT) AS THE ASSOCIATION SELECTED BY A MAJORITY OF THE POLICE OFFICERS AT THE HAYS COUNTY SHERIFF'S OFFICE TO ACT AS THE BARGAINING AGENT FOR THOSE OFFICERS UNDER CHAPTER 174 OF THE TEXAS LOCAL GOVERNMENT CODE* **– was PULLED**

DISCUSSION REGARDING A POLICY OR PROVIDING GUIDANCE TO DEFINE THE CURRENT OSSF RULES REGARDING SURFACE WATER VS GROUND WATER DETERMINATION OF A PUBLIC/PRIVATE PROVIDER AND PROVIDE GUIDANCE ON LETTERS REQUIRED FROM PUBLIC/PRIVATE WATER/WASTEWATER PROVIDERS TO DETERMINE WATER AND/OR WASTEWATER AVAILABILITY FOR SUBDIVISIONS (T1-1925)

Clint Garza Subdivision Coordinator spoke about surface water determination for the proposed development regulations. Jerry Borcherding, RPTP Director, spoke about inconsistencies in the rules. Clint Garza spoke of three contradictions in the rules; (1) primary (2) small (3) or backup only. Environmental Health Department wants clarification from the court and how to implement that policy. Commissioners spoke of inserting the percentage of 2/3. If 2/3 of source comes from surface water you'll be surface water but if less than 1/3 you could be considered surface water if a small percentage if less than 1/3 of your total water supply came from a groundwater source. City of San Marcos is at 70% surface water and 30% groundwater; City of Kyle 58% surface water; City of Buda 90% groundwater; Uhland/Niederwald is around 30% groundwater depending on the rule of the water supply; Wimberley is 100% groundwater; Dripping Springs is 75% surface water. Grant Moore spoke about water issues.

25994 CALL FOR A PUBLIC HEARING ON MARCH 24, 2009 AT 1:30 P.M. TO ADOPT DEVELOPMENT REGULATIONS (T1-3059)

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on March 24, 2009 at 1:30 p.m. on development regulations in tandem with our workshop on these final matters on. All voting "Aye". MOTION PASSED

PRESENTATION BY HDR REGARDING THE WATER/WASTEWATER FACILITIES PLANNING PROCESS (T -3339)

Commissioner Ford explained the County received a grant from Texas Water Development Board and we put out an RFQ for an engineering firm to help us with water/wastewater facilities planning process. Brandon Neal and Herbert Grubb of HDR Engineering spoke of plan and schedule and how the process will work. Stakeholders present at the meeting were: Don Ferguson City Administrator of Wimberley; Glen Lewis of AquaTexas; Tom Haley Mayor of Wimberley; Debbie Magin Guadalupe Blanco River Authority; Bob Flocke Mayor Pro-Tem of Wimberley; David Baker of Wimberley Valley Watershed Association; Andrew Backus of Hays Trinity Groundwater Conservation District; Jon Thompson City of Dripping Springs. Commissioner Ford stated that we had a $200,000 Grant. The Texas Water Development Board gave $100,000 and Hays County and its Stakeholders came up with $100,000 in matching funds. Stakeholders are LCRA, the City of Drippings Springs, Dripping Springs WSC; AquaTexas, City of Wimberley, Wimberley WSC, City of Hays, and GBRA, Barton Springs Edwards Underground Conservation District, Hays Trinity Groundwater Conservation District and Hays County.

Court convened into closed executive session at 2:35 p.m. and reconvened into open meeting at 3:15 p.m. No action was taken on this item.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY RANCHES AT HAMILTON POOL WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO (T2-1364)

25994 PRESENTATION BY LOOMIS PARTNERS ON THE FINAL APPLICATION DRAFT OF THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN – APPROVE THE APPLICATION FOR THE HAYS COUNTY RHCP FOR SUBMITTAL TO US FISH AND WILDLIFE SERVICE (T2-1390)

Cliff Ladd and Amanda Aurora of Loomis Partners gave a brief presentation of the fourth draft of the Habitat Conservation Plan. **A motion was made by Commissioner Conley seconded by Commissioner Ford to approve the fourth draft plan and to approve the application for the Hays County RHCP for submittal to US Fish and Wildlife Service. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 10, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF MARCH A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COMMISSIONER PRECINCT 4 KAREN FORD ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

25995 ADOPT A PROCLAMATION DECLARING MARCH 24, 2009 WORLD TB DAY

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a proclamation declaring March 24, 2009 World TB Day. All present voting "Aye". MOTION PASSED

IT PRESENTATION TO THE COURT BY JEFF MCGILL [T1-127]

Jeff McGill spoke of work orders and blocking emails from four Asian and South American countries to reduce the amount of junk mail/spam coming through the system. He spoke of number of visits to the county website. He spoke of various government entities that are using systems that addresses live streaming, indexing the agenda, and integrates minutes with the video. Rafael Marquez (web administrator) spoke.

25996 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payments of county invoices in the amount of $958,669.19 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

25997 APPROVE SPECIFICATIONS FOR IFB #2009-B10 "CONSTRUCTION FOR ADDITIONAL OFFICE/CLASSROOMS FOR JUVENILE PROBATION" AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve specifications for IFB #2009-B10 "construction for additional office/classrooms for Juvenile Probation" and authorize Purchasing to solicit for bids and advertise. All present voting "Aye". MOTION PASSED

25998 APPROVE CONTRACT WITH BEARINGPOINT TO DO ELECTRONIC FILING IN THE DISTRICT CLERK'S OFFICE

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve contract with bearing point to do electronic filing in the District Clerk's Office. All voting "Aye". MOTION PASSED

25999 APPROVE BUDGET AMENDMENT IN THE PARKS DEPARTMENT FOR CONTINUING EDUCATION EXPENSES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve budget amendment in the Parks Department for Continuing Education expenses. All voting "Aye". MOTION PASSED

26000 DISCUSSION AND ACTION REGARDING THE FEDERAL ECONOMIC STIMULUS PLAN, AND THE PRIORITIZATION AND SUBMITTAL OF HAYS COUNTY TRANSPORTATION AND INFRASTRUCTURE PROJECTS FOR CONSIDERATION BY THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION FOR FUNDING THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT AND RELATED STIMULUS PROJECTS [T1-435]

Commissioner Barton spoke of stimulus money for IH35 and for CAMPO to distribute. He spoke of proposed IH35 overpass near Buda, CAMPO Transportation Investment Decision Tree, and Buda Truck Bypass Overpass original TxDOT schedule. Letters of support were submitted by The Meadows at Buda Commercial Ltd. and Texas Lehigh Cement Company LP. Estimated cost for this project is $7.3 million. [T1-765] Ron Fletcher (Buda City Council) spoke in favor of the Buda overpass. Graham Moore (LAN) spoke of work that has been done regarding the design. Robert Kidnew (Texas Lehigh Cement Co.), Warren Ketteman (Buda Economic Development Corp.), and Kenneth Williams (Buda City Manager) spoke in support of this project. Commissioner Barton spoke of safety and mobility issues that would be addressed and he recommended submitting this project to CAMPO for funding. RPTP Director Jerry Borcherding spoke of center lanes on Ranch Road 12, FM110 bridge over SH123, and additional safety projects along SH21 as possible projects to be submitted. Commissioner Conley and Judge Sumter spoke of additional projects that might be possible on Ranch Road 12. [T1-1206] **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to submit CR132/Cement Road Overpass as the number one priority project to CAMPO, and furthermore submit as project number 2 a project from the stakeholder report on SH21 to be determined in by Commissioner Ingalsbe and RPTP Director Jerry Borcherding and project number 3 to be a project from Ranch Road 12 already identified by our selection process but yet unfunded to be determined by Commissioner Conley and RPTP Director Jerry Borcherding. All present voting "Aye". MOTION PASSED**

26001 APPROVE PURCHASE OF ONE TASER FOR CONSTABLE PRECINCT 3 [T1-1256]

Constable Darrell Ayers requested approval to purchase a taser for his department. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve purchase of one taser for Constable Precinct 3. All present voting "Aye". MOTION PASSED**

26002 ADOPT THE BUDGET CALENDAR FOR FY2010 [T1-1327]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to adopt the Budget Calendar for FY2010. All present voting "Aye". MOTION PASSED

26003 APPROVE THE PURCHASE OF A PAPER SHREDDER FOR THE PCT 2 JUSTICE OF THE PEACE OFFICE AND AMEND THE BUDGET ACCORDINGLY [T1-1355]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the purchase of a paper shredder for the Pct 2 Justice of the Peace Office and amend the budget accordingly ($825 transfer from line item 01-426-5211 to line item 01-426-5711). All present voting "Aye". MOTION PASSED

[T1-1397] Court convened into closed executive session at 10:40 a.m. and reconvened into open meeting at 12:00 noon. No action was taken on this item.

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

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED EMPLOYMENT CLAIM(S) AGAINST HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize our legal counsel, Mark Kennedy, along with the Civil Division of the District Attorney's Office to (1) represent Hays County in all employment claims made against Hays County; (2) collaborate with Dee Dee Baen, Director of Human Resources, in determining when such claims are referred to the Texas Association of Counties for legal representation under Hays County's self-insurance policy; (3) execute settlement of employment claims at counsel's discretion; and (4) Commissioners Court be kept informed at all times as these actions are occurring. All present voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 17, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF MARCH A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

VETERANS AFFAIRS DEPARTMENT PRESENTATION

Hays County Veterans Affairs Officer Tom Tvrdik spoke of services provided by the Veterans Affairs Department. He thanked the court for allowing him to serve Hays County. He invited the court to an event being held on March 30 at 5:30 at the American Legion Hall in San Marcos.

PRESENTATION BY SOPHIA AZOUBEL, U.S. CENSUS BUREAU PARTNERSHIP SPECIALIST ABOUT THE 2010 CENSUS AND INITIATIVES BEING TAKEN BY COUNTIES TO IMPROVE COUNT RESPONSES [T1-129]

Sophia Azoubel, Partnership Specialist for the U.S. Census Bureau, spoke of the importance of the census. There will be only 10 questions to the questionnaire. Answers to the Census questionnaire are safe, protected by law and strictly confidential. Questionnaires will be mailed out March 2010. She spoke of response to questionnaires in 2000: City of San Marcos 59% Kyle 60% Buda 70% Dripping Springs 62%. A resolution will be considered next week supporting the creation of sub-committees of the complete count committee regarding the decennial census in 2010.

PRESENTATION BY AMY MADISON, DIRECTOR, ECONOMIC DEVELOPMENT SAN MARCOS ON AN AWARD PRESENTED TO HAYS COUNTY IN CONJUNCTION WITH THE ECONOMIC DEVELOPMENT SAN MARCOS AND THE CITY OF SAN MARCOS FOR "PROJECT MUNCH" THE HEB INCENTIVE [T1-287]

Amy Madison, Director of Economic Development San Marcos, spoke of local impact analysis, recruitment, Grow One San Marcos, incentive for San Marcos companies, and the BR&E International Impact Award being presented to Hays County, City of San Marcos and the San Marcos Economic Development Corp.

26004 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested addition of Donald Dacy invoice NTE $274,235 for ROW on IH35 @ Windy Hill. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $751,793.76 as submitted by the County Auditor with the addition of invoice not to exceed $274,235 to Donald Dacy. All voting "Aye". MOTION PASSED**

26005 APPROVE COMMISSIONER COURT MINUTES OF MARCH 10TH & 17TH, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of March 10 and 17, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26006 AMEND BUDGET IN GENERAL FUND FOR LEOSE EDUCATION FUNDS FOR FIRE MARSHAL

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to amend budget in the General Fund for LEOSE Education Funds for the Fire Marshal. All voting "Aye". MOTION PASSED

26007 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN THE MEADOWS AT BUDA SUBDIVISION, PHASES 1 AND 2 [T1-669]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation for traffic regulations in The Meadows at Buda. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to establish traffic regulations of a 2-way STOP on Tranquility Mountain at Paradise Mountain, a STOP sign on Lone Tree Hollow at Paradise Mountain, a 2-way STOP on Willow City Valley at Paradise Mountain, a STOP sign on Snow Owl Hollow at Paradise Mountain, a STOP sign on Paradise Mountain at Hot Springs Valley, a 2-way STOP on Willow City Valley at Cold Spring, a STOP sign on Cold Spring at Tranquility Mountain, a STOP sign on Willow City Valley at Tranquility Mountain, a STOP sign on Tranquility Mountain at Hot Springs Valley, a STOP sign on Blossom Valley Stream at Hot Springs Valley, a STOP sign on Hot Springs Valley at the turn on Hot Springs Valley, a STOP sign on rosebud Spring at Hot Springs Valley, a STOP sign on the other end of rosebud Spring at Hot Springs Valley, a STOP sign on Hope Pond Valley at Hot Springs Valley, and set a speed limit of 30 MPH for all roads within the Meadows at Buda Subdivision Phases 1 & 2. All voting "Aye". MOTION PASSED**

26008 [08-4-63 – 3 LOTS] **– RESUBDIVISION OF LOT 69D RIVER MOUNTAIN RANCH, SECTION ONE. APPROVE PRELIMINARY PLAN AND A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS 7.6 (C); CALL FOR A PUBLIC HEARING ON APRIL 21, 2009** [T1-702]

Variance being requested is in regards to a Shared Access Driveway. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and variance of Hays County Development Regulations 7.6 (c) as requested and call for a public hearing on April 21, 2009 for Resubdivision of Lot 69D River Mountain Ranch Section one and to furthermore add a plat note of no further subdivision of these lots. All voting "Aye". MOTION PASSED**

26009 [09-3-03 – 2 LOTS] **– RESUBDIVISION OF LOT 7 BURNETT RANCH SUBDIVISION - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON APRIL 21, 2009** [T1-749]

Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan and call for a public hearing on April 21, 2009 for Resubdivision of Lot 7 Burnett Ranch Subdivision. All voting "Aye". MOTION PASSED**

26010 [08-01-44 – 2 LOTS] **– GREEN-SAUCEDO SUBDIVISION - APPROVE PRELIMINARY PLAN AND VARIANCE FROM HAYS COUNTY SUBDIVISION REGULATIONS 7.6(C)** [T1-766]

Variance being requested is in regards to a Shared Access Driveway. Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve preliminary plan and variance as requested to Hays County Subdivision Regulations 7.6 (c) for Green-Saucedo Subdivision. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #13 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HDR AS THE BOND PROGRAM MANAGER AND TO AUTHORIZE WORK ORDER #1* **was PULLED.**

Clerk's Note: Agenda Item #14 RE: EXECUTE *A CONTRACT FOR THE COLLECTION OF DEBT AND ACCOUNTS RECEIVABLE FOR JUSTICE COURT PRECINCT 1 PLACE 2 WITH NETPLEA* **was PULLED**

26011 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, HIRING RECOVERY PROGRAM (CHRP) FOR SUPPORT OF UP TO 12 NEW OFFICERS IN THE HAYS COUNTY SHERIFF'S OFFICE [T1-820]

Grants Administrator Jeff Hauff explained the grant. Sheriff Ratliff spoke of separate grant that is another possible funding source. Discussion was had regarding matching funds that will be needed. **A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to submit a Grant Application to the U.S. Department of Justice, Office of Community Oriented Policing Services, Hiring Recovery Program (CHRP) for support of up to 12 new officers in the Hays County Sheriff's Office with condition that an update be provided within the next 30 days of costs that would be needed in the FY2010 budget. All voting "Aye". MOTION PASSED**

26012 CREATE A NEW SERGEANT POSITION AT THE SHERIFF'S DEPARTMENT [T1-1401]

Sheriff Ratliff spoke of need for a new Sgt. Position due to span of control issues within the investigation division. The funds will be taken from salary savings from the salary line item. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to create a new Sergeant position at the Sheriff's Department. All voting "Aye". MOTION PASSED**

26013 PLACE CHAPTER 174 OF THE TEXAS LOCAL GOVERNMENT CODE INTO EFFECT IN HAYS COUNTY, PURSUANT TO A MAJORITY OF VOTES CAST IN FAVOR OF ADOPTION OF THAT CHAPTER IN THE NOVEMBER 2008 GENERAL ELECTION; AND TO RECOGNIZE HAYS COUNTY LAW FORCEMENT ASSOCIATION (HCLEA) AS THE ASSOCIATION SELECTED BY A MAJORITY OF THE POLICE OFFICERS AT THE HAYS COUNTY SHERIFF'S OFFICE TO ACT AS THE BARGAINING AGENT FOR THOSE OFFICERS UNDER CHAPTER 174 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-1475]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to place Chapter 174 of the Texas Local Government Code into effect in Hays County pursuant to a majority of votes cast in favor of adoption of that Chapter in the November 2008 General Election. All voting "Aye". MOTION PASSED.

A motion was made by Commissioner Conley, seconded by Commissioner Ford to recognize Hays County Law Enforcement Association (HCLEA) as the association selected by the majority of the police officers at the Hays County Sheriff's Office to act as the bargaining agent for those officers under Chapter 174 of the Texas Local Government Code. All voting "Aye". MOTION PASSED

26014 CONTINUE THE DISASTER DECLARATION ORDERED BY THE COUNTY JUDGE ON MARCH 18, 2009 ; APPROVE THE BURN BAN RESOLUTION AND TO AUTHORIZE THE COUNTY JUDGE TO REMOVE OR TEMPORARILY REMOVE THE BURN BAN AS NECESSARY [T1-1805]

Fire Marshal Mark Chambers spoke of fires that occurred when burn ban was not on – he requested continuation of the burn ban at this time. Judge Sumter asked for authority to temporarily remove the burn ban as necessary. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to continue the Disaster Declaration ordered by the County Judge on March 18, 2009; and to approve the Burn Ban Resolution and to authorize the County Judge to remove or temporarily remove the Burn Ban as necessary. All voting "Aye". MOTION PASSED**

26015 ACCEPT THE FY 2008 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER & COMPANY LLP [T1-1959]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept the FY 2008 Financial Audit for Hays County as prepared by the accounting firm of Holtman, Wagner & Company LLP. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KELLOGG, BROWN & ROOT FOR ENGINEERING SERVICES FOR FM 110 [T1-2206]

Bryan Hannah (San Marcos Veteran/student) and Gregory Foster (San Marcos Veteran/student) made public comment against KBR. Gregory Foster read a letter from Jude Prather (currently serving in Iraq) and requested postponement of action today. Marit Babin (KBR) spoke in response to allegations made in public comment. Commissioner Ingalsbe suggested postponement of action at this time. Bryan Hannah spoke of sources used for their research and personal knowledge from serving in Iraq.

DISCUSSION REGARDING A PROCESS FOR RIGHT OF WAY ACQUISITION [T1-2991]

County Auditor Bill Herzog spoke of proposed process. Documents required prior to closing: (1) Executed Purchase Agreement or Memorandum of Understanding, (2) Settlement Statement [if applicable], (3) W-9 form, (4) Deed, (5) Title Insurance Policy [if warranted], (6) Easements, (7) Tax Statement, (8) Partnership Document [if applicable], and (9) Proration of ad valorem taxes. Decisions needed: Will County Judge or Commissioners execute purchase agreements and settlement statements? Will each purchase agreement need court approval? Who will act as the County legal agent for eminent domain cases? Determine minimum land value to issue title policy? Determine minimum land value for proration of ad valorem taxes? No action taken this date.

26016 APPROVE TWO NEW SUPERVISORY POSITIONS, A REGISTERED NURSE (RN) AND AN ADMINISTRATIVE ASSISTANT II POSITION AT HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND TO POST AND HIRE AN RN AND AN ADMINISTRATIVE ASSISTANT II [T2-224]

Health Dept. Director Priscilla Hargraves provided organizational charts (current and proposed) for the Health Department. She spoke of adding a Well Child/Imm RN and an Administrative Assistant II (posted as Admin Asst 1). The Clinic Manager position is not filled and those funds would be used for new RN position, Administrative Assistant, and two promotions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve two new supervisory positions, a Registered Nurse (RN) and an Administrative Assistant II position at Hays County Personal Health Department and to post and hire an RN and an Administrative Assistant II effective immediately. All voting "Aye". MOTION PASSED**

26017 ADOPT A RESOLUTION IN SUPPORT OF THE AMENDMENT TO HB 2441 TO PERMIT HAYS COUNTY UTILITY DISTRICTS TO ISSUE BONDS FOR PARKS AND OPEN SPACE FACILITIES [T2-443]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to adopt a Resolution in support of the Amendment to HB 2441 to permit Hays County Utility Districts to issue bonds for Parks and Open Space Facilities. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING HAYS COUNTY IDENTIFICATION BADGES AND THE PURCHASE OF THE NECESSARY SUPPLIES TO MAKE THEM [T2-468]

County Treasurer Michele Tuttle spoke of ID badges for county employees and she provided examples of the badges and explained information shown on the badge and color coding. Employees will be required to wear their county badges to work in order for the public to identify county employees for assistance, designate authority to be in secured areas and to get accustomed to carrying a badge for the second phase. Phase 2 would be after implementation of the new timekeeping system. This second card will be programmable for key entry into the new county building once it has been built. Initial cost is $1,300 for cards, clips and ink cartridges. Human Resources Director Dee Dee Baen spoke. Court agreed to move forward with this issue. Action to be taken at a later date.

HOLD A PUBLIC HEARING ON THE PROPOSED HAYS COUNTY DEVELOPMENT REGULATIONS [T2-750]

Judge Sumter declared the public hearing open. Bill Gebhard (Wimberley resident) spoke of need to review the document so that he can consider how this will affect his family and others in his community. Mark Key (Dripping Springs resident) spoke of proposed minimum lot sizes. Jimmy Skipton (Dripping Springs resident) spoke of 6.5 acre minimum lot size – most people cannot afford to purchase a piece of property that size – there still would be no guarantee for water. Public hearing was closed.

Court convened into closed executive session at 1:55 p.m. and reconvened into open meeting at 2:35 p.m.
No action was taken on these items.

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING DELIBERATION OF THE PURCHASE AND VALUE OF REAL PROPERTY RELATED TO WINTER'S MILL PARKWAY HIKE AND BIKE TRAIL. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING REAL ESTATE ASSESSMENT FOR POSSIBLE PRESENCE OF ENDANGERED HABITAT. POSSIBLE ACTION TO FOLLOW IN OPEN COURT [T2-1000]

PRESENTATION BY GRANT JACKSON, NEI, ON THE PROPOSED DEVELOPMENT REGULATIONS. POSSIBLE ACTION TO FOLLOW [T2-1020]

Grant Jackson (Naismith Engineering) went through the revised final draft of the Hays County Development Regulations. He spoke of changes made regarding water system classifications and requirement and additional requirements for subdivision served by individual private water wells using local groundwater. [Pages 70-77] He provided members of the court with a "minimum lot size comparison table" and "estimated surface area needed to capture water demand for a single LUE at range of water useage demands & % recharge" chart. Discussion was had regarding Chapter 741 Sub-Chapter 8 regarding facility planning. Andrew Backus (Hays Trinity Groundwater Conservation District) spoke of aquifer recharge. Discussion was had regarding the 6.5 acre minimum lot size. Classification of OSSF was discussed. Commissioner Barton spoke of need to be able to explain the charts and provide drawing so the public can understand the courts intent. Grant Jackson spoke of Section 5.04(D) Design and Construction Standards

Court reconvened into executive session pursuant to 551.072 of the Texas Government Code regarding deliberation of the purchase and value of real property related to Winter's Mill Parkway Hike and Bike Trail at 5:10 pm which ended at 5:30 pm. No action was taken.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 24, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31ST DAY OF MARCH A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Commissioner Conley was not present when the meeting was called to order.

26018 ADOPT A PROCLAMATION DECLARING APRIL 14, 2009 AS "LBJ CENTENNIAL RECOGNITION DAY" [T1-27]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a proclamation declaring April 14, 2009 as LBJ Centennial Recognition Day. All present voting "Aye". MOTION PASSED

26019 ADOPT PROCLAMATION DECLARING APRIL 6-12, 2009 "PUBLIC HEALTH WEEK"

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a proclamation declaring April 6-12, 2009 Public Health Week. All present voting "Aye". MOTION PASSED

PRESENTATION BY RHODA GERSCH, EXECUTIVE DIRECTOR, COMBINED COMMUNITY ACTION, INC. ON THE WEATHERIZATION PROGRAM WHICH HAS RECEIVED FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT [T1-227]

CCA Inc. Executive Director Rhoda Gersch spoke of services provided for home weatherization and additional money being received through federal stimulus funds. People interested in receiving some of this money need to call 1-800- 688-9065 and/or visit www.ccaction.com

Clerk's Note: Agenda Item #3 RE: *ADOPT PROCLAMATION RECOGNIZING APRIL AS "CHILD ABUSE AWARENESS MONTH"* **was PULLED.**

26020 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payments of county invoices in the amount of $1,595,435.19 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

26021 APPROVE COMMISSIONER COURT MINUTES OF MARCH 24, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of March 24, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

26022 APPROVE THE DECEMBER 2008 AND JANUARY 2009 TREASURER'S REPORTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the December 2008 and January 2009 Treasurer's Reports. All present voting "Aye". MOTION PASSED

26023 APPROVE UTILITY PERMIT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve utility permit #02011 on Deer Creek Circle issued to Deer Creek Water Supply Company as presented by the Hays County Road Department. All present voting "Aye". MOTION PASSED

26024 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AMENDMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT TO EXTEND THE GRANT PERIOD FOR THE REGIONAL HABITAT CONSERVATION PLAN TO APRIL 30, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Contract Amendment with the Texas Parks and Wildlife Department to extend the Grant Period for the Regional Habitat Conservation Plan to April 30, 2010. All present voting "Aye". MOTION PASSED

26025 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS TO JOINTLY APPLY FOR A GRANT MADE AVAILABLE THROUGH THE U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR RECOVERY ACT – JUSTICE ASSISTANCE GRANT (JAG) FORMULA FUNDING [T1-350]

Sheriff Tommy Ratliff spoke of equipment that would be purchased through the grant. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute an Interlocal Agreement with the City of San Marcos to jointly apply for a grant made available through the U.S. Department of Justice, Bureau of Justice Assistance for Recovery Act – Justice Assistance Grant (JAG) Formula Funding. All present voting "Aye". MOTION PASSED**

Commissioner Conley came to the meeting at this time.

26026 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF NIEDERWALD, AND STUDIO ESTATES, LLC REGARDING THE STUDIO ESTATES SUBDIVISION [T1-440]

Special Counsel Mark Kennedy spoke of the agreement. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Development Agreement between Hays County, the City of Niederwald, and Studio Estates, LLC regarding the Studio Estates Subdivision. All voting "Aye". MOTION PASSED**

26027 APPROVE FUNDING FOR HAYS COUNTY IDENTIFICATION BADGES AND TO AUTHORIZE PURCHASE OF NECESSARY SUPPLIES [T1-601]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve funding for Hays County identification badges and to authorize purchase of necessary supplies out of line item #01-602-5219. All voting "Aye". MOTION PASSED

ENVISION CENTRAL TEXAS GREENPRINTING UPDATE [T1-644]

Sean Moran (Capital Area Council of Governments) and Kelley Hart spoke. The habitat conservation plan has been submitted to the federal government. Greenprinting consist of digital data that can be utilized by local governments. Draft maps were shown indicating Water Quality and Quantity Priority areas, Parks and Recreation Opportunity Priority areas, Sensitive Ecological Area Priority areas, Cultural and Historic Resource Priority areas, Scenic Corridor Priority areas, Farm and Ranch Land Priority areas, and Overall Conservation Priority areas. Judge Sumter spoke of three priorities for Hays County: habitat, water access and water quality.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 31, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31ST DAY OF MARCH A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING AT 12:00 NOON. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COMMISSIONER PCT. 1 DEBBIE INGALSBE AND COMMISSIONER PCT. 2 JEFFERSON BARTON ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

26028 SUBSTITUTE FISCAL SURETY FOR THE CONSTRUCTION OF ROADS AND DRAINAGE AT THE RANCHES AT HAMILTON POOL SUBDIVISION

This extension of fiscal surety is meant to bridge the gap between the expiration date of the current fiscal surety (April 4, 2009) and the effective date of a negotiated settlement in the pending lawsuit. Commissioner Barton was not present. Special Counsel Mark Kennedy spoke of settlement negotiations. We will be substituting a new letter of credit for the current letter. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to substitute Letter of Credit No. 3299 as fiscal surety for the construction of roads and drainage at the Ranches at Hamilton Pool Subdivision. All present voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 31, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1st DAY OF APRIL A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

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

This meeting was held at the Wimberley Community Center located at 14068 Ranch Road 12 in Wimberley, Texas. Judge Sumter called the meeting to order at 6:45 p. m.

GREENPRINT FOR GROWTH WORKSHOP

Judge Sumter welcomed everyone for coming. Sean Moran from the Capital Area Council of Governments spoke briefly. Kelley Hart with the Trust for Public Land led the workshop along with Bob Heuer. They presented the draft conservation goal maps and received input from citizens in attendance for prioritizing those goals. The six greenprint goals are: (1) Protect Water Quality and Quantity, (2) Enhance Park and Recreation Opportunities, (3) Protect Sensitive Ecological Areas, (4) Protect Cultural and Historical Resources, (5) Protect Scenic Corridors, and (6) Conserve Farm and Ranchland. Participants voted electronically prioritizing the six greenprint goals and Bob Heuer created electronic maps based on those votes. A discussion was had regarding distinction between farm and ranch land.

Court was adjourned at 8:40 p.m.

I, LINDA C. FRITSCHE, 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 APRIL 1, 2009.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2ND DAY OF APRIL A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING AT THE SAN MARCOS ACTIVITY CENTER IN SAN MARCOS, TEXAS. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

COMMISSIONER PCT. 2 JEFFERSON W. BARTON WAS ABSENT; THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order at 6:45 p.m.

Meeting was led by Sandra Tassel (Look at the Land Inc.). She spoke of work done and work to be done. Parks & Open Space Advisory Board Chair Jorge Anchondo spoke of the board being eager to move forward and he spoke of committees that have been created (Executive Committee, Parks & Recreation Committee, and Open Space & Habitat Committee. A new master plan is needed. Sandra Tassel spoke of the Greenprinting meeting that was held on April 1st in Wimberley and she provided various handouts to the participants. A discussion was had regarding the selection of projects and process to be followed. Commissioner Conley advised that he would be supporting habitat related projects and he advised that he had to leave the meeting at this time for another commitment. The participants divided up into four groups for a criteria development exercise using four main categories to target the remaining funds: (1) secure public access to waterways, (2) preserve water quality and quantity, especially aquifer recharge areas; (3) conserve wildlife habitat, in particular for endangered species; and (4) increase passive recreation opportunities. Results from this exercise was discussed. Pat Johnson (Open Space Committee) advised that they will put together criteria and score sheet for consideration of projects. Sandra Tassel asked the participants to rank criteria for "call for projects" and turn it in to her and she spoke of proposed sequence. A discussion was had regarding privacy of properties submitted.

Court was adjourned at 8:50 p.m.

I, LINDA C. FRITSCHE, 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 APRIL 2, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 7TH DAY OF APRIL A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford led the court in a moment of reflection and prayer and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT
[T1-766] Gregory Foster and Daniel Scales made public comment

26029 PROCLAMATION RECOGNIZING APRIL AS CHILD ABUSE AWARENESS MONTH

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt Proclamation recognizing April as "Child Abuse Awareness" month. All voting "Aye". MOTION PASSED

PRESENTATION BY SHERIFF RATLIFF ON HAYS COUNTY JAIL FACILITY [T1-180]

Sheriff Tommy Ratliff spoke of current situation at the jail. He spoke of problems at the jail facility. Discussion was had regarding lawsuit related to the roof at the facility – action needs to be taken soon to correct those problems. Discussion was had regarding process that has already taken place regarding an assessment of the jail facility. Special Counsel Mark Kennedy spoke of deadline for funds related to the rooftop repair.

FIRE MARSHAL PRESENTATION TO THE COURT BY MARK CHAMBERS [T1-404]

Fire Marshal Mark Chambers gave a powerpoint presentation regarding mission and goals for his department. He spoke of increase in the number of fires in Hays County, dollar loss from structure fires, most common causes of fires, and duties and responsibilities (fire/life safety inspections, handle complaints and violations, and fire prevention education) of the Fire Marshal's department. Mark Chambers spoke of new webpage for the fire marshal's department and he spoke of the fire code that will soon be presented to the court for adoption.

26030 RESCIND THE AWARD OF ENGINEERING DESIGN SERVICES FOR FM 110/SM LOOP TO KBR (KELLOGG BROWN & ROOT) AND TO ALTERNATIVELY AWARD THE ENGINEERING DESIGN SERVICES FOR FM 110/SM LOOP TO S&B INFRASTRUCTURE, LTD AND TO AUTHORIZE COMMISSIONER INGALSBE AND LEGAL COUNSEL TO NEGOTIATE A CONTRACT AND FEE PROPOSAL [T1-808]

Commissioner Ingalsbe spoke. Sylvia Benini (Austin Center for Peace & Justice), Robert Whittenberg II (disabled veteran/activist), and Bryan Hannah made public comment. Commissioner Conley, Commissioner Barton, and Commissioner Ford spoke. **A motion was made by Commissioner Ingalsbe, seconded Judge Sumter to rescind the award of Engineering Design Services for FM 110/SM Loop to KBR (Kellogg Brown & Root) and to alternatively award the Engineering Design Services for FM 110/SM Loop to S&B Infrastructure, Ltd. And to authorize Commissioner Ingalsbe and Legal Counsel to negotiate a contract and fee proposal. All voting "Aye". MOTION PASSED**

26031 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payments of county invoices in the amount of $823,994.75 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26032 APPROVE COMMISSIONER COURT MINUTES OF MARCH 31, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioner Court Minutes of March 31, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26033 APPROVE RENEWAL OF BID #2005-B04 "CEMETERY MAINTENANCE" TO MAINTENANCE MANAGEMENT FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of Bid #2005-B04 "Cemetery Maintenance" to Maintenance Management for one additional year as provided in the original bid. All voting "Aye". MOTION PASSED

26034 AUTHORIZE COMMERCIAL OSSF PERMIT FOR HARDY PURVIS TO SERVE A DOG KENNEL LOCATED AT 500 E. LOOP ST., BUDA, IN PRECINCT 2

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize commercial OSSF permit for Hardy Purvis to serve a dog kennel located at 500 E. Loop St., Buda, in Precinct 2. All voting "Aye". MOTION PASSED

26035 AUTHORIZE TWO COMMERCIAL OSSF PERMITS FOR PARK JARRETT III FOR A FRISBEE GOLF COUNTRY CLUB BUSINESS(TWIN PARKS COUNTRY CLUB) LOCATED AT 1111 HAYS COUNTRY ACRES ROAD IN DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize two commercial OSSF permits for Park Jarrett III for a Frisbee golf country club business (Twin Parks Country Club) located at 1111 Hays Country Acres Road in Dripping Springs, in Precinct 4. All voting "Aye". MOTION PASSED

26036 AUTHORIZE RENEWAL OF CLIFFORD POWER SYSTEMS, INC., PLANNED MAINTENANCE AGREEMENT FOR THE HAYS COUNTY JUSTICE CENTER

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize renewal of Clifford Power Systems, Inc., Planned Maintenance Agreement for the Hays County Justice Center. All voting "Aye". MOTION PASSED

26037 APPROVE ANNUAL RENEWAL OF THE TITLE V MATERNITY FUNDING FOR FY2010 IN THE AMOUNT OF $15,619.00

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve annual renewal of the Title V Maternity Funding for FY2010 in the amount of $15,619.00. All voting "Aye". MOTION PASSED

26038 [09-4-05 – 9 LOTS] **HENLY LOOP SUBDIVISION – APPROVE PRELIMINARY PLAT** [T1-995]

Subdivision Coordinator Clint Garza spoke of this being a proposed division of 102 acres of land on Henly Loop (RM 165). The division is divided into 2 sections with Highway 290 separating Section 1 from Section 2. There are 9 lots proposed for the division with an average lot size of 11.32 acres. Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plat of Henly Loop Subdivision. All voting "Aye". MOTION PASSED**

26039 GRANT VARIANCE TO SUBDIVISION AND DEVELOPMENT RULES SECTION 3.11 TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO CRISTELA SERNA, OWNER OF A 2.0 ACRE PORTION OF LOT 4 OF THE GREEN ACRES SUBDIVISION [T1-1042]

Commissioner Conley spoke of property owner purchasing an illegal division of land. Neighbors will not assist in properly platting this land and property owner cannot afford to plat the entire lot. Subdivision Coordinator Clint Garza spoke of City of Wimberley requesting that the entire Lot 4 be platted. This parcel meets all other requirements including the minimum lot size for a lot served by an individual well over the Edwards Aquifer Contributing Zone. Cristela Serna (property owner) spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to grant variance to Subdivision and Development Rules Section 3.11 to allow permitting of an On Site Sewage Facility and Development Permit to Cristela Serna, owner of a 2.0 acre portion of Lot 4 of the Green Acres Subdivision. All voting "Aye". MOTION PASSED**

26040 [09-3-04 – 1 LOT] **REPLAT OF LOTS 25 & 26 RIVER OAKS OF WIMBERLEY, UNIT 1, SECTION 2. DISCUSSION AND POSSIBLE ACTION TO CONSIDER WAIVER OF PUBLIC HEARING AND PRELIMINARY PLAN; APPROVE FINAL PLAT** [T1-1784]

Subdivision Coordinator Clint Garza gave staff recommendation. The proposed replat will dissolve the lot line between these two lots and create a new 1.720 acre lot 25R. This will result in a decrease in subdivision density therefore preliminary plan and public notification are not required. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to waive public hearing and preliminary plan approval and approve final plat of a replat of Lots 25 & 25 River Oaks of Wimberley, Unit 1, Section 2. All voting "Aye". MOTION PASSED**

26041 [09-3-6 – 1 LOT] **HILLTOP PLACE SUBDIVISION, LOT 6 PART OF LOT 5, AND PART OF LOT 42. CONSIDER APPROVAL OF THE CONVEYANCE OF PORTIONS OF LOT 5, 6, AND 42 VIA A METES AND BOUNDS DESCRIPTION WITHOUT REVISION OF THE PLAT, PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE** [T1-1813]

Subdivision Coordinator Clint Garza spoke of Hilltop Place being originally platted in 1977. In 1983 portions of Lot 5 and Lot 42 were conveyed and combined with Lot 6, resulting in a 10.00 acre lot. Over the last 25 years these lots have been bought and sold as legal divisions of property and the owners do not find the requirement to plat until they are ready to build. Special Counsel Mark Kennedy spoke of the local government code 232.010. Amy O'Neil (Realtor) spoke. Judge Sumter suggested that the lots be properly platted. [T1-2370] Commissioner Barton suggested adding a restriction on that lot that it not be further resubdivided without going through the platting process. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the conveyance of portions of Lot 5, 6, and 42 via a metes and bounds description without revision of the plat, pursuant to Section 232.010 of the Texas Local Government Code subject to adding a restriction to no further division of this lot without proper platting. All voting "Aye". MOTION PASSED**

26042 **ALLOW THE TRANSFER OF TWO VEHICLES TO THE BUILDING MAINTENANCE DEPARTMENT** [T1-2462]

The vehicles are a 2002 Ford Crown Victoria with mileage of 86,520, from the Personal Health Department, and a 1997 Crown Victoria with mileage of 73,110 from Constable Pct. 2. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to allow the transfer of two vehicles, one each, from the Personal Health Department and the Sheriff's Office to the Building Maintenance Department All voting "Aye". MOTION PASSED**

26043 **APPROVE REPLACEMENT OF THE A/C UNITS FOR THE COURTHOUSE** [T1-2493]

Ron Knott, Director of Building Maintenance, spoke of these two units being 13 years old and needing to be replaced. Avatt Services submitted a bid **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve the replacement of the air conditioning units for the Courthouse in an amount not to exceed $22,607.36 to be paid from contingencies and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

26044 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF AGREEMENT (MOA) BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND CLAY PURSWELL, DDS FOR PREVENTIVE CARE SERVICES TO BE PROVIDED TO MEDICAID WELL CHILD CLIENTS OF THE PERSONAL HEALTH DEPARTMENT** [T1-2700]

This MOA will allow Clay Purswell, DDS to provide preventive dental services in the Personal Health Department to Medicaid well child clients. The term of the MOA will be April 1, 2009 through September 30, 2010. Through the First Dental Home program, Dr. Purswell will provide preventive services established by the Texas Department of State Health Services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute a Memorandum of Agreement (MOA) between Hays County Personal Health Department and Clay Purswell, DDS for preventive care services to be provided to Medicaid well child clients of the Personal Health Department. All voting "Aye". MOTION PASSED**

26045 [08-1-44 – 2 LOTS] **GREEN-SAUCEDO SUBDIVISION – APPROVE FINAL PLAT** [T1-2715]

Subdivision Coordinator Clint Garza gave staff recommendation. This is a proposed division of 10 acres of land off of CR 158 in Precinct 1 and the City of Kyle's ETJ. Because all newly created lots will be over 5 acres, the City of Kyle has allowed platting to occur through Hays County. Any future divisions of the property will go through the City's processes. If approved, the division will result in 2 newly platted lots, each 5 acres in size. Each lot is to be served by public water supply (Goforth Water) and individual OSSF's. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve final plat of Green-Saucedo Subdivision. All voting "Aye". MOTION PASSED**

26046 **ADOPT A RESOLUTION IN SUPPORT OF THE TEXAS DEPARTMENT OF TRANSPORTATION IN DUAL DESIGNATION OF SH 80 AND SH 142 FROM THE INTERSECTION AT IH 35 IN SAN MARCOS TO THE INTERSECTION OF SH 142 SOUTHWEST OF LOCKHART** [T1-2734]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Resolution in support of the Texas Department of Transportation in dual designation of SH 80 and SH 142 from the intersection at IH 35 in San Marcos to the intersection of SH 142 southwest of Lockhart. All voting "Aye". MOTION PASSED

26047 **ACCEPT RESIGNATIONS FROM CAROL CALLAWAY AND LOUISE SIMON FROM THE CLAIBORNE KYLE LOG HOUSE COMMISSION AND APPROVE THE APPOINTMENTS OF CALE BAESE AND CHRISTINA BAESE TO THE CLAIBORNE KYLE LOG HOUSE COMMISSION** [T1-2768]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept resignations from Carol Callaway and Louise Simon from the Claiborne Kyle Log House Commission and Approve the Appointments of Cale Baese and Christina Baese to the Claiborne Kyle Log House Commission. All voting "Aye". MOTION PASSED

DISCUSSION OF A RESOLUTION REGARDING THE ISSUANCE OF FIRST MORTGAGE REVENUE BONDS BY TARRANT COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION, PURSUANT TO THE PROVISIONS OF THE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ACT [T1-2788]

Special Counsel Mark Kennedy explained the required action needed. Commissioner Conley voiced his concerns and requested postponement of action at this time.

26048 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HDR FOR PROGRAM MANAGEMENT FOR PRIORITY ROADS LISTED IN THE ROAD BOND AND TO AUTHORIZE WORK ORDER #1** [T1-2949]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute a contract with HDR for Program Management for priority roads listed in the Road Bond and to authorize Work Order #1. All voting "Aye". MOTION PASSED

26049 **AUTHORIZE THE COUNTY JUDGE TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN RELATING TO THE REGULATION OF SUBDIVISION PLATS AND RELATED PERMITS IN THE CITY'S ETJ AS REQUIRED BY H.B. 1445, 77TH LEGISLATURE (2001), CODIFIED AT CHAPTER 242 OF THE LOCAL GOVERNMENT CODE** [T1-3000]

Special Counsel Mark Kennedy spoke of our 1445 Agreement with the City of Austin which has expired. The proposed 1445 Agreement will replace the expired agreement and renew annually automatically, unless terminated by either party with 30 days notice. Commissioner Ford suggested changes regarding review by the Edwards Aquifer/Trinity Aquifer districts regarding water availability, term of agreement date needs to be changed, current staff information update, and adding departments for notification. Mark Kennedy spoke of county interacting with the groundwater districts rather than the City of Austin. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to sign an Interlocal Agreement with the City of Austin relating to the regulation of subdivision plats and related permits in the city's ETJ as required by H.B. 1445, 77th Legislature (2001), codified at Chapter 242 of the Local Government Code as amended this date. All voting "Aye". MOTION PASSED**

26050 APPROVE RECOMMENDATION OF THE GOVERNMENT CENTER BUILDING COMMITTEE REGARDING THE SELECTION OF A PROGRAM MANAGER; TO AWARD THE PROGRAM MANAGEMENT FOR DESIGN/CONSTRUCTION OF THE GOVERNMENT CENTER; AND TO AUTHORIZE THE BUILDING COMMITTEE TO NEGOTIATE A CONTRACT [T1-3370]

Commissioner Ingalsbe spoke of committee meeting and ranking four firms: Broaddus & Associates, HS&A, KDC, and MRB. Top ranked firm was Broaddus & Associates. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the recommendation of the Government Center Building Committee for Program Manager, award the Program Management to Broaddus & Associates for design/construction of the Government Center and authorize the building committee to negotiate a contract. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #22 RE: *AUTHORIZE PBS&J TO PROCEED WITH THE CONSTRUCTION DOCUMENT PHASE OF THE HAYS COUNTY GOVERNMENT CENTER* **was PULLED.** [T1-3441]

26051 DISCUSSION REGARDING PROPOSED DISPUTE RESOLUTION CENTER AND ACTION [T2-33]

Anna Bartkowski, Hays County resident and Credentialed Mediator, gave a powerpoint presentation regarding alternative dispute resolution (ADR) centers. She introduced former Chief Justice Frank G. Evans, Texas State Associate Professor Walter Wright, Attorney Barbara Stroud, St. Edwards University Adjunct Professor Walt Krudop, McLennan County DRC Executive Director, Mike Kopp, and Kyle Municipal Court Judge Sundra Spears. Anna Bartkowski explained the mediation process, training and standards, and gave a brief history of ADR. She spoke of structure and organization of the DRC (dispute resolution center), cost benefit analysis (initial startup cost = $17,400), and annual profit and loss figures. Funding is provided by a filing fee in civil cases filed in district, county, and justice precincts and fees collected at time of mediation by parties involved. Sundra Spears spoke of pilot program in Houston in the beginning that she was involved in and spoke of its success. Mike Kopp spoke of DRC in McLennan County – keeps cases out of the court system that would involve numerous hearings. Judge Frank Evans spoke of the mediation system and how it helps the courts, attorneys, and everyone involved. Mark Zuniga, Asst. District Attorney, spoke of having used the DRC in Bexar County with CPA cases. Walter Wright spoke of creating a DRC using volunteers and he offered to help train the first set of mediators for Hays County – Texas State University would provide space for that training. District Clerk Cecelia Adare spoke of mandate once we reach the set population and she spoke in support of the DRC. Anna Bartkowski requested that the court approve the creation and authorize collecting the court cost to help fund. [T2-1636] **A motion was made by Commissioner Ford, seconded by Commissioner Barton to move forward with investigation of a DRS with this group. All voting "Aye". MOTION PASSED.**

26052 FUND THE PURCHASE OF A RADIO FROM LCRA FOR USE BY DPS IN ORDER FOR COMMUNICATION TO FLOW BETWEEN SHERIFF'S DEPUTIES AND THE DPS TROOPER WORKING IN THE SAME AREA OF HAYS COUNTY [T2-1679]

Commissioner Ford spoke of the need for the two agencies to be able to communicate when in the Northwest part of the county. The radio will be used by DPS but remain the property of the Hays County Sheriff's Department. Cost = $2500 for radio, etc. plus $24.95 per month until the end of this fiscal year. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to fund the purchase of a radio from LCRA for use by DPS (Precinct 4 Trooper) in order for communication to flow between Sheriff's Deputies and the DPS Trooper working in the same area of Hays County to be funded out of contingencies in an amount not to exceed $2650 and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #29 RE: *DISCUSSION OF PROPOSED DEVELOPMENT REGULATIONS AND RESPONSE TO COMMENTS* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 APRIL 7, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF APRIL A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Human Resources Director Dee Dee Baen introduced new employees. Commissioner Conley was not present when the meeting was called to order.

26053 ADOPT PROCLAMATION DECLARING THE MONTH OF APRIL AS "AUTISM AWARENESS MONTH"

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt Proclamation declaring the month of April as "Autism Awareness Month". All present voting "Aye". MOTION PASSED

26054 ADOPT PROCLAMATION RECOGNIZING APRIL 12TH – 18TH AS "PUBLIC SAFETY TELECOMMUNICATORS WEEK"

Lt. Dennis Gutierrez, Erica Carpenter, and Sheriff Ratliff spoke**. A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt proclamation recognizing April 12 – 18 as "Public Safety Telecommunicators Week". All present voting "Aye". MOTION PASSED**

UPDATE ON FY2010 BUDGET NEEDS ASSOCIATED WITH THE U. S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES HIRING RECOVERY PROGRAM GRANT APPLICATION [T1-246]

Grants Administrator Jeff Hauff spoke of grant funding up to 12 entry level patrol positions in the Sheriff's office. This three year grant would amount to $2,308,776 total. The county must retain and fund the positions during the 4th year of the program at a cost of $847,536. Up front costs for equipping these officers is $46,557.36 each, or a total of $558,688.32 for twelve positions.

PRESENTATION FROM EMERGENCY MANAGEMENT COORDINATOR JEFF TURNER [T1-374]

Emergency Management Coordinator Jeff Turner spoke of managerial function of emergency management. He explained their mission and need for an updated plan. He spoke of NIMS compliance, Homeland Security Grants (Citizens Corp Project, EOC Grant, Urban Area Security Issue), NIMS training, CBRNE exercises, State Hurricane Drills, and Mass Fatality Exercise. He spoke of incidences that have occurred in Hays County and he spoke of various conferences and presentations. He spoke of regional projects with local impact.

PRESENTATION BY MIKE WEAVER OF THE MONTHLY PROGRESS REPORT FOR THE HAYS COUNTY PASS THROUGH FINANCE PROGRAM FOR MARCH 2009 [T

Mike Weaver (Prime Strategies Inc.) provided a progress report on the pass through financing program. He advised that Lakewood Drive has been removed from the FM1626B pass through project and will be developed as a road bond project, Commissioners Court awarded FM 110 design to S&B Infrastructure on April 7, 2009, and he provided an update of cash flow requirements for future bond sale. He provided drawings and information regarding FM1626 project and update regarding US290, and FM2001.

PUBLIC COMMENT
[T1-1009] Daniel Scales made public comment.

26055 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $477,810.16 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

26056 APPROVE COMMISSIONER COURT MINUTES OF APRIL 1ST, 2ND & 7TH, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of April 1, 2, & 7, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

26057 APPROVE SPECIFICATIONS FOR BID #2009-B11 CONSTRUCTION OF METAL BUILDING FOR HAYS COUNTY CITIZENS COLLECTION STATION/DRIFTWOOD AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for bid #2009-B11 construction of metal building for Hays County Citizens Collection Station/Driftwood and authorize purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

26058 APPROVE RENEWAL OF BID #2006-B17 "FURNISH & INSTALL GUARDRAILS" WITH ROADWAY SPECIALISTS FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner to approve renewal of bid #2006-B17 "Furnish & Install Guardrails" with Roadway Specialists for one (1) additional year as provided for in the original bid. All present voting "Aye". MOTION PASSED

26059 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT EXTENDING THE CONTRACT TERMINATION DATE FOR CAPCOG GRANT 08-12-G16 FOR RECYCLING CENTER

A motion was made by Commissioner Barton, seconded by Commissioner to authorize the County Judge to execute an Amendment extending the contract termination date for CAPCOG Grant 08-12-G16 for Recycling Center. All present voting "Aye". MOTION PASSED

26060 APPROVE MAINTENANCE AGREEMENT WITH CLIFFORD POWER SYSTEMS FOR THE GENERATOR AT THE JUVENILE DETENTION CENTER

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Maintenance Agreement with Clifford Power Systems for the generator at the Juvenile Detention Center. All present voting "Aye". MOTION PASSED

26061 APPROVE RELEASE OF MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR KUYKENDALL SUBDIVISION [T1-1110]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve release of maintenance bond and accept for maintenance all roads and drainage improvements within county ROW for Kuykendall Subdivision. All present voting "Aye". MOTION PASSED

Clerk's Note: Commissioner Conley came to the meeting at this time.

26062 APPROVE RELEASE OF MAINTENANCE BOND, RELEASE OF RE-VEGETATION BOND AND ACCEPT FOR MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN COUNTY R-O-W FOR BELTERRA SUBDIVISION, PHASE 4, SECTION 18 [T1-1117]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve release of maintenance bond, release of re-vegetable bond and accept for maintenance all roads and drainage improvements within county right-of-way for Belterra Subdivision Phase 4, Section 18. All voting "Aye". MOTION PASSED

26063 APPROVE RELEASE OF MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN COUNTY R-O-W FOR WALKING W RANCH SUBDIVISION, PHASE C [T1-1148]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve release of maintenance bond and accept for maintenance all roads and drainage improvements within county right-of-way for Walking W Ranch Subdivision Phase C. All voting "Aye". MOTION PASSED

26064 APPROVE RELEASE OF MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN COUNTY R-O-W FOR BELTERRA SUBDIVISION, PHASE 3, SECTION 11 B [T1-1171]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve release of maintenance bond and accept for maintenance all roads and drainage improvements within county right-of-way for Belterra Subdivision Phase 3 Section 11 B. All voting "Aye". MOTION PASSED

26065 APPROVE RESOLUTION REGARDING APPROVAL OF THE ISSUANCE OF FIRST MORTGAGE REVENUE BONDS BY TARRANT COUNTY FOR TARRANT COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION, PURSUANT TO THE PROVISIONS OF THE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ACT, AS AMENDED, ARTICLE 1528M V.A.C.T.S. (THE "ACT") [T1-1186]

Special Counsel Mark Kennedy explained the project. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Resolution regarding approval of the issuance of First Mortgage Revenue Bonds by Tarrant County for Tarrant County Cultural Education Facilities Finance Corporation, Pursuant to the provisions of the Cultural Education Facilities Finance Corporation Act, as amended, Article 1528M V.A.C.T.S. (the "Act")**
All voting "Aye". MOTION PASSED

26066 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH BROADUSS AND ASSOCIATES FOR PROGRAM MANAGEMENT OF THE HAYS COUNTY GOVERNMENT CENTER PROJECT [T1-1232]

Jim Broaduss and Brenda Jenkins (Project Executive) spoke of the project. Special Counsel Mark Kennedy spoke of the contract and audit clause that needs to be added. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a contract with Broaduss and Associates for Program Management of the Hays County Government Center Project with amendments recommended by Special Counsel. All voting "Aye". MOTION PASSED**

26067 DISCUSSION AND ACTION REGARDING A POLICY TO BE STYLED "ETHICS BEGINS AT HOME", RELATED TO THE ESTABLISHMENT OF ETHICAL AND ACCOUNTABILITY STANDARDS FOR BOTH LOCAL AND INTERNATIONAL PROFESSIONAL FIRMS WISHING TO DO BUSINESS WITH HAYS COUNTY [T1-2003]

Commissioner Barton spoke of standards for companies doing business with Hays County and he suggested that the county should demand a high level of ethical conduct from those who would use our tax dollars. He proposed that the court ask District Attorney Sherri Tibbe and her Civil Division Chief Mark Kennedy, along with purchasing director Cindy Maiorka, to prepare a policy. He read from a list of five items that he would like to see in that policy: (1) Who is affected: professional service contracts of $10,000 or more, (2) Convicted firms and key individuals are prohibited from Hays County work, (3) Disclosure: Firms and key individuals must disclose if they are under government investigation or if affiliates are under investigation or have been convicted, (4) the right to consider and terminate, and (5) If the Commissioners Court has a finding that this is a sole source company that the service they provide is not readily available elsewhere but it is critically important to the health, welfare and safety to the citizens of Hays County, then we can provide an exception, and an opportunity for any company who might be prohibited to come before the court and argue for an exception but would require a public hearing before Commissioners Court and an affirmative vote by the court finding that they have addressed the circumstances that led to the conviction made changes in the corporate culture of the company and/or that there were other extenuating circumstances. Discussion was had regarding various concerns by members of the court. Mark Kennedy spoke of adding to the current code of ethics in the meantime – it must be equitable across the board. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to establish a policy to be styled "Ethics Begins at Home" related to the establishment of ethical and accountability standards for both local and international professional firms wishing to do business with Hays County and to request the committee to work with Commissioner Barton on details and bring back the final policy for consideration by the court. All voting "Aye". MOTION PASSED**

26068 **AUTHORIZE THE COUNTY JUDGE TO SIGN AND SUBMIT THE INCIDENTAL TAKE PERMIT APPLICATION FORM ASSOCIATED WITH THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN TO THE U.S. FISH AND WILDLIFE SERVICE FOR PROCESSING** [T1-3008]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to sign and submit the Incidental Take Permit Application Form associated with the Hays County Regional Habitat Conservation Plan to the U.S. Fish and Wildlife Service for processing. All voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHE, 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 APRIL 14, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF APRIL A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford led the court in a moment of silence and remembrance, and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PARKS AND TRANSFER STATION DEPARTMENT PRESENTATION

Parks Director Jerry Pinnix spoke of rebound in recycling and ability to store more products with the additional building from the CAPCOG grant. He spoke of recycling cardboard, aluminum, and plastics. He gave an update on progress at the five mile dam park. We are getting close to finishing Phase I and plans for Phase II are almost completed.

26069 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,295,682.52 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26070 APPROVE COMMISSIONER COURT MINUTES OF APRIL 14, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of April 14, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26071 AUTHORIZE COUNTY JUDGE TO APPROVE THE PERSONAL HEALTH DEPARTMENT'S REQUEST FOR ADDITIONAL FUNDS IN THE AMOUNT OF $4,224.00 FROM TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) EMERGENCY PREPAREDNESS PROGRAM FOR FY 2009

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize County Judge to approve the personal Health Departments request for additional funds in the amount of $4,224.00 from Texas Department of State Health Services (DSHS) Emergency Preparedness Program for FY 2009. All voting "Aye". MOTION PASSED

26072 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT OF THE CONSTABLE PCT 4 OFFICE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept the delivery of the internal examination report of the Constable Pct 4 Office. All voting "Aye". MOTION PASSED

26073 APPROVE SPECIFICATIONS FOR BID #2009-B09 ROAD IMPROVEMENTS/HOT-MIX OVERLAY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

RPTP Director Jerry Borcherding requested changes in the bid specs and addition of two roads. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications for bid #2009-B09 road improvements/hot-mix overlay and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED**

26074 APPROVE UTILITY PERMIT

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve utility permit #02012 on Cedar Oaks Mesa Subdivision issued to Hejl, Lee and Associates, Inc; permit #02013 on Goforth Road issued to PEC, Inc. as presented by the Road Department. All voting "Aye". MOTION PASSED

26075 CALL FOR A PUBLIC HEARING ON MAY 5, 2009 TO ESTABLISH TRAFFIC REGULATIONS ON SUMMIT PASS AT THE INTERSECTION WITH HIGH ROAD (CR 256) [T1-156]

The proposed traffic regulation is a stop sign on Summit Pass at High Road (CR 256) in the Highlands Subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 5, 2009 to establish traffic regulations on Summit Pass at the intersection with High Road (CR 256). All voting "Aye". MOTION PASSED**

26076 [09-3-03 – 2 Lots] **RESUBDIVISION OF LOT 7 BURNETT RANCH SUBDIVISION – HOLD PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-162]

Judge Sumter opened the public hearing. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "Resubddivision of Lot 7 Burnett Ranch" subdivision. All voting "Aye". MOTION PASSED**

26077 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR FUNDING TO SUPPORT A CRIME ANALYST POSITION IN THE SHERIFF'S OFFICE [T1-181]

Sheriff Ratliff explained the grant which will seek two years of funding for a Crime Analyst. **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to submit a grant application to the U.S. Department of Justice, Bureau of Justice Assistance for funding to support a Crime Analyst position in the Sheriff's Office. All voting "Aye". MOTION PASSED**

26078 SELECT CLAYTONLEVYLITTLE FOR RFQ #2009-P07 HISTORIC PRESERVATION ARCHITECT FOR RESTORATION OF THE OLD HAYS COUNTY JAIL AND AUTHORIZE THE COMMITTEE TO NEGOTIATE A CONTRACT [T1-297]

Kate Johnson gave committee recommendation to select ClaytonLevyLittle firm as architect. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to select ClaytonLevyLittle for RFQ #2009-P07 Historic Preservation Architect for restoration of the Old Hays County Jail and authorize the committee to negotiate a contract. All voting "Aye". MOTION PASSED**

26079 DISCUSSION AND ACTION REGARDING THE HAYS COUNTY LICENSE AGREEMENT FOR TEMPORARY USE OF COUNTY PROPERTY [T1-348]

Commissioner Conley spoke of need to clarify the county policy as it relates to courthouse permits. Special Counsel Mark Kennedy spoke of government liability. Discussion was had regarding insurance requirement. Commissioner Barton spoke of distinction between a special event and a gathering related to freedom of speech. **A motion was made by Commissioner Conley, seconded by Judge Sumter to instruct Special Counsel within a two week period of time to come back to the court with some specific language addressing political speech and First Amendment association as it pertains to use on the Courthouse grounds and address some other circumstances and come up with some language (1) political speech and First Amendment association events wouldn't drop the insurance requirements (2) on other events we would need to develop language that one of the court members could sponsor to be placed on the Agenda and be approved by the court. All voting "Aye". MOTION PASSED**

26080 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH S&B INFRASTRUCTURE, LTD. FOR ENGINEERING SERVICES ON THE FM 110 PASS THROUGH FINANCE PROJECT (3545-02-001) [T1-916]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Professional Services Agreement with S&B Infrastructure, LTD. For engineering services on the FM 110 Pass Through Finance Project (3545-02-001). All voting "Aye". MOTION PASSED

26081 [08-4-63 – 3 Lots] **RESUBDIVISION OF LOT 69D RIVER MOUNTAIN RANCH, SECTION ONE - HOLD PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-978]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "River Mountain Ranch Section One Resubdivision of Lot 69D". All voting "Aye". MOTION PASSED**

26082 **APPROVE AND ADOPT A COUNTY ROADWAY PROGRAM IN PCT 4 AND ANY OTHER PRECINCT WISHING TO BEGIN SUCH A PROGRAM** [T1-1000]

Commissioner Ford spoke of proposed "Adopt a County Roadway" program. She will provide start up costs out of special project funds in Precinct 4 (roadside signage, vests, and trash bags). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve and Adopt a County Roadway Program beginning in Pct 4 and any other precinct wishing to begin such a program. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING THE BYLAWS OF THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD AS ADOPTED BY THAT BOARD ON MARCH 31, 2009 [T1-1147]

Discussion was had regarding various section and changes were recommended. Article III Section 1 – delete sentence: County staff assigned to the committee shall be allotted (3) nominees to the court for approval and appointment to the Board. Discussion was had regarding Article V Section 12 "conflict of interest" – needs to be clarified. Court agreed to send ByLaws back to the board for amendment.

26083 **ALLOW COMMISSIONER FORD AND JERRY BORCHERDING TO NEGOTIATE A CONTRACT WITH ROGERS DESIGN SERVICES FOR DESIGN AND PROJECT MANAGEMENT OF THE 2001 BOND ROAD MT. GAINOR** [T1-1502]

A motion was made by Commissioner Ford, seconded by Judge Sumter to allow Commissioner Ford and Jerry Borcherding to negotiate a contract with Rogers Design Services for Design and Project Management of the 2001 Bond Road project for Mt. Gainor, not to exceed $500,000 out of the 2001 Road Bond funds. All voting "Aye". MOTION PASSED

26084 **APPOINT MELINDA MALLIA TO SERVE ON THE PARKS AND OPEN SPACE BOARD**

[T1-1539] **A motion was made by Commissioner Ford, seconded by Judge Sumter to appoint Melinda Mallia to serve on the Parks and Open Space Board. All voting "Aye". MOTION PASSED**

26085 **ADOPT A RESOLUTION SUPPORTING THE CREATION OF SUB-COMMITTEES OF THE COMPLETE COUNT COMMITTEE REGARDING THE DECENNIAL CENSUS IN 2010** [T1-1567]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Resolution supporting the creation of sub-committees of the Complete Count Committee regarding the Decennial Census in 2010 and setting a training date. All voting "Aye". MOTION PASSED

26086 **AMEND THE BUDGET TO TRANSFER $2,914.63 FROM LINE ITEM 440-5353 (SPECIAL PROJECTS) TO LINE ITEM 440-5021 & 440-5101(STAFF SALARIES)**

[T1-1618] **A motion was made by Commissioner Barton, seconded by Judge Sumter to amend the budget to transfer $2,914.63 from line item 440-5353 (Special Projects) to line item 440-5021 & 440-5101 (Staff Salaries) and clarify that future movement of special project funds within the same department budget can be handled by the auditor's office administratively. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item Re*: APPROVE FUNDING THE CRIMINAL INVESTIGATIONS DIVISION LIEUTENANT POSITION ABOVE 25% OF THE RANGE* **was PULLED.**

Clerk's Note: Agenda Item RE: *WORKSHOP TO DISCUSS ADDITIONS TO ROAD DEPARTMENT BUILDING ON YARRINGTON ROAD* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 APRIL 21, 2009.

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

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 28TH DAY OF APRIL A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford led the court in a moment of silence and remembrance and in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26086 ADOPT PROCLAMATION DECLARING MAY 6-12, 2009 NATIONAL NURSES WEEK WITH THE THEME OF NURSES: BUILDING A HEALTHY AMERICA

Personal Health Director Priscilla Hargraves gave her appreciation to the court and to nurses nationwide. **A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt Proclamation declaring May 6-12, 2009 National Nurses Week with the theme of nurses: Building a Health America. All voting "Aye". MOTION PASSED**

26087 ADOPT PROCLAMATION DECLARING MAY 3-9, 2009 AS COUNTY GOVERNMENT WEEK

Human Resources Director Dee Dee Baen spoke of activities to be held and Judge Sumter recognized the committee working on this event. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt Proclamation declaring May 3-9, 2009 as County Government Week. All voting "Aye". MOTION PASSED**

PRESENTATION BY LINDA WERLEIN FROM HILL COUNTRY COMMUNITY MHMR CENTER

[T1-229] Hill Country Community MHMR Center Executive Director Linda Werlein spoke of serving 19 counties in Texas with 10 mental health clinics, 8 mental retardation centers, and 9 early childhood intervention centers. She spoke of number of individuals served in FY2008. Center wide budget is $28,249,173 with 472 employees. Hays County has 105 employees with an annual investment of $5,712,424 in Hays County. Hays County offices are: Scheib Mental Health Clinic, Hill Country Mobile Crisis Outreach Team, Scheib Mental Retardation Center, San Marcos Homespun, Kyle Homespun, and Dripping Springs Homespun. The Hill Country Crisis Stabilization Unit is scheduled to open May 2009.

Clerk's Note: Agenda Item #4 RE: *PRESENTATION TO THE COURT BY STEVE STARTZELL, OF NATIONAL SIGN PLAZAS, REGARDING THE OPPORTUNITY FOR A DIRECTIONAL SIGN PROGRAM AND INFORMATIONAL KIOSKS* **was PULLED.**

26088 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested pulling payment to the Dripping Springs ISD in the amount of $2400 for rent (countywide operations budget). **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $644,433.77 ($2400 payment to Dripping Springs ISD in Dept. 414 was pulled) as requested by the County Auditor. All voting "Aye". MOTION PASSED**

26089 APPROVE COMMISSIONER COURT MINUTES OF APRIL 21, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of April 21, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26090 ACCEPT DONATED FUNDS IN THE AMOUNT OF $550.00 FOR THE HAYS COUNTY SHERIFF'S OFFICE JR. DEPUTY PROGRAM TO BE DEPOSITED IN LINE ITEM 28-467-5222 (CRIME PREVENTION PROGRAM)

A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept donated funds in the amount of $550.00 for the Hays County Sheriff's Office Jr. Deputy Program to be deposited in line item 28-467-5222 (Crime Prevention Program. All voting "Aye". MOTION PASSED

26091 APPROVE SPECIFICATIONS FOR IFB #2009-B12 "ELECTRICAL SERVICES COUNTYWIDE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for IFB #2009-B12 "Electrical Services Countywide" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26092 AUTHORIZE ON-LINE AUCTION WITH RENE BATES STARTING MAY 11, 2009 AND RUN FOR TWO WEEKS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize on-line auction with Rene Bates starting May 11,2009 and run for two weeks. All voting "Aye". MOTION PASSED

26093 AUTHORIZE THE COUNTY JUDGE TO SIGN AN APPLICATION FOR THE RENEWAL OF THE IMMUNIZATION GRANT BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR $192,341.00

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to sign an application for the renewal of the immunization grant between the Hays County Personal Health Department and the Texas Department of State Health Services (DSHS) for $192,341.00. All voting "Aye". MOTION PASSED

26094 WAIVE ½ OF THE FEES FOR THE CIVIC CENTER RENTAL FOR THE TEXAS EXTREME MUSIC FESTIVAL [T1-651]

Commissioner Conley spoke of this being a fundraising event for a person injured in an automobile accident. Nyles Burgess, Event Coordinator, explained the event and how money raised will be spent. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to waive ½ of the fees for the Civic Center rental for the Texas Extreme Music Festival. All voting "Aye". MOTION PASSED**

26095 [09-4-10] **DISCUSSION AND ACTION REGARDING PROPOSED VARIANCE TO MINIMUM LOT FRONTAGE STANDARDS FOUND IN SECTION 7.4 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS FOR A PROPOSED DEVELOPMENT OF THE NORTHEAST CORNER OF MCGREGOR LANE AND HIGHWAY 290 IN PRECINCT 4** [T1-785]

Subdivision Coordinator Clint Garza explained the variance request. Commissioner Ford spoke in support of this request. A preliminary drawing was submitted. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to pre-approve a variance to minimum lot frontage standards, allowing a 60 foot road frontage, as found in Section 7.4 of the Hays County Development Regulations for a proposed development of the NE corner of McGregor Lane and Highway 290 in Precinct 4. Final approval of variance will occur when development plan is submitted. All voting "Aye". MOTION PASSED**

26096 AUTHORIZE HIRING TEMPORARY HELP FOR SCANNING DOCUMENTS IN THE TREASURER'S OFFICE AND AMEND THE BUDGET ACCORDINGLY [T1-894]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize hiring of temporary help in the Treasurer's Office for scanning documents and amend the budget accordingly. All voting "Aye". MOTION PASSED

26097 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY GRANT PROGRAM, IN THE AMOUNT OF $2,575 AND DESIGNATE JEFF TURNER AS PROJECT MANAGER FOR THIS PROGRAM [T1-959]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to submit a Grant Application to the Capital Area Council of Governments for the State Homeland Security Grant Program, in the amount of $2,575 and designate Jeff Turner as Project manager for this program. All voting "Aye". MOTION PASSED

26098 HIRE THE CRIMINAL INVESTIGATIONS DIVISION (CID) LIEUTENANT POSITION ABOVE THE 25% [T1-995]

Sheriff Tommy Ratliff spoke of person of interest for this position. He would like to hire a CID Lt. at $71,000 which is approximately the 74th percentile of the range. Human Resources Director Dee Dee Baen spoke of midpoint being the optimum. [T1-1370] **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the Sheriff, in concert with Human Resources, to negotiate with, and hire, a CID Lieutenant above the 25 percentile as stipulated in county policy and allowing for negotiations between the 65 and 74 percentile, based on the qualification of the individual being presented to the court this date. All voting "Aye". MOTION PASSED**

26099 ADOPT A RESOLUTION IN SUPPORT OF TEXAS HOUSE BILL 4761AND SENATE BILL 2478, RELATING TO THE AREA AND POWERS OF THE PARKLANDS MUNICIPAL UTILITY DISTRICT NO. 1 IN NORTHEASTERN HAYS COUNTY [T1-1401]

Commissioner Barton explained the request. Walton Texas LP has acquired the land in this MUD as part of a larger assemblage and are developing a master-planned community to be called Camino Real. Walton wishes to expand the Parklands MUD service area to include all or most of the proposed Camino Real development and to add to the MUD's powers so that it might also pay for road improvements. Rep. Patrick Rose has agreed to carry HB4761 provided that local governments are in support. There will be a development agreement with City of Niederwald that will address road improvements, parks, etc. Proposed tax is 95 cents. [T1-1814] **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt a Resolution in support of Texas House Bill 4761 and Senate Bill 2478, relating to the area and powers of the Parklands Municipal Utility District No. 1 in Northeastern Hays County. All voting "Aye". MOTION PASSED**

26100 ADOPT A RESOLUTION SUPPORTING HB4825 and SB2564, CREATING THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT AS PROVIDED FOR UNDER CHAPTER 375 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-1852]

Commissioner Ford explained the bill and spoke of the high quality development being proposed. A two cent sales tax is proposed and a 15 cent ad valorem tax. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt a Resolution supporting House Bill 4825 and Senate Bill 2564, creating the Driftwood Economic Development Municipal Management District as provided for under Chapter 375 of the Texas Local Government Code. All voting "Aye". MOTION PASSED**

26101 ADOPT A RESOLUTION SUPPORTING A TRAFFIC SIGNAL AT US HWY 290 AND ROGER HANKS PARKWAY IN DRIPPING SPRINGS [T1-2062]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to adopt a Resolution supporting a traffic signal at US Hwy 290 and Roger Hanks Parkway in Dripping Springs. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Conley present but not voting.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 APRIL 28, 2009.

Linda C Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5TH DAY OF MAY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mike Schlimgen of Solid Rock Church gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION BY ADAN MUNOZ, JR., EXECUTIVE DIRECTOR, TEXAS COMMISSION ON JAIL STANDARDS [T1-57]

Texas Commission on Jail Standards Executive Director Adan Munoz Jr. spoke of inspection of the Hays County Jail. There is a major deficiency in the roof, structural problems in the facility, and there is space in cell areas for transfer of contraband. He stated that the facility is outdated. The kitchen area has mold and mildew and there is rust in various parts of the building. This was a special inspection requested by the Sheriff and not a normal inspection. A plan of action in response to items found is required. Court discussed need for a facilities assessment and assistance from Jail Standards personnel. Roof issue to be addressed under another agenda item

PRESENTATION OF HAYS COUNTY STRATEGIC PLANNING PROCESS BY CHRIS HOLTKAMP, AICP FROM LCRA, COMMUNITY AND ECONOMIC DEVELOPMENT [T1-414]

Chris Holtkamp, AICP from LCRA, spoke of having met with the majority of county department heads and elected officials. He spoke of holding a charette with local elected officials in Wimberley to determine what is going on at the city level with input at the county level as well. There will also be a series of town hall meetings for input from the citizens. He spoke of needs heard during the meetings with county officials & department heads: new government center, upgrade computer systems, jail issues, automated ticket writing, hot-mix equipment, etc. Judge Sumter spoke of partners in the plan and members of the committee. Chris Holtkamp spoke of various population projections for 2040 (Habitat Plan = 357,873; Texas State Data Center = 469,394/with explosive growth & 276,103/with significant drop in migration; and Texas Water Development Board = 272,543).

PRESENTATION – UPDATE ON HAYS SHOOTING SPORTS TASK FORCE (SSTF) [T1-805]

Stephen Marlow appeared representing the Shooting Sports Task Force (SSTF). He gave a powerpoint presentation. Their primary mission is to provide youth and adults with learning, a safe location to receive shooting sports instruction and safety training, a central location to practice shooting sports safely, opportunities to compete in shooting sports matches and special events, with youth and family activities emphasized. One of the goals is to reduce the need or desire to shoot on private property with ill-prepared or non-existent target backstops and dedicated zones of safety. The charge of the SSTF shall be (1) to establish criteria for, solicit and review potential sites or locations for a shooting sports facility located in Hays County, (2) to make recommendations to the Commissioners Court concerning these sites and (3) to assist county staff in outreach efforts throughout the county; and to pursue funding options, stakeholders, and ideas for operation and on-going administration of a shooting sports facility. He presented the property criteria for the complex and showed the court various facilities throughout the state in Bexar County, Harris County, Kerrville, & Travis County. Mr. Marlow spoke of monthly meetings held at Cabela's, contacts through Commissioners, advertised in news papers, email listing and word of mouth. They have been reviewing potential sites: 380 acres near Kyle on Onion Creek (Searcy), 350 acres on 1626 & 967 (Dahlstrom), and 505 acres on IH35 (Yarrington). Mr. Marlow spoke of funding options, stakeholders, operation and administration. He stated their conclusion in viewing the data on various websites one becomes aware of the social aspects of shooting sports and the strong family and youth orientation being promoted. Small facilities limit the number of shooting sports offered. Gary Connor made public comment in support of this facility.

PUBLIC COMMENT
[T1-1483] Andrew Backus (Hays Trinity Groundwater Conservation District) gave an update on Chapter 36 legislation.

PRESENTATION FROM CONSTABLE DARRELL AYRES FROM THE CONSTABLE PRECINCT 3 OFFICE [T1-1550]

Constable Pct. 3 Darrell Ayres gave a presentation showing his county website which includes the history of the constables office and fees charged (set by Commissioners Court). He spoke of his fulltime deputies and his reserve deputies. He spoke of years of experience in his office and he spoke of duties being performed.

PRESENTATION TO THE COURT BY STEVE STARTZELL, OF NATIONAL SIGN PLAZAS, REGARDING THE OPPORTUNITY FOR A DIRECTIONAL SIGN PROGRAM AND INFORMATIONAL KIOSKS [T1-1875]

Steve Startzell, National Sign Plazas, spoke of their business working in the directional sign and homebuilding industry for over 30 years. Developers rent/lease space/panels on the signs and the county receives an administration fee. Signs are placed in county right-of-way. The county would be able to utilize space on the signs for county services.

26102 AUTHORIZE THE PURCHASE OF A VEHICLE FOR THE SHERIFF'S DEPT.

Sheriff Tommy Ratliff spoke of funds available to purchase a new vehicle for patrol from savings in the vehicle line item. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the purchase of a vehicle in the amount of $21,641.00 for the Sheriff's Department. All voting "Aye". MOTION PASSED**

26103 ACCEPT DONATION OF EQUIPMENT FROM MCCOY'S BUILDING SUPPLY IN EXCHANGE FOR BANNER PLACEMENT AND THE USE OF THE CIVIC CENTER FOR SIX (6) ONE-DAY MCCOY'S SPONSORED EVENTS PRIOR TO DECEMBER 31, 2010 [T1-2145]

Civic Center Manager Barry Nelson spoke of request from McCoy's Building Supply. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept donation of equipment from McCoy's Building Supply in exchange for banner placement and the use of the Civic Center for six one-day McCoy's sponsored events prior to December 31, 2010. All voting "Aye". MOTION PASSED**

26104 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE USE OF AN AIRCRAFT, BETWEEN THE HAYS COUNTY SHERIFFS OFFICE, THE SHERIFFS ASSOCIATION OF TEXAS AND THE UNITED STATES DEPARTMENT OF JUSTICE NATIONAL INSTITUTE OF JUSTICE [T1-2250]

Sheriff Tommy Ratliff spoke of this agreement allowing the Sheriff's Department to access and use of an aircraft to assist in law enforcement. Comal County Sheriff's Department will also have access to this aircraft. Special Counsel Mark Kennedy spoke of the MOU. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Memorandum of Understanding for the use of an aircraft between the Hays County Sheriff's Office, the Sheriffs Association of Texas and the United States Department of Justice National Institute of Justice. All voting "Aye". MOTION PASSED**

26105 ADOPT A RESOLUTION IN SUPPORT OF HB 1215, HB 572 AND HB 2272 REGARDING COUNTY COLLECTIONS [T1-2506]

Collections Manager Judy Seim spoke of legislation that will help the collections department. HB1215 will allow the Collections Department to collect fines and court costs. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a resolution in support of HB 1215, HB 572 and HB 2272 regarding county collections. All voting "Aye". MOTION PASSED**

26106 [08-4-67 – 7 Lots] **REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH, PHASE 2 – APPROVE PRELIMINARY PLAN** [T1-2646]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan of Replat of Tract 4 Dripping Springs Ranch Phase 2. All voting "Aye". MOTION PASSED**

26107 [08-4-68 – 2 Lots] **RANCHO BELLA SUBDIVISION - APPROVE PRELIMINARY PLAN**

[T1-2705] Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. Gene Williams, owner/developer, spoke of wells. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Preliminary Plan of Rancho Bella Subdivision. All voting "Aye". MOTION PASSED**

26108 [09-4-06 – 3 Lots] **REPLAT AND VACATION OF LOT 2, WATKINS SUBDIVISION NO. 1 – APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON JUNE 2, 2009** [T1-2806]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Preliminary Plan of Replat and Vacation of Lot 2 Watkins Subdivision No. 1 and call for a public hearing on June 2, 2009. All voting "Aye". MOTION PASSED**

26109 [09-4-09 – 7 Lots] **REPLAT OF CREEK OF DRIFTWOOD SUBDIVISION, LOTS 40-48 - WAIVE PRELIMINARY PLAN APPROVAL AND PUBLIC HEARING – APPROVE FINAL PLAT AND CHANGE OF ONE STREET NAME** [T1-2842]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. Bandana to become extension of Onion Creek. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan approval and public hearing and approve final plat of Replat of Creek of Driftwood Subdivision Lots 40-48 and change of one street name. All voting "Aye". MOTION PASSED**

26110 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS ON SUMMIT PASS AT THE INTERSECTION WITH HIGH ROAD (CR 253) [T1-2903]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation to have a stop sign put on Summit Pass at its intersection with High Road (CR 256). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of a stop sign on Summit Pass at the intersection with High Road (CR 253). All voting "Aye". MOTION PASSED**

26111 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payments of county invoices in the amount of $568,510.13 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26112 APPROVE COMMISSIONER COURT MINUTES OF APRIL 28, 2009

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Commissioner Court Minutes of April 28, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26113 APPROVE ADDITIONAL ITEMS TO THE ON-LINE AUCTION THAT WILL BE HELD ON MAY 11, 2009 WITH RENE BATES AUCTIONEERS

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve additional items to the On-Line Auction that will be held on May 11, 2009 with Rene Bates Auctioneers. All voting "Aye". MOTION PASSED

26114 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 5 TO THE GRANT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FIVE MILE DAM PARK, TO DELETE ONE OF TWO PAVILIONS AND ONE OF TWO PLAYGROUNDS, AND ADD SOCCER FIELD LIGHTING TO THE PROJECT SCOPE

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute Amendment 5 to the Grant Agreement with the Texas Parks and Wildlife Department for Five Mile Dam Park to delete one of two pavilions and one of two playgrounds, and add soccer field lighting to the project scope. All voting "Aye". MOTION PASSED

26115 AUTHORIZE PHENOLIC CONSULTANTS TO GO FORWARD WITH BIDDING AND PROCUREMENT OF A DECK REMEDIATION CONTRACTOR AND A ROOF INSTALLATION CONTRACTOR FOR REMEDIATION AND REPAIR OF THE SHERIFF'S OFFICE ROOFTOP [T1-2930]

Special Counsel Mark Kennedy spoke of settlement and need to move forward. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Phenolic Consultants to go forward with bidding and procurement of a deck remediation contractor and a roof installation contractor for remediation and repair of the Sheriff's Office rooftop. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #20 RE: *AMEND THE COURTHOUSE GROUNDS AND OTHER HAYS COUNTY PROPERTY POLICY. REPORT BY MARK KENNEDY* **was PULLED.**

26116 ADOPT A RESOLUTION IN SUPPORT OF THE PROPOSED LOOP 82 IMPROVEMENT PROJECT IN SAN MARCOS [T1-3204]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a resolution in support of the proposed Loop 82 improvement project in San Marcos. All voting "Aye". MOTION PASSED

26117 AUTHORIZE STAFF AND COMMISSIONER, PRECINCT 3, TO NEGOTIATE A CONTRACT FOR THE PURCHASE OF PROPERTY OWNED BY PAUL DUNN NEAR THE NORTHWEST CORNER OF WINTERS MILL PARKWAY AND KYLE ROAD IN PRECINCT 3 [T1-3303]

This item was pulled into Executive Session pursuant to Section 551.072 of the Texas Government Code. Court convened into executive session at 12:10 p.m. and reconvened into open meeting at 12:40 p.m. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize Mark Kennedy and Commissioner Precinct 3, to negotiate a contract for the purchase of a property owned by Paul Dunn near the northwest corner of Winters Mill Parkway and Kyle Road in Precinct 3 and to furthermore authorize the County Judge to execute that contract. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION TO DISCUSS ROUTINE PERFORMANCE EVALUATIONS FOR THE DEPARTMENT MANAGER, AS WELL AS OTHER PERSONNEL (INCLUDING SPECIFIC CREW SUPERINTENDENTS AND PROGRAM SUPERVISORS), IN THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT, PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE

Court convened into closed executive session at 12:50 p.m. and reconvened into open meeting at 2:20 p.m. No action taken.

Clerk's Note: Agenda Item #23 RE: *WORKSHOP TO DISCUSS ADDITIONS TO ROAD DEPARTMENT BUILDING ON YARRINGTON ROAD* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 5, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF MAY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor John McComb, San Marcos Community Church gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26118 PROCLAMATION DECLARING MAY 16, 2009 AS KIDS DAY AMERICA/INTERNATIONAL

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve proclamation declaring May 16, 2009 as Kids Day America/International. All voting "Aye". MOTION PASSED

PRESENTATION ON THE MONTHLY PROGRESS REPORT FOR THE HAYS COUNTY PASS THROUGH FINANCE PROGRAM FOR APRIL 2009

Jeff Watson (Prime Strategies) gave a progress report on the Hays County Pass Through Financing Program. He spoke of **FM1626 Phase A/**FM2270 to FM967 (Environmental Process is 90% complete, Design schematic is 99% complete, ROW coordination and acquisition is 30% complete and Utility coordination and relocation is 10% complete), **FM1626 Phase B**/FM967 to Brodie Lane (Environmental Process is 85% complete, Design schematic is 100% complete and PS&E is 30% complete, ROW coordination and acquisition is 5%), **FM110**/IH35 to SH123 (Environmental Process is 90% complete and schematic design is 100% complete), **US 290**/Nutty Brown Road to Trautwein Road is under construction (30% complete) with an anticipated completion date in June 2010, **IH35 Phase I**/FM2001 to FM1626 & Kyle Crossing/CR210 Overpass (Environmental Process is 95% complete, Schematic design is 100% complete, ROW Coordination and acquisition is 25% complete, Utility Coordination and relocation is 5% complete), **IH35 Phase IIA**/RM150 realignment (Environmental Process is 45% complete, Schematic design is 90% complete, PS&E is 10% complete, ROW coordination and acquisition is 40% complete, and Utility coordination and relocation is 5% complete), **IH35 Phase IIB**/FM1626 to Yarrington (Environmental process is 60% complete, Design schematic is 55% complete, ROW coordination and acquisition is 20% complete, Utility coordination and relocation is 20% complete), **FM2001**/frontage road connector (Environmental process is 100% complete, Design is 100% complete, ROW coordination and acquisition is 100% complete, Utility coordination and relocation is 100% complete).

PRESENTATION BY COUNSEL REGARDING POLICIES RELATED TO THE USE OF THE COURTHOUSE GROUNDS AND OTHER HAYS COUNTY PROPERTIES [T1-311]

Special Counsel Mark Kennedy gave an overview of the property use policy which is intended for use as a guide to the public and Hays County staff regarding the use of county properties by other local governmental entities, private entities, and citizens. *General functions* shall mean any performance, ceremony, presentation, or activity held on the grounds that does not meet the definition of a Class I or Class II Event (e.g. picnics, dog walking, picketing), *Class II Event* shall mean any event that does not exceed 200 attendees and uses the existing electricity outlets without additional setup or calls for temporary exclusive use of the space on the property, *Class I Event* shall mean an event that exceeds 200 attendees or requires more complex electricity setup that exists on county property or requires stakes or anchors to be placed in the ground. He spoke of documentary requirements, deposit for use of county properties, and miscellaneous provisions. Discussion was had regarding insurance requirement for events.

26119 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payments of county invoices in the amount of $ 384,572.57 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26120 APPROVE COMMISSIONER COURT MINUTES OF MAY 5, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of May 5, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26121 APPROVE SPECIFICATIONS FOR BID #2009-B13 "CEDAR OAKS MESA WATER LINE IMPROVEMENTS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for bid #2009-B13 "Cedar Oaks Mesa Water Line Improvements" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26122 APPROVE RENEWAL OF BID #2006-B02 "UNIFORM RENTAL" WITH UNIFIRST FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of bid #2006-B02 "Uniform Rental" with Unifirst for one additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

26123 APPROVE SPECIFICATIONS FOR BID #2009-B14 "BOTTLED WATER SERVICES FOR HAYS COUNTY OFFICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for bid #2009-B14 "Bottled Water Services for Hays County Offices" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26124 APPROVE SPECIFICATIONS FOR RFP #2009-P08 "SCANNING & INDEXING FOR THE HAYS COUNTY TAX OFFICE" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for RFP #2009-P08 "Scanning & Indexing for the Hays County Tax Office" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

26125 REJECT BIDS RECEIVED FOR IFB #2009-B10 CONSTRUCTION OF ADDITIONAL OFFICE/CLASSROOMS FOR JUVENILE PROBATION AND AUTHORIZE PURCHASING TO RE-BID THE PROJECT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to reject bids received for IFB #2009-B10 construction of additional office/classrooms for Juvenile Probation and authorize Purchasing to re-bid the project. All voting "Aye". MOTION PASSED

26126 AUTHORIZE CONSTABLE PCT 3 TO APPLY FOR THE TOBACCO COMPLIANCE GRANT FOR LAW ENFORCEMENT AGENCIES FROM THE OFFICE OF THE TEXAS COMPTROLLER [T1-1055]

Constable Darrell Ayres explained the grant. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize Constable Pct 3 to apply for the Tobacco Compliance Grant for Law Enforcement Agencies from the office of the Texas Comptroller. All voting "Aye". MOTION PASSED**

26127 AUTHORIZE THE PURCHASE OF A DUTCH DOOR (ALSO KNOWN AS A ½ DOOR) FOR THE COMPLIANCE/COLLECTIONS OFFICE, AND AMEND THE BUDGET ACCORDINGLY [T1-1149]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the purchase of a dutch door (also known as a ½ door) for the Compliance/Collections Office, and amend the budget accordingly. All voting "Aye". MOTION PASSED

REQUEST FROM PCT 4 CONSTABLE TO USE SALARY SAVINGS TO PURCHASE VARIOUS AND NECESSARY EQUIPMENT FOR HIS OFFICE AND DEPUTIES [T1-1185]

Constable Pct. 4 Ron Hood spoke of having a salary savings in the amount of $33,353 and needed equipment totaling $26,712.23. Court requested Constables Peterson and Hood to collaborate with the other Constables and bring back a list of needs as far as firearms and ammunition, etc. Court spoke of not allowing use of salary savings for purchase of other items in the budget. Court requested Constable Hood to go back and prioritize what he absolutely needs now and get with Berry James in the Auditor's Office to see where they could find funding to take care of those needs. No action was taken.

26128 APPOINT SHERRI S. BILSON TO THE PARKS BOARD [T1-1809]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to appoint Sherri S. Bilson to the Parks Board. All voting "Aye". MOTION PASSED

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 Borcherding 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**

26130 APPROVE A RESOLUTION SUPPORTING THE BIG PUSH, A REGIONAL EFFORT TO REDUCE GROUND LEVEL OZONE IN AN EFFORT TO MEET EPA AMBIENT AIR QUALITY REQUIREMENTS [T1-2013]

Bill Gill, Capital Area Council of Government, gave a powerpoint presentation regarding "Striving for Attainment in 2009 – The Big Push". **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a resolution supporting the Big Push, a regional effort to reduce ground level ozone in an effort to meet EPA Ambient Air Quality Requirements. All voting "Aye". MOTION PASSED**

26131 COMMIT HAYS COUNTY AS A CLEAN AIR PARTNER, A PROGRAM OF THE CLEAN AIR FORCE OF CENTRAL TEXAS [T1-2422]

Clean Air Force of Central Texas Program Manager Candace Baker gave a powerpoint presentation explaining the Clean Air Partner program. Commissioner Ford spoke of carpooling, etc. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to commit Hays County as a Clean Air Partner, a program of the Clean Air Force of Central Texas. All voting "Aye". MOTION PASSED**

PRESENTATION REGARDING ROAD DEPARTMENT BUILDING ON YARRINGTON ROAD [T1-2915]

Carl Shuenfeld, MRB Group, introduced various partners in the project. David Rothenberg, Architect, explained the proposed addition which would include the Environmental Health Dept. and GIS/911. The existing R&B facility is 12,600 sf with proposed new construction of 12,285 sf. David Rothenburg spoke of utilizing a metal building which would be more cost effective and would tie in with the existing facility. Rainwater collection will be utilized. Carl Shuenfeld gave a cost estimate of $1.5 – 1.7 million. Discussion was had regarding future expansion of 7,000 sf.

Clerk's Note: Agenda Item #19 RE: *EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, LLC VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 12, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS

ON THIS THE 19TH DAY OF MAY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COMMISSIONER PCT. 4 KAREN FORD ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Santiago Heredia of El Buen Pastor United Methodist Church in San Marcos gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION ON REDISTRICTING OF COMMISSIONER PRECINCTS BY ROLANDO RIOS OF ROLANDO RIOS AND ASSOCIATES, PLLC IN PREPARATION OF THE 2010 REDISTRICTING PROCESS

Rolando Rios (Rolando Rios and Associates PLLC) spoke of importance of the census count. His firm provided redistricting services for the county during the last census. Court will go out for proposals for this service. Mr. Rios spoke of his experience in providing this service.

26132 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payments of county invoices in the amount of $421,812.84 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

26133 APPROVE COMMISSIONER COURT MINUTES OF MAY 12, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of May 12, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

26134 ACCEPT DONATED FUNDS IN THE AMOUNT OF $900 TO THE HAYS COUNTY SHERIFF'S OFFICE FOR NATIONAL NIGHT OUT TO BE DEPOSITED IN LINE ITEM 28-467-5222 (CRIME PREVENTION PROGRAM) AND AMEND BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept donated funds in the amount of $900 to the Hays County Sheriff's Office for National Night Out to be deposited in line item 28-467-5222 (Crime Prevention Program) and amend budget accordingly. All present voting "Aye". MOTION PASSED

26135 APPROVE THE CANCELLATION OF COMMISSIONER'S COURT ON JUNE 9, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the cancellation of Commissioner's Court on June 9, 2009. All present voting "Aye". MOTION PASSED

26136 APPROVE THE EXTENSION OF CONTRACT WITH PBS&J FROM JUNE 30, 2009 TO JUNE 30, 2010 FOR PROFESSIONAL SERVICES RELATING TO THE ENVIRONMENTAL ASSESSMENT DOCUMENT IN SUPPORT OF A FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR FM 110

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the extension of contract with PBS&J from June 30, 2009 to June 30, 2010 for professional services relating to the environmental assessment document in support of a Finding Of No Significant Impact (FONSI) for FM 110. All present voting "Aye". MOTION PASSED

26137 AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO ADVANCE FUNDING AGREEMENTS FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A LEFT TURN LANE AND ADDING SHOULDERS ON SH 21 AT THE CR 127 INTERSECTION AND ALSO ON SH 21 AT THE YARRINGTON INTERSECTION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve resolution and authorize the County Judge to execute two Advance Funding Agreements for voluntary local government contributions to transportation improvement projects with no required match with the State of Texas acting by and through the Texas Department of Transportation for the construction of a left turn lane and adding shoulders on SH 21 at the CR 127 intersection and also on SH 21 at the Yarrington intersection. All present voting "Aye". MOTION PASSED

26138 APPROVE AWARD OF BID #2009-B11 "CONSTRUCTION OF METAL BUILDING FOR THE CITIZENS COLLECTION STATION/ DRIFTWOOD" TO T&T CONSTRUCTION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award of bid #2009-B11 "Construction of Metal Building for the Citizens Collection Station /Driftwood" to T&T Construction. All present voting "Aye". MOTION PASSED

26139 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve utility permit no. 02014 on Trail Driver Road issued to LCRA; permit no. 02015 on Kemp Hills Drive issued to The Hills of Texas Estates POA; permit no. 02016 on Harris Hill Road issued to PEC, Inc. as presented by the Hays County Road Department. All present voting "Aye". MOTION PASSED

26140 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPT THE REVEGETATION BOND AND THE MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION PHASE 4, SECTION 12A [T1-226]

RPTP Director Jerry Borcherding gave staff recommendation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept road construction and drainage improvements, release of the construction bond, and accept the revegetation bond and the maintenance bond for two years for Belterra Subdivision Phase 4 Section 12A. All present voting "Aye". MOTION PASSED**

26141 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPT THE REVEGETATION BOND AND THE MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION, PHASE 4 SECTION 14 [T1-245]

RPTP Director Jerry Borcherding gave staff recommendation **A motion was made by Commissioner Barton, seconded by Judge Sumter to accept road construction and drainage improvements, release of the construction bond, and accept the revegetation bond and the maintenance bond for two years for Belterra Subdivision Phase 4 Section 14. All voting "Aye". MOTION PASSED**

26142 CANVASS ELECTION RESULTS FOR JUSTICE OF THE PEACE PRECINCT 3 LOCAL OPTION ELECTION HELD MAY 9, 2009 [T1-262]

Elections Administrator Joyce Cowan provided results of the election. The proposition: "The legal sale of all alcoholic beverages including mixed beverages" passed with a vote of 1,137 For and 235 Against. **A motion was made by Judge Sumter, seconded by Commissioner Barton to canvass election results for Justice of the Peace Precinct 3 Local Option Election held May 9, 2009. All present voting "Aye". MOTION PASSED**

26143 CANVASS ELECTION RESULTS FOR SPECIAL ELECTION (INCORPORATION OF JACOB'S WELL) HELD MAY 9, 2009 [T1-296]

Elections Administrator Joyce Cowan provided results of the election. The proposition: "The Incorporation of the Village of Jacobs Well as a Type A general-law municipality – commission form of government" failed with a vote of 241 Against and 155 For Incorporation. **A motion was made by Judge Sumter, seconded by Commissioner Conley to canvass election results for Special Election (Incorporation of Jacob's Well) held May 9, 2009. All present voting "Aye". MOTION PASSED**

26144 APPROVE OUT OF STATE TRAVEL FOR AN EMPLOYEE IN THE SHERIFF'S OFFICE FOR FORENSIC PROFESSIONAL TRAINING IN LAS VEGAS, NEVADA [T1-318]

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve out of state travel for an employee in the Sheriff's Office for Forensic Professional Training in Las Vegas, Nevada. All present voting "Aye". MOTION PASSED

26145 HIRE ROGERS CONSULTING TO DEVELOP PLANS AND SPECIFICATIONS FOR THE WIDENING OF FISCHER STORE ROAD FROM FM 2325 TO SACHTLEBEN ROAD AND TO ALLOW COMMISSIONER CONLEY TO NEGOTIATE RELATED CONTRACTS AND WORK AUTHORIZATIONS [T1-350]

Commissioner Conley spoke of work that has been done and work to be done. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hire Rogers Consulting to develop plans and specifications for the widening of Fischer Store Road from FM 2325 to Sachtleben Road and to allow Commissioner Conley to negotiate related contracts and work authorizations. All present voting "Aye". MOTION PASSED**

26146 APPROVE PURCHASE OF A HAVEN TECHNOLOGY CORPORATION SPEAKER/ MICROPHONE SYSTEM (2 UNITS) FOR USE IN THE TAX OFFICE AT PCT 4 BUILDING [T1-522]

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the purchase of a Haven Technology Corp. Speaker/Microphone System (2 units) for use in the Tax Office at Pct 4 Building in an amount not to exceed $1,518.12. All present voting "Aye". MOTION PASSED

26147 APPROVE REVISED BY-LAWS OF THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD AS ADOPTED BY THAT BOARD ON MAY 6, 2009 [T1-550]

Jeff Hauff spoke of changes that were made. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the revised bylaws of the Hays County Parks and Open Space Advisory Board as adopted by that board on May 6, 2009 to include: "or" under Article V Section 12:(b) refrain from any discussion or voting on the matter; *or*. All present voting "Aye". MOTION PASSED**

26148 AUTHORIZE A TEMPORARY POSITION IN THE VICTIM SERVICES SECTION OF THE DISTRICT ATTORNEY'S OFFICE TO PERFORM CLERICAL AND ENTRY LEVEL ADVOCATE DUTIES [T1-656]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize a temporary position in the Victim Services Section of The District Attorney's Office to perform clerical and entry level advocate duties. All present voting "Aye". MOTION PASSED

26149 APPROVE AND SIGN LETTERS TO ALL MAYORS IN HAYS COUNTY REGARDING THE BIG PUSH [T1-693]

Letter will request entities to join the county in efforts to achieve better air quality. The Commissioners Court adopted a resolution on May 12, 2009 in support of the Big Push Initiative which involves education and awareness for all county employees, notification to all staff of Ozone Action Days, fleets to gas up after 3pm daily, etc. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve and sign letters to all Mayors in Hays County regarding the Big Push. All voting "Aye". MOTION PASSED**

26150 HIRE TEMPORARY HELP FOR HUMAN RESOURCES AND AMEND THE BUDGET ACCORDINGLY [T1-807]

County Auditor Bill Herzog advised that funds will come from contract services line item. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to hire temporary help for Human Resources and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26151 APPOINT A GRIEVANCE COMMITTEE IN COMPLIANCE WITH SECTION 3.23 OF THE HAYS COUNTY EMPLOYEE HANDBOOK [T1-846]

A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint a grievance committee of Britney Richey, Yvette Johnson, Janice Weber, Cindy Maiorka, and Judge Rodriguez in compliance with Section 3.23 of the Hays County Employee Handbook. All present voting "Aye". MOTION PASSED

26152 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY, THE HILL COUNTRY CONSERVANCY AND THE CITY OF AUSTIN [T1-880]

On September 30, 2008 the Court adopted a resolution declaring the County's intent to co-purchase and hold a conservation easement on the Dahlstrom Ranch. The Court also requested that counsel negotiate a contract with the Dahlstrom family, the City of Austin, and the Hill Country Conservancy based on terms and conditions proposed by Commissioner Barton. Special Counsel Mark Kennedy explained the memorandum of understanding and he spoke of additional expenses being taken on by the other entities. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Understanding between Hays County, the Hill Country Conservancy and the City of Austin related to Dahlstrom Ranch property. All present voting "Aye". MOTION PASSED**

26153 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN EARNEST MONEY CONTRACT FOR PURCHASE OF 1.564 ACRES OF LAND FROM PAUL AND MARY DUNN NEAR THE CORNER OF WINTERS MILL PARKWAY AND RM 3237 IN PRECINCT THREE AND TO AUTHORIZE THE JUDGE TO EXECUTE CLOSING DOCUMENTS [T1-1282]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to execute an earnest money contract for purchase of 1.564 acres of land from Paul and Mary Dunn near the corner of Winters Mill Parkway and RM 3237 in Precinct Three and to authorize the Judge to execute closing documents – to be funded from line item 01-414-5399 not to exceed $24,000. All present voting "Aye". MOTION PASSED

26154 APPROVE THE PURCHASE OF ONE LAPTOP AND TWO DESKTOP COMPUTERS FOR RPTP AND AMEND THE BUDGET ACCORDINGLY [T1-1371]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the purchase of one laptop and two desktop computers for RPTP and amend the budget accordingly. All present voting "Aye". MOTION PASSED

26155 EXECUTIVE SESSION PURSUANT TO SECTION §551.072 OF THE TEXAS GOVERNMENT CODE TO CONSIDER LITIGATION CONCERNING CONDEMNATION PROCEEDINGS FOR ACQUIRING PROPERTY FOR RIGHT OF WAY AT 3070 DRY HOLE DR., KYLE, TEXAS, PART OF THE PASS THROUGH AGREEMENT BETWEEN HAYS COUNTY AND TXDOT FOR THE PROJECT IH 35 & CR 210

[T1-1518] Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 11:10 a.m. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the firm of Duvall, Grunig & Dietz to move forward with condemnation process to acquire right of way located at 3070 Dry Hole Drive in Kyle, Texas consisting of 0.090 acres of land owned by Hank A Elliott, related to pass through finance agreement between Hays County and TxDot for the project at IH35 and CR210. Commissioner Ingalsbe, Commissioner Barton and Judge Sumter voting "Aye". Commissioner Conley abstained. MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO §551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING EXISTING OR CONTEMPLATED EMPLOYMENT CLAIMS INVOLVING HAYS COUNTY

Court convened into closed executive session at 11:20 a.m. and reconvened into open meeting at 12:35 p.m. No action taken.

Clerk's Note: Agenda Item #12 RE: *APPROVE THE LIST OF ENGINEERS FOR THE PROFESSIONAL AND ENGINEERING SERVICES REQUEST FOR QUALIFICATIONS #2009-P05* **was PULLED**

Clerk's Note: Agenda Item #15 RE: *AUTHORIZE COUNTY JUDGE TO SIGN CONTRACT WITH ROGERS DESIGN SERVICES FOR MT. GAINOR ROAD IMPROVEMENTS AND TO AUTHORIZE COMMISSIONER FORD TO APPROVE WORK AUTHORIZATIONS AS PROJECT PROCEEDS FOR A TOTAL NOT TO EXCEED $50,000* **was PULLED.**

Clerk's Note: Agenda Item #16 RE: *ACCEPT DONATION OF ROW ALONG WAYSIDE DRIVE* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 19, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26TH DAY OF MAY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26156 ADOPT A PROCLAMATION RECOGNIZING LYNDA MCCARTY-TURLEY ACCOMPLISHMENTS AS DIRECTOR OF ADULT PROBATION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a Proclamation recognizing Lynda McCarty-Turley accomplishments as Director of Adult Probation. All voting "Aye". MOTION PASSED

26157 ADOPT A PROCLAMATION RECOGNIZING MAY 24TH – 30TH AS HURRICANE PREPAREDNESS WEEK [T1-112]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation recognizing May 24th – 30th as Hurricane Preparedness Week. All voting "Aye". MOTION PASSED

26158 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $978,874.26 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26159 APPROVE COMMISSIONER COURT MINUTES OF MAY 19, 2009

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of May 19, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26160 APPROVE AWARD OF BID #2009-B09 "HOT MIX OVERLAY FOR VARIOUS COUNTY ROADS" TO WHEELER COATINGS ASPHALT LP

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve award of Bid #2009-B09 "Hot Mix Overlay for various County Roads" to Wheeler Coatings Asphalt LP. All voting "Aye". MOTION PASSED

26161 APPROVE INSTITUTIONAL OSSF PERMIT FOR DENTAL CLINIC FOR ROBERT D. WHITE D.D.S. LOCATED AT 140 JOE WIMBERLEY BLVD., WIMBERLEY, TX 78676, IN PRECINCT 3

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve institutional OSSF Permit for dental clinic for Robert D. White D.D.S. located at 140 Joe Wimberley Blvd., Wimberley, TX 78676, in Precinct 3. All voting "Aye". MOTION PASSED

26162 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Utility Permit No. 02017 on Center Point Road issued to Crystal Clear Water and Permit No. 02018 on Opal Lane issued to City of Kyle Public Works/Water Dept. as submitted by the County Road Department. All voting "Aye". MOTION PASSED

26163 AUTHORIZE THE COUNTY JUDGE TO APPROVE PROPOSED ANNUAL RENEWAL APPLICATION FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS FUNDING FOR FY 2010 IN THE AMOUNT OF $145,344.00

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to approve proposed annual renewal application for public health emergency preparedness funding for FY 2010 in the amount of $145,344.00. All voting "Aye". MOTION PASSED

26164 CALL FOR A PUBLIC HEARING ON JUNE 16, 2009 TO ESTABLISH TRAFFIC REGULATIONS IN HUNTERS GLEN SUBDIVISION [T1-205]

The pubic hearing is to consider establishing a STOP sign on Hunters Glen Drive at Powder Horn Trail, a STOP sign on Hunters Glen Drive at Hilliard Road, a STOP sign on Powder Horn Trail at Hilliard Road in Hunters Glen and set a speed limit of 30 mph. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 16, 2009 to establish traffic regulations in Hunters Glen Subdivision. All voting "Aye". MOTION PASSED**

26165 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION FOR UP TO $24,000 TO THE GOVERNOR'S OFFICE – CRIMINAL JUSTICE DIVISION FOR THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT PROGRAM [T1-213]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute Resolution and submit a Grant Application for up to $24,000 to the Governor's Office – Criminal Justice Division for the Recovery Act: Edward Byrne Memorial Justice Assistance Formula Grant Program. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING PROJECT BIO – CENTRAL

Court convened into closed executive session at 9:25 a.m. and reconvened into open meeting at 10:05 a.m. No action taken.

DISCUSSION OF ROAD PROCEDURES AND POLICIES AS IT RELATES TO THE ROAD BOND; COUNTY ROAD; AND LIST OF PROPOSED PRE-APPROVED ENGINEERS PER RFQ PROFESSIONAL AND ENGINEERING SERVICES REQUEST FOR QUALIFICATIONS #2009-P05 WITH ACTION [T1-275]

Commissioner Conley was not present for this agenda item. HDR gave a powerpoint presentation regarding professional services contracts, policies for administering road program, invoicing-professional services contracts, selection of consulting firms, and priority road bond projects. Proposed three suggested selection methods: (1) In conjunction with staff and program manager as applicable, choose a firm or firms from list of pre-certified consultants and negotiate a contract; (2) choose two or more firms from the list and request written proposals and/or verbal presentations; and (3) for special circumstances or projects, request entirely new qualifications submittals from interested firms. Commissioner Ford spoke of need for a scored list. Discussion was had regarding procedure for pre-certification and procedures for selecting firms. Commissioner Ford voiced her concerns regarding the 57 design/civil firms. [T1-2521] **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe for each member of the court to bring back a person to sit on a team - a selection committee - that is not part of our approved list but who we feel is a qualified candidate, and we come back next week, and we are willing to pay $75 an hour for them to review the current list, and we end up with an evaluated and ranked list and a narrow pool of the best firms for all of our projects. MOTIONS WERE WITHDRAWN** Court agreed to allow HDR group to go back through the design/civil firms and score those 57 firms.

Clerk's Note: Agenda Items #13 & 14 Re: *PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION FOR THE DEPARTMENT MANAGER IN THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT* **and** *EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, LLC VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 26, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF MAY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH THE FOLLOWING MEMBER NOT PRESENT: ELIZABETH "LIZ" SUMTER COUNTY JUDGE; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

WORKSHOP – VISIT TO THE BELL COUNTY JAIL FACILITY IN BELTON, TEXAS

Brad Robinson, Director of the Hays County Jail, accompanied the Court to view the Belton County Jail Facility. Don Greer and Don Olson of Wiginton Hooker Jeffry, PC, and Major Bob Patterson, Bell County Jail Administrator, conducted the tour of the Bell County Jail and District Courts. Bell County purchased a 75-acre site on the edge of town for a new courts and jail complex. The jail is Master Planned as a 1,400 bed facility. The first phase includes 650 beds with a 24 bed infirmary. Support spaces such as the intake and release area are designed to support a County-wide system of 1,400 inmates. The jail also includes video visitation, detention administration, maintenance space, kitchen, and laundry. The facility can easily expand by simply adding housing clusters. Bell County District Courts project is the first part of a multi-phased Justice Complex consisting of a new District Courts Facility, Detention Center, and Sheriff's Office for Bell County, Texas. These facilities are planned to satisfy the County's needs through 2025. Phase I of the project is a new court facility to house five District Courts including Judges' chambers, Jury Call, Law Library, and support spaces, Administrative Offices for the District Attorney and the District Clerk.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 27, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2ND DAY OF JUNE A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton led the court in a moment of silence and reflection and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26166 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payment of county invoices in the amount of $554,268.66 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26167 APPROVE COMMISSIONER COURT MINUTES OF MAY 26, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commissioner Court Minutes of May 26, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26168 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RENEWAL OF THE SAVNS MAINTENANCE GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS FOR THE STATEWIDE VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) SYSTEM PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute renewal of the SAVNS Maintenance Grant Contract with the Office of the Attorney General of Texas for the Statewide Victim Information and Notification Everyday (VINE) System Program. All voting "Aye". MOTION PASSED

26169 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE THE SERVICE AGREEMENT RENEWAL WITH APPRISS FOR $30,108 FOR THE VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to accept and execute the Service Agreement renewal with Appriss for $30,103 for the Victim Information and Notification Everyday (VINE) Program. All voting "Aye". MOTION PASSED

26170 AUTHORIZE THE COUNTY JUDGE TO SIGN AMENDED CONTRACT BETWEEN THE PERSONAL HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR TITLE V FAMILY PLANNING SERVICES IN THE AMOUNT OF $9,000.00

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to sign amended contract between the Personal Health Department and the Texas Department of State Health Services (DSHS) for Title V Family Planning Services in the amount of $9,000.00. All voting "Aye". MOTION PASSED

26171 AUTHORIZE THE COUNTY JUDGE TO APPROVE PROPOSED ANNUAL RENEWAL APPLICATION FOR THE FY 2010 LOCAL PUBLIC HEALTH SERVICES CONTRACT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT IN THE AMOUNT OF $63,535.00

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to approve proposed annual renewal application for the FY 2010 Local Public Health Services contract between the Texas Department of State Health Services (DSHS) and the personal Health Department in the amount of $63,535.00. All voting "Aye". MOTION PASSED

26172 [09-4-11 - 1 Lot] **PUBLIC HEARING AND ACTION TO APPROVE VACATION AND RE-PLAT OF LOT 2, WATKINS SUBDIVISION NO. 1** [T1-38]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. The Watkins Subdivision is a 3 lot subdivision that was created in 1999. The proposed action will vacate a 61 acre portion of Lot 2, leaving a 32 acre lot (2R). The vacated portion is being sold to an adjoining land owner. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve re-plat and vacation of Lot 2 Watkins Subdivision No. 1. All voting "Aye". MOTION PASSED**

26173 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE STUDIO ESTATES SUBDIVISION, SECTION 1 TO BE SUBMITTED IN THE FORM OF A CASH BOND IN THE AMOUNT OF $27,300.00 [T1-57]

Subdivision Coordinator Clint Garza spoke of submission of a cash bond in lieu of letter of credit or a subdivision bond. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a Fiscal Surety for the construction of street and drainage improvements in the Studio Estates Subdivision Section 1 to be submitted in the form of a Cash Bond in the Amount of $27,300. All voting "Aye". MOTION PASSED**

26174 APPROVE THE LIST OF ENGINEERS FOR THE PROFESSIONAL AND ENGINEERING SERVICES REQUEST FOR QUALIFICATIONS #2009-P05 [T1-125]

The precertification firms were divided into 11 categories: General Civil (Roadway & Traffic Design), Bridges & Structural, Hydrology & Drainage, Environmental, Geotechnical, Utility Coordination, Right-of-Way Acquisition, Survey (Standard, aerial & subsurface), Public Involvement & Public Information, Context Sensitive Design, and Construction Engineering & Administration. HDR removed themselves from the Hays County Road Program Precertification list. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the list of engineers for the Professional and Engineering Services Request for Qualifications #2009-P05. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #10 RE: *ADOPT A RESOLUTION BANNING THE USE OF CERTAIN TYPES OF FIREWORKS* **was PULLED.**

26175 EXTEND TEMPORARY HELP IN THE TREASURER'S OFFICE FOR SCANNING DOCUMENTS FOR AN ADDITIONAL 75 HOURS [T1-268]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to extend temporary help in the Treasurer's Office for scanning documents for an additional 75 hours. All voting "Aye". MOTION PASSED

26176 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE COMMERCIAL LEASE FOR THE ADULT PROBATION OFFICES, LOCATED IN SAN MARCOS CENTER AT 700 N. LBJ BLVD., SAN MARCOS, TX [T1-297]

Special Counsel Mark Kennedy spoke of amendment to the lease (extension clause – month to month basis).
A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an amendment to the commercial lease for the Adult Probation Offices, located in San Marcos Center at 700 N. LBJ Blvd., San Marcos, TX 78666. All voting "Aye". MOTION PASSED

26177 AUTHORIZE THE PURCHASE OF ONE PROJECTOR, ONE GPS CAMERA, AND THREE DESKTOP COMPUTERS FOR RPTP AND AMEND THE BUDGET ACCORDINGLY [T1-384]

Software and Data Processing Equipment savings will be used to purchase the items being requested. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the purchase of one projector, one GPS camera, and three desktop computers for RPTP and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26178 APPROVE ADDITIONAL OVERTIME FOR SHERIFF'S OFFICE AND JAIL AND AMEND THE BUDGET ACCORDINGLY [T1-409]

County Auditor Bill Herzog spoke of proposed budget amendment: $136,837 to be transferred from staff salaries to holiday/overtime line item in the Sheriff's Dept. and $24,000 from insurance line item to holiday/overtime line item in the Jail budget. Chief Deputy Sheriff Sherman Brodbeck spoke of shortage in manpower (vacancies). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve additional overtime for Sheriff's Office and Jail and amend the budget accordingly. All voting "Aye". MOTION PASSED**

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

Court convened into closed executive session at 9:20 a.m. and reconvened into open meeting at 10:00 a.m. No action was taken.

WORKSHOP REGARDING CONSTRUCTION OF THE PROPOSED GOVERNMENT CENTER AND MATTERS RELATED THERETO [T1-504]

Commissioner Ingalsbe spoke of work that has been ongoing. Brenda Jenkins (Broaddus and Associates) identified other members of their firm that were present. Gave four budget scenarios: **#1 = $115 million** (307,000 sq ft – project as is), **#2 = $110 million** (value engineering & shelling some space), **#3 = $100 million** (40,690 sq ft - 2nd floor elimination), **#4 = TBD/less than $90 million** (establish total project cost limit – would require a total new redesign).

26179 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND BROADDUS AND ASSOCIATES, EXECUTED ON OR ABOUT THE 7TH DAY OF APRIL, 2009 AND DISCUSSION REGARDING THE COUNTY'S SPACE NEEDS IN THE AREA OF CRIMINAL JUSTICE, DETENTION AND GOVERNMENT SERVICES, INCLUDING THE DEVELOPMENT OF PRIORITIES, AN ACTION PLAN AND CONSIDERATION OF PROFESSIONAL SERVICE CONSULTING FIRMS TO ASSIST THE COUNTY WITH FINANCING AND CONSTRUCTION OPTIONS AND/OR MORE EFFICIENT POLICIES AND PROCEDURES [T1-1320]

Commissioner Barton spoke of renovation of jail facility or possible new facility. He spoke of work done by MGT. Judge Sumter spoke of Tarrant County Criminal Justice Coordinating Committee. Natacha Pelaez-Wagner (MGT of America Inc.) spoke. Commissioner Conley spoke – he supports keeping the jail facility at its current location and he would like to see a $60 million total cost for the government center (Scenario #4). Judge Sumter spoke of Scenario #4 and she spoke of economic development. She would like to see the justice center and jail at the same location and a government center with partnerships with other entities at a different location. Commissioner Ingalsbe spoke of need for room to grow. Discussion was had regarding portion of tax rate that is dedicated for buildings. The amendment being considered includes the following projects: (1) Jail Addition/relocation, (2) Precinct 2 Offices in Kyle, (3) Precinct 3 Office in Wimberley, and (4) Road & Bridge Department Expansion. [T1-2984] **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an Amendment to the Professional Services Agreement between Hays County and Broaddus & Associates executed on or about the 7th day of April, 2009, to also include a broader justice center analysis and to look at Scenario 4, and furthermore for Broaddus & Associates to work with Commissioner Barton on the criminal justice analysis. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #16 RE: *APPROVE SPECIFICATIONS FOR RFP #2009-P09 – CONSTRUCTION MANAGER AT RISK FOR THE HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE PURCHASING AND/OR BROADDUS AND ASSOCIATES TO SOLICIT FOR PROPOSAL AND ADVERTISE* **was PULLED.**

WORKSHOP ON DEVELOPMENT REGULATIONS. DISCUSSION AND POSSIBLE ACTION TO REVIEW RESPONSE TO PUBLIC COMMENTS WITH CONSULTANT, MAKE FINAL POLICY DECISIONS, AND CONSIDER ADOPTION OF PROPOSED DEVELOPMENT REGULATIONS [T1-3134]

Public comment was made by Ray Whisenant Jr.(Dripping Springs resident, Water Service Contractor and Whisenant & Lyle Water Services Inc.), Kim Johnson (Dripping Springs Area Chamber of Commerce), Charlene Farmer (Dripping Springs resident, Realtor, and Dripping Springs Area Chamber of Commerce), Randy Voorheis (Dripping Springs resident), Mike Firle (Dripping Springs resident), Mark Key (Contractor and Hays County resident), Ron Brewer (San Marcos Area Board of Realtors & San Marcos resident), W. F. Smith (Dripping Springs resident), David Baker (Executive Director of the Wimberley Valley Watershed Assoc. and Director of Hays Trinity Groundwater Conservation District), Craig Payne (Wimberley resident), Ryan Thomason (Contractor), Jimmy Skipton (Dripping Springs resident), Jerry Wright, Melanie Cambron (Dripping Springs resident), David Glenn (Wimberley resident), and Bill Gebhard (Wimberley resident). [T2-1163] Grant Jackson, Naismith Engineering Inc., spoke of minimum lot size for individual groundwater wells. Discussion was had regarding groundwater availability. Grant Jackson spoke of setbacks for septic systems – see addenda to Chapter 741. A discussion was had regarding minimum lot sizes. No action was taken this date.

Clerk's Note: Agenda Item #22 RE: EXECUTIVE SESSION PURSUANT TO 551.074 TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION FOR THE DEPARTMENT MANAGER IN THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT **was PULLED.**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING TCEQ PERMIT NUMBER WQ0014208001 AND CONTEMPLATED LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

Court convened into closed executive session at 4:40 p.m. and reconvened into open meeting at 5:00 p.m.
No action was taken.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JUNE 2, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF JUNE A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH THE FOLLOWING BEING ABSENT COUNTY JUDGE, ELIZABETH "LIZ" SUMTER 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. Commissioner Ingalsbe as called the meeting to order.

PRESENTATION BY JEFF BRADLEY OF THE MONTHLY PROGRESS REPORT FOR THE HAYS COUNTY PASS THROUGH FINANCE PROGRAM FOR MAY 2009 [T1-28]

Jeff Bradley of HDR gave an update of the monthly progress report for the Hays County Pass Through Finance Program for May 2009. He gave a summary on the following: FM 1626 Phase A (FM 2270 to FM 967); FM 1626 Phase B (FM 967 to Brodie Ln); FM 110 (IH 35 to SH 123); US 290 (Nutty Brown Road to Trautwein Road); IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass); IH 35 Phase IIA (RM 150 Realignment); IH 35 Phase IIB (FM 1626 to Yarrington); FM 2001 (Frontage Road Connector).

PUBLIC COMMENTS:
Tyler Carlson gave a public comment on loud noise.

26180 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of $511,999.63 for week ending June 9, 2009 and in the amount of $824.010.43 for week ending in June 16, 2009 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26181 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH MILLIMAN, INC, TO PROVIDE ACTUARIAL EQUIVALENCE TESTING FOR THE RETIREE DRUG SUBSIDY

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to authorize the County Judge to enter into a contract with Milliman, Inc., to provide actuarial equivalence testing for the retiree drug subsidy. All voting "Aye". MOTION PASSED

26182 APPROVE AWARD OF BID #2009-B12 "ELECTRICAL SERVICES COUNTYWIDE" TO CHIVAS ELECTRIC

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve award of bid #2009-B12 "Electrical Services Countywide" to Chivas Electric. All voting "Aye". MOTION PASSED

26183 APPROVE INSTITUTIONAL OSSF PERMIT FOR ALAMO CONCRETE PRODUCTS, LTD, LOCATED AT 3500 YARRINGTON ROAD, SAN MARCOS, PRECINCT 1

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve Institutional OSSF Permit for Alamo Concrete Products, Ltd., located at 3500 Yarrington Road, San Marcos, Precinct 1. All voting "Aye". MOTION PASSED

26184 RATIFY THE COUNTY JUDGE GRANT SUBMITTAL REQUEST TO THE BURDINE JOHNSON FOUNDATION FOR FUNDING FOR THE HAYS COUNTY HISTORICAL COMMISSION TO PRODUCE A DOCUMENTARY ON JOHN C. HAYS AND ACCEPT THE $20,000.00 GRANT FUNDING

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to ratify the County Judge Grant submittal request to the Burdine Johnson Foundation for funding for the Hays County Historical Commission to produce a documentary on John C. Hays and accept the $20,000.00 grant funding. All voting "Aye". MOTION PASSED

26185 APPROVE AWARD OF BID #2009-B14 "BOTTLED WATER FOR HAYS COUNTY OFFICES" TO HILL COUNTRY SPRINGS

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve award of bid #2009-B14 "Bottled Water for Hays County Offices" to Hill Country Springs. All voting "Aye". MOTION PASSED

26186 ACCEPT THE ANNUAL REPORT FROM HAYS COUNTY ESD #4

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to accept the annual report from Hays County ESD #4. All voting "Aye". MOTION PASSED

26187 APPROVE UTILITY PERMIT

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve utility permit #02019 on Dacy Lane issued to Verizon Wimberley as submitted by the Hays County Road Department. All voting "Aye". MOTION PASSED

26188 APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMC TO ATTEND 2009 NATIONAL CONFERENCE, CERTIFICATION IN HOMELAND SECURITY TO BE HELD IN LAS VEGAS, NEVADA; OCTOBER 14 – 16, 2009

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve out of state travel for Jeff Turner, EMC to attend 2009 National Conference, Certification in Homeland Security to be held in Las Vegas, Nevada; October 14-16, 2009. All voting "Aye". MOTION PASSED

26189 APPROVE THE PURCHASE OF COMPUTER EQUIPMENT FOR THE NEW ACCOUNTING SOFTWARE AND AMEND THE BUDGET IF NECESSARY [T1-355]

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve the purchase of computer equipment for the new accounting software to come out of line item #01-414-5712 and wait to amend the budget at a later date. All voting "Aye". MOTION PASSED

26190 AMEND THE COUNTY'S POLICY REGARDING THE TRACKING OF COUNTY ASSETS WITH A COST EQUAL TO OR GREATER THAN $2,000 [T1-406]

A motion was made by Commissioner Ford seconded by Commissioner Barton to amend the County's Policy regarding the tracking of County assets with a cost equal to or greater than $2,000. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Commissioner Conley voting "No". MOTION PASSED

Clerk's Note Agenda Item # 22 RE: *Discussion and possible action to approve specifications and funding for RFP automated tax collection system for the Tax Office and authorize purchasing to solicit for proposal and advertise* **and #31 RE:** *Discussion and possible action regarding approval of invoices for engineering fees associated with design and construction phase services performed by Byrn Engineering for the current McCarty Lane re-construction project* **– were pulled.**

DISCUSSION REGARDING TIMELINE, SCOPE, AND CONTRACT AMENDMENTS FOR A COMPREHENSIVE ANALYSIS OF JAIL NEEDS AND CRIMINAL JUSTICE SYSTEM PROCEDURES WITH BROADDUS & ASSOCIATES [T1-509]

Commissioner Barton spoke of not taking action on this date and gave a brief update. Brenda Jenkins of Broaddus & Associates spoke of updates and bringing this item back at a later date. Morgan Frasier of MGT spoke of speaking with Judges, Sheriff's Department, to be able to come back with options for the court to choose from.

26191 APPROVE AWARD OF RFP #2009-P08 "SCANNING & INDEXING/TAX OFFICE" TO ARCASEARCH FOR $82,982.00 AND AMEND THE BUDGET ACCORDINGLY [T1-988]

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve award of RFP #2009-P08 "Scanning & Indexing/Tax Office" to Arcasearch for $82,982.00. All voting "Aye". MOTION PASSED

26192 AUTHORIZE THE COUNTY JUDGE TO AWARD AND EXECUTE THE CONSTRUCTION CONTRACT FOR THE CEDAR OAKS MESA WATER SYSTEM IMPROVEMENT PROJECT TO DU-MOR ENTERPRISES, INC [T1-1126]

A motion was made by Commissioner Conley seconded by Commissioner Ford to authorize the County Judge to award and execute the construction contract for the Cedar Oaks Mesa Water System Improvement Project to Du-Mor Enterprises, Inc. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

[T1-1157] Court convened into closed executive session at 10:32 a.m. and reconvened into open meeting at 11:30 a.m. No action taken.

26193 AMEND THE BUDGET FOR FUNDING OF THE GED BUILDING AT THE HAYS COUNTY JUVENILE CENTER AND AWARDING CONSTRUCTION OF BUILDING TO ILCOR BUILDINGS, COMMERCIAL AND RESIDENTIAL CONTRACTORS [T1-1172]

A motion was made by Commissioner Barton seconded by Commissioner Conley to authorize expenditure of an amount not to exceed $75,000 to come out of line item 414-5741 for construction, permitting and fees of the GED Building at the Juvenile Detention Center and award construction contract for this project to Ilcor Buildings, and further this motion is based on the assumption that there is sufficient money in the Juvenile Detention funds to reimburse the General Fund at a future date. All voting "Aye". MOTION PASSED

26194 [09-04-07 5 LOTS] **HENLY LOOP SUBDIVISION SECTION 2 – APPROVE FINAL PLAT**

[T1-1459] Jim Bellevue, Attorney for Hardy Properties, LLC., spoke of Easement of Agreement for Water Drainage. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford seconded by Commissioner Conley to approve the final plat of Henly Loop Subdivision Section 2 All voting "Aye". MOTION PASSED**

26195 [09-04-06 4 LOTS] **HENLY LOOP SUBDIVISION SECTION 1 – APPROVE FINAL PLAT**

[T1-1468] Jim Bellevue, Attorney for Hardy Properties, LLC., spoke. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford seconded by Commissioner Conley to approve final plat of Henly Loop Subdivision Section 1. All voting "Aye". MOTION PASSED**

26196 [07-4-53 160 LOTS] **BLACKSTONE VINEYARD SUBDIVISION – APPROVE PRELIMINARY PLAN** [T1-1552]

Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford seconded by Commissioner Conley to approve preliminary plan of Blackstone Vineyard Subdivision as presented in the backup. All voting "Aye". MOTION PASSED**

WORKSHOP – 1:00 PM HDR ENGINEERING PRESENTATION OF PROCESS AND STATUS OF THE WATER AND WASTEWATER REGIONAL FACILITY PLANNING STUDY [T1-1655]

Tony Bagwell of HDR Engineering, Inc. gave a powerpoint presentation on Water and Wastewater Facilities Plan. Major existing water supplies/suppliers in the Count include: GBRA; LCRA; Barton-Edwards Zone, Edwards, Trinity Aquifers. Tony Bagwell spoke of the one of the problems that Hays County, HDR and entities in the County are facing; is how can we develop and coordinate and implement policies that deal with the water issues and mitigate the effects of growth.

26197 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN HUNTERS GLEN SUBDIVISION [T1-2810]

Commissioner Ingalsbe opened the public hearing. No public input was received and the public hearing was closed. RPTP Director, Jerry Borcherding gave staff recommendation of following traffic regulations: a stop sign on Hunters Glen Drive at Powder Horn Trail; a stop sign Hunters Glen Drive at Hilliard Road; a stop sign on Powder Horn Trail at Hilliard Road in Hunters Glen Subdivision and a set a speed limit of 30 MPH. **A motion was made by Commissioner Ford seconded by Commissioner Conley to set traffic regulations of a stop sign on Hunters Glen Drive at Powder Horn Trail; a stop sign on Hunters Glen Drive at Hilliard Road; a stop sign on Powder Horn Trail at Hilliard Road and set a speed limit of 30 MPH in Hunters Glen Subdivision. All voting "Aye". MOTION PASSED**

26198 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND ACCEPT THE MAINTENANCE BOND FOR TWO YEARS FOR MARTINEZ ADDITION SUBDIVISION [T1-2848]

Jerry Borcherding RPTP Director gave staff recommendation for approval. **A motion was made by Commissioner Barton seconded by Commissioner Ford to accept road construction and drainage improvements, and accept the Maintenance Bond for two years for Martinez Addition Subdivision. All voting "Aye". MOTION PASSED**

26199 NAMING OF A PRIVATE EASEMENT OFF OF HWY 21 AS SOUL HARVEST PASS

[T1-2858] Commissioner Ingalsbe explained that the residents that live in this area are requesting the naming of the easement for 911 purposes. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to name a private easement off of Hwy 21 as Soul Harvest Pass to be effective after July 4, 2009. All voting "Aye". MOTION PASSED**

26200 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON OLD BASTROP HWY FROM EL CAMINO WAY TO THE COMAL COUNTY LINE [T1-2916]

A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to call for a public hearing on June 30, 2009 to establish traffic regulations (speed limit) on Old Bastrop Hwy from El Camino Way to the Comal County Line. All voting "Aye". MOTION PASSED

26201 [08-04-70 1 LOT] **LONESOME SAGE SUBDIVISION – APPROVE PRELIMINARY PLAN**

[T1-2933] Clint Garza Subdivision Coordinator gave staff recommendation for approval. **A motion was made by Commissioner Ford seconded by Commissioner Conley to approve preliminary plan for Lonesome Sage Subdivision. All voting "Aye". MOTION PASSED**

26202 [08-04-69 3 LOTS] **REPLAT OF LOTS 12 AND 13 BEAR CREEK ESTATES - APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON JULY 14, 2009** [T1-2967]

Clint Garza Subdivision Coordinator gave staff recommendation for approval. **A motion was made by Commissioner Ford seconded by Commissioner Barton to approve preliminary plan and call for a public hearing on July 14, 2009 for Replat of Lots 12 & 13 Bear Creek Estates. All voting "Aye". MOTION PASSED**

DISCUSSION TO AMEND THE BUDGET TO REFLECT THE VARIOUS ROAD PROJECTS THAT WILL BE FUNDED BY FUTURE DEBT ISSUES [T1-2993]

Bill Herzog spoke of cost estimates of the Bond Roads. Commissioners discussed various issues hard costs, soft costs, money that will come back to the County through the State and the City of San Marcos and other cities. Court discussed bringing this item back as a workshop at a later date.

DISCUSSION REGARDING APPROVAL OF COMMERCIAL OSSF PERMIT TO JANET ZERAVICA FOR A 4-SPACE RV PARK LOCATED AT 312 HARMON HILLS COVE (HARMON HILLS LOT H-30) IN DRIPPING SPRINGS, IN PRECINCT 4

Commissioner Ford spoke of this RV Park that is being introduced is in the middle of a neighborhood. There was discussion of is it an RV or is it being used as a permanent residence (ie. manufactured home community). What we are looking at is have they gone under the rest of our rules, particularly the MHRC Rules. There was discussion of bringing this item back at a later date, maybe next week or the week after.

26203 **APPROVE A RESOLUTION RELATING TO ESTABLISHING HAYS COUNTY, TEXAS' INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS IN FURTHERANCE OF COMPLETING CERTAIN PRIORITY ROAD PROJECTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE ISSUER FOR AUTHORIZED PURPOSES; AUTHORIZING THE OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE** [T2-284]

A motion was made by Commissioner Conley seconded by Commissioner Barton to approve a Resolution relating to establishing Hays County Texas intention to reimburse itself for the prior lawful expenditure of funds in furtherance of completing certain priority road projects from the proceeds of tax-exempt obligations to be issued by the issuer for authorized purposes; authorizing the other matters incident and related thereto; and providing an effective date of 6/16/09 on $58,885,000. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda item # 29 RE: *CONSIDERATION AND APPROVAL OF A RESOLUTION RELATING TO ESTABLISHING HAYS COUNTY, TEXAS' INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS IN FURTHERANCE OF ACQUIRING, CONSTRUCTING, EQUIPPING, AND IMPROVING PUBLIC FACILITIES FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE ISSUER FOR AUTHORIZED PURPOSES; AUTHORIZING THE OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE* **– no action taken**

26204 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND CEDAR VALLEY INVESTMENTS, L.L.C., FOR THE REALIGNMENT OF OAK BRANCH DRIVE IN PRECINCT 4** [T2-384]

A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Memorandum of Understanding between Hays County and Cedar Valley Investments, LLC for the realignment of Oak Branch Drive in Precinct 4. All voting "Aye". MOTION PASSED

DISCUSSION TO ADOPT A RESOLUTION REGARDING THE AUTHORIZATION OF COMMISSIONERS ACTING IN THEIR CAPACITY AS EX-OFFICIO ROAD COMMISSIONERS RELATED TO THE DESIGN AND CONSTRUCTION OF PASS THROUGH TOLL AGREEMENT AND PRIORITY ROAD PROJECTS [T2-575]

Commissioners Court has discussions on record allowing Commissioners to act independently managing Pass Through Toll Agreement and priority Road Projects. Decisions by Commissioners Court to delegate this authority were based on a desire to make projects run in the most efficient manner. A resolution of the Court should clear up any questions or challenges to any individual Commissioners actions. Commissioner Conley suggested bringing this item back next week when County Judge Sumter will be present.

26205 **AUTHORIZE COUNTY JUDGE TO SIGN CONTRACT WITH ROGERS DESIGN SERVICES FOR MT. GAINOR ROAD IMPROVEMENTS AND TO AUTHORIZE COMMISSIONER FORD TO APPROVE WORK AUTHORIZATIONS AS PROJECT PROCEEDS FOR A TOTAL NOT TO EXCEED $50,000** [T2-791]

A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to sign contract with Rogers Design Services for Mt. Gainor Road improvements and to authorize Commissioner Ford to approve work authorizations as project proceeds for a total not to exceed $50,000. All voting "Aye". MOTION PASSED

Clerk's Note Agenda item #21 RE: *DISCUSSION AND POSSIBLE ACTION TO ALLOW CONVEYANCE OF A PORTION OF A 5.7 ACRE TRACT OF LAND LOCATED IN PRECINCT 3 WITHOUT PREPARING A SUBDIVISION PLAT, PURSUANT TO SECTION 232.0015(J) OF THE TEXAS LOCAL GOVERNMENT CODE* **– was pulled**

26206 **EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE 551.074 TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION FOR THE DEPARTMENT MANAGER IN THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT** [T2-869]

Court convened into closed executive session at 4:00 p.m. and reconvened into open meeting at 6:15 p.m. **A motion was made by Commissioner Barton seconded by Commissioner Conley to use merit money that was set aside earlier in the year to give a 3% raise to Jerry Borcherding, RPTP Director.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JUNE 16, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF JUNE A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton led the court in a moment of recognition and remembrance and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION ON AR-15 RIFLE

Constable Pct. 1 David Peterson spoke of need for better protection of the citizens. Constables currently do not have rifles. Constable Pct. 4 Ron Hood spoke of rifle being considered for use. Constable Pct. 5 Matt Mancillas spoke of possible funding sources and he spoke of need for this equipment. Constable Pct. 3 Darrell Ayres spoke of rifle being requested. Constable Ayres spoke of duties being performed by Constables in Hays County which is different than constables in other counties. Discussion was had regarding training that will be necessary.

26207 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve payment of county invoices in the amount of $890,441.68 as presented by the County Auditor. All voting "Aye". MOTION PASSED

26208 APPROVE COMMISSIONERS COURT MINUTES OF MAY 27 AND JUNE 2, 2009

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Commissioners Court Minutes of May 27 and June 2, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26209 APPROVE PURCHASE OF REMITTANCE PROCESSING SOFTWARE FOR THE TAX OFFICE FROM TECHNIQUE DATA SYSTEMS FOR $21,000

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve purchase of remittance processing software for the Tax Office from Technique Data Systems for $21,000. All voting "Aye". MOTION PASSED

26210 APPROVE DESTRUCTION OR OTHERWISE DISPOSE OF ITEMS THAT DID NOT SELL IN THE AUCTION BECAUSE NO BIDS WERE MADE FOR THE ITEMS IN ACCORDANCE TO LGC 263.152 DISPOSITION OF SURPLUS PROPERTY

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve destruction or otherwise dispose of items that did not sell in the auction because no bids were made for the items in accordance to LGC 263.152 Disposition of Surplus Property. All voting "Aye". MOTION PASSED

26211 AMEND BUDGET FOR ACCEPTANCE OF $20,000 GRANT FUNDS FROM THE TRUSTEES OF THE BURDINE JOHNSON FOUNDATION

A motion was made by Commissioner Conley, seconded by Commissioner Barton to amend budget for acceptance of $20,000 grant funds from the Trustees of the Burdine Johnson Foundation. All voting "Aye". MOTION PASSED

26212 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT ONE OF OFFICE OF THE ATTORNEY GENERAL AND HAYS COUNTY CONTRACT #08-C0013

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to execute Amendment One of office of the Attorney General and Hays County Contract #08-C0013. All voting "Aye". MOTION PASSED

26213 APPROVE THE FEBRUARY 2009 AND MARCH 2009 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the February 2009 and March 2009 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

26214 APPROVE SPECIFICATIONS FOR BID #2009-B15 "FIVE-MILE DAM PARK – PHASE 2 - SITE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve specifications for Bid #2009-B15 "Five-Mile Dam Park – Phase 2 – Site" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26215 APPROVE SPECIFICATIONS FOR BID #2009-B15 "FIVE-MILE DAM PARK – PHASE 2 - BUILDING" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve specifications for Bid #2009-B15 "Five-Mile Dam Park – Phase 2 – Building" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26216 APPROVE SPECIFICATIONS FOR BID #2009-B15 "FIVE-MILE DAM PARK – PHASE 2 - IRRIGATION" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve specifications for Bid #2009-B15 "Five-Mile Dam Park – Phase 2 – Irrigation" and authorizing Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26217 AUTHORIZE COMMERCIAL OSSF PERMIT FOR TEXAS STATE UNIVERSITY LOCATED ON THE FREEMAN RANCH IN PRECINCT 3

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize Commercial OSSF Permit for Texas State University located on the Freeman Ranch in Precinct 3. All voting "Aye". MOTION PASSED

26218 APPROVE UTILITY PERMIT #2021

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Utility Permit #2021 on CR183/Loneman Mountain Road issued to PEC Inc. as submitted by the Road Department. All voting "Aye". MOTION PASSED

26219 CALL FOR A PUBLIC HEARING ON JULY 7, 2009 TO ESTABLISH TRAFFIC REGULATIONS IN "BELTERRA SUBDIVISION PHASE 4 SECTION 18" [T1-535]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on July 7, 2009 to establish traffic regulations in "Belterra Subdivision Phase 4 Section 18". All voting "Aye". MOTION PASSED

26220 CALL FOR A PUBLIC HEARING ON JULY 7, 2009 TO ESTABLISH TRAFFIC REGULATIONS ON "CRYSTAL HILL DRIVE" IN GOLDENWOOD SUBDIVISION [T1-547]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on July 7, 2009 to establish traffic regulations on "Crystal Hill Drive" in Goldenwood Subdivision. All voting "Aye". MOTION PASSED

26221 APPROVE THE PURCHASE OF ONE BULLETPROOF VEST FOR THE PCT. 2 CONSTABLE DEPARTMENT [T1-556]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the purchase of a bulletproof vest for the Constable Pct 2 in the amount of $634.90 with 50% being paid thru a grant funds and approve purchase of $231 for outside carriers for the vests all to be funded by the law enforcement fund 01-432-5717 in the Constable Pct. 2 fund. All voting "Aye". MOTION PASSED

26222 ADOPT A RESOLUTION REGARDING THE AUTHORIZATION OF COMMISSIONERS ACTING IN THEIR CAPACITY AS EX-OFFICIO ROAD COMMISSIONERS RELATED TO THE DESIGN AND CONSTRUCTION OF ROADWAY PROJECTS, INCLUDING BUT NOT LIMITED TO PASS THROUGH TOLL AGREEMENT AND PRIORITY ROAD PROJECTS [T1-636]

Commissioner Conley spoke of amendment to resolution. Reed Carr made public comment. Special Counsel Mark Kennedy spoke of item #5 [T1-865] **A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a resolution regarding the authorization of Commissioners acting in their capacity as Ex-Official Road Commissioners related to the design and construction of roadway projects, including but not limited to pass through toll agreement and priority road projects. All voting "Aye". MOTION PASSED**

26223 APPROVE THE REQUEST OF A DOUBLE FILLING OF THE FOOD SERVICE MANAGER'S POSITION AT THE SHERIFF'S OFFICE FOR AN ADDITIONAL TWO WEEKS [T1-932]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve request for double filling of the Food Service Manager's position at the Sheriff's Office for an additional two weeks and amend the budget accordingly, not the exceed $
All voting "Aye". MOTION PASSED

26224 APPROVE A SALARY VARIANCE FOR A VACANT CLERK POSITION IN THE OFFICE OF JUSTICE OF THE PEACE PRECINCT 5 [T1-968]

Commissioner Barton spoke of request for a salary variance (25th percentile = $27,153). **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve salary variance in the 25th percentile for a vacant Clerk position in the Office of Justice of the Peace Precinct 5 to be effective at the beginning of the pay period [June 15, 2009]. All voting "Aye". MOTION PASSED**

26225 APPROVE AN ADMINISTRATIVE ASSISTANT I POSITION FOR THE COUNTY CLERK'S OFFICE TO PERFORM DATA ENTRY AND IMAGING FOR COURT RECORDS PRIOR TO THE YEAR 2000 [T1-1146]

County Clerk Linda Fritsche spoke of request to hire a temporary fulltime employee to perform data entry and scanning of court records prior to 2000. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve an Administrative Assistant I position for the County Clerk's office to perform data entry and imaging for court records prior to the year 2000. All voting "Aye". MOTION PASSED**

26226 APPROVE PURCHASE OF NEW SHREDDER FOR HUMAN RESOURCES AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of new shredder for Human Resources and amend the budget accordingly. All voting "Aye". MOTION PASSED

26227 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE TB CONTRACT BETWEEN TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT FROM $14,710.00 TO $15,648.00 [T1-1230]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an amendment to the TB contract between Texas Department of Health Services (DSHS) and the Personal Health Department from $14,710.00 to $15,648.00. All voting "Aye". MOTION PASSED

26228 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION TO THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS FOR UP TO $21,660 FOR THE PURCHASE OF BULLETPROOF VESTS [T1-1242]

Grants Administrator Jeff Hauff explained the grant. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to submit an application to the U. S. Department of Justice, Office of Justice Programs for up to $21,660 for the purchase of bulletproof vests. All voting "Aye". MOTION PASSED**

26229 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS AND JOINTLY SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR FUNDING FOR EQUIPMENT IN THE SHERIFF'S OFFICE [T1-1268

Grants Administrator Jeff Hauff explained the grant. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an interlocal agreement with the City of San Marcos and jointly submit a grant application to the U. S. Department of Justice, Bureau of Justice Assistance for funding for equipment in the Sheriff's Office. All voting "Aye". MOTION PASSED**

26230 AUTHORIZE LEGAL COUNSEL AND THE SUBDIVISION COORDINATOR TO PLAT AND RECORD THE SUBDIVISION OF A 5.7 ACRE TRACT OF LAND LOCATED IN PRECINCT 3 [T1-1301]

A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize legal counsel and the Subdivision Coordinator to plat and record the subdivision of a 5.7 acre tract of land located in Precinct 3. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING TIMELINE FOR THE ISSUANCE OF DEBT FOR CAPITAL IMPROVEMENT PROJECTS [T1-1359]

Dan Wegmiller of Specialized Public Finance Inc. spoke of timeline for the issuance of debt for capital improvement projects. He pointed out the dates of June 30th when the court would consider a resolution directing publication of the notice of intent to issue the certificates (Dacy Lane) and on August 18th the court will consider an Order authorizing the issuance of the Bonds and Certificates. Dan Wegmiller spoke of the "Build America" program.

APPROVE PROPERTY USE POLICIES [T1-2071]

Special Counsel Mark Kennedy spoke of Property Use Policy being intended for use as a guide to the public and county staff regarding use of county property by other local governmental entities, private entities, and citizens. Discussed holding commercial activities which would require court approval. Insurance will not be required for some activities. Discussed various properties throughout the county and numbers to be considered in general assemblies. No action was taken.

REVIEW OR SET COURT CALENDAR FOR NEXT FEW MONTHS, INCLUDING COURT MEMBER VACATIONS, PLANNED WORKSHOPS, PROPOSED DEVELOPMENT REGULATION HEARING/ADOPTING, CONFIRMATION OF PROPOSED BUDGET CALENDAR, ETC. [T1-2919]

Discussed various dates regarding bonds and public hearings. Tax rate hearings on Sep 2nd (9am) & Sep 9th (6pm) - adopt proposed budget, set salaries of elected officials, and proposed tax rate on Sep 16th (9am). Cancel Commissioners Court meeting of July 28th and Sept 8th. Budget workshops to be held on August 4th (1pm), 5th (10am), & 6th (9am) and August 18th in afternoon for proposed tax rate, etc. Commissioner Ford spoke of holding a public hearing, with possible action, regarding subdivision regulations on July 21st or July 22nd at 6:00 pm at the Dripping Springs City Hall or in Wimberley at the community center.

WORKSHOP RE: UPDATE ON HAYS SHOOTING SPORTS TASK FORCE (SSTF) [T2-291]

Stephen Marlow gave a powerpoint presentation regarding the Texas Shooting Sports Complex. He spoke of survey that indicated a strong desire to have a place to shoot safe in Hays County. Their primary mission is to provide youth and adults with learning (knowledge, skills and attitudes), safety (a safe location to receive instruction and safety training), access (location accessible for all the citizens), Youth and family shooting sports activities, and competition (sports matches and special events). He spoke of Goals & Objectives and the financial plan (user fees, grants, fund raisers, etc.). He spoke of technology requirements, personnel requirements, resource requirements, and external requirements. Mr. Marlow spoke of need for buy-in from Hays County and a long term lease to justify the initial cost of the property and any infrastructure provided.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LEGAL ACTION RELATED TO RIGHT OF WAY ACQUISTION ON FM 1626 AND FM 2001 IN PRECINCT 1
[T2-1636]

Court convened into closed executive session at 2:35 p.m. and reconvened into open meeting at 2:55 p.m. No action was taken.

Clerk's Note: Agenda Item #22 RE: *APPROVE THE PURCHASE OF A CHECK PRESSURE SEAL MACHINE AND TO AMEND THE BUDGET ACCORDINGLY* **WAS PULLED. No discussion and no action taken.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JUNE 23, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 30TH DAY OF JUNE A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton led the court in a moment of reflection and recognition and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION BY CHANCY LEWIS ON THE PLUM CREEK WATERSHED

Susan Schramm introduced Chancy Lewis (Extension Associate with Texas AgriLife Extension Service). Chancy Lewis spoke of working with the Plum Creek Watershed and he gave a powerpoint presentation regarding feral hogs posing a potential threat to water quality. He spoke of a new program to report feral hogs by going to the Plum Creek Watershed Partnership with Texas A&M University [http://plumcreek.tamu.edu/feralhogs/] website. He spoke of damage done to wildlife by feral hogs.

26231 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of $699,411.73 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26232 APPROVE THE CANCELLATION OF COMMISSIONER'S COURT ON JULY 28, 2009 AND SEPTEMBER 8, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the cancellation of Commissioner's Court on July 28, 2009 and September 8, 2009. All voting "Aye". MOTION PASSED

26233 APPROVE SPECIFICATIONS FOR RFP #2009-P10 EMPLOYEE GROUP SELF FUNDED HEALTH AND DENTAL PLAN AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for RFP #2009-P10 employee group self funded health and dental plan and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

26234 APPROVE PURCHASE OF .09 ACRES FROM THE PROPERTY OWNED BY HANK ELLIOTT, ON FM 2001 IN PCT. 2, FOR A TOTAL PRICE OF $40,000.00

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve purchase of .09 acres from the property owned by Hank Elliott, on FM 2001 in Pct. 2 for a total price of $40,000. All voting "Aye". MOTION PASSED

26235 APPROVE SPECIFICATIONS FOR BID #2009-B19 "ROAD IMPROVEMENTS/HOT-MIX OVERLAY" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for bid #2009-B19 "Road Improvements/Hot-Mix Overlay" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26236 APPROVE UTILITY PERMIT

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve utility permit #02023 on Harris Hill Road & Uhland Road issued to PEC Inc. as presented by the County Road Department. All voting "Aye". MOTION PASSED

26237 APPROVE SPECIFICATIONS FOR BID #2009-B18 "REMOVAL AND INSTALLATION OF NEW ROOF FOR THE HAYS COUNTY LAW ENFORCEMENT BUILDING AT 1307 UHLAND ROAD" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ford, Seconded by Commissioner Barton to approve specifications for bid #2009-B18 "Removal and installation of new roof for the Hays County Law Enforcement Building at 1307 Uhland Road" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26238 SUPPORT OF JACK C HAYS DOCUMENTARY BY HAYS COUNTY HISTORICAL COMMISSION [T1-323]

Commissioner Conley spoke of need to educate people about the history of Hays County. Hays County Historical Commission Chair Kate Johnson spoke of documentary that is being created regarding the life of Jack C. Hays. Richard Kidd spoke of re-enactment of 1835-1840 events and local citizens that participated in this documentary. This documentary will be distributed to local schools, libraries, etc. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to support the Jack C. Hays documentary by Hays County Historical Commission in the amount of $5,000 to be funded out of contingency funds plus $1,000 from Pct. 4 Special Project funds. All voting "Aye". MOTION PASSED**

26239 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON CR 266/OLD BASTROP HWY FROM EL CAMINO WAY TO THE COMAL COUNTY LINE [T1-544]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation for 45 MPH. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to establish traffic regulations (speed limit) to change from 40 mph to 45 mph on CR 266/Old Bastrop Hwy from El Camino Way to the Comal County Line. All voting "Aye". MOTION PASSED**

26240 RELEASE OF THE MAINTENANCE BOND FOR SECTION 2 AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SECTION 1 AND SECTION 2 FOR RUTHERFORD WEST SUBDIVISION [T1-565]

RPTP Director Jerry Borcherding gave staff recommendation release of maintenance bond and acceptance into county maintenance system. **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 Rutherford West Sections 1 & 2. All voting "Aye". MOTION PASSED**

26241 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE THE CONSTRUCTION BOND, AND ACCEPT THE MAINTENANCE BOND FOR TWO YEARS FOR WIMBERLEY SPRINGS SUBDIVISION, PHASE 1 [T1-577]

RPTP Director Jerry Borcherding gave staff recommendation for release of construction bond and acceptance of maintenance bond. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept road construction and drainage improvements, release the construction bond, and accept the maintenance bond for two years for Wimberley Springs Subdivision Phase 1. All voting "Aye". MOTION PASSED**

26242 CALL FOR A PUBLIC HEARING ON JULY 14, 2009 TO ESTABLISH TRAFFIC REGULATIONS ON BUTTERCUP LANE, CR 286 [T1-645]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on July 14, 2009 to establish traffic regulations on Buttercup Lane CR 286. All voting "Aye". MOTION PASSED

26243 APPROVE THE PURCHASE OF A STORAGE SHED FOR THE EXTENSION OFFICE AND TO AMEND THE BUDGET ACCORDINGLY [T1-657]

Susan Schramm, County Extension Agent, spoke of need for a new storage shed – funds are available from fuel line item. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the purchase of a storage shed for the Extension Office and to amend the budget accordingly in an amount not to exceed $2,000. All voting "Aye". MOTION PASSED**

26244 EXECUTE A RESOLUTION DECLARING A BURN BAN IN HAYS COUNTY, TEXAS EFFECTIVE IMMEDIATELY [T1-730]

Fire Marshal Mark Chamber spoke of drought index for Hays County. He recommended initiating the burn ban. **A motion was made by Judge Sumter, seconded by Commissioner Conley to execute a Resolution declaring a burn ban in Hays County, Texas effective immediately. All voting "Aye". MOTION PASSED**

26245 AUTHORIZE OUT OF STATE TRAVEL FOR JUDY SEIM, COMPLIANCE/COLLECTIONS ADMINISTRATOR TO ATTEND 2009 NATIONAL GOVERNMENTAL COLLECTIONS CONFERENCE 2009, TO BE HELD IN LAS VEGAS, NEVADA, OCTOBER 13-14, 2009 [T1-967]

Judy Seim appeared requesting authorization. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize out of state travel for Judy Seim, Compliance/Collections Administrator to attend 2009 National Governmental Collections Conference 2009, to be held in Las Vegas, Nevada, October 13-14, 2009. All voting "Aye". MOTION PASSED**

26246 AMEND THE BUDGET FOR THE PERSONAL HEALTH DEPARTMENT AND AUTHORIZE TRANSFER OF FUNDS IN THE AMOUNT OF $1922.00 FROM ADULT VACCINES TO MISCELLANEOUS CAPITAL IMPROVEMENTS [T1-1024]

Health Department Director Priscilla Hargraves spoke of need for more privacy in the San Marcos and Kyle clinics. She would like to install glass privacy screens at the front reception desks. She spoke of having ample funds for vaccines. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to amend the budget for the Personal Health Department and authorize transfer of funds in the amount of $1,922. from adult vaccines to miscellaneous capital improvements. All voting "Aye". MOTION PASSED**

26247 AUTHORIZE TRANSFER OF FUNDS IN THE AMOUNT OF $1737.00 FROM MEDICAL SUPPLIES TO OFFICE EQUIPMENT [T1-1215]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize transfer of funds in the amount of $1,737 from medical supplies to office equipment. All voting "Aye". MOTION PASSED

26248 AUTHORIZE THE COUNTY JUDGE TO SIGN AN AMENDMENT TO THE FY2009 IMMUNIZATION GRANT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD) ALLOWING THE PHD TO USE GRANT FUNDS FOR THE PURCHASE OF EQUIPMENT TO CONVERT THE FRONT PLAY AREA TO OFFICE SPACE AND TO APPROVE AMENDING THE BUDGET ACCORDINGLY [T1-1233]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to sign an Amendment to the FY2009 Immunization Grant between the Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD) allowing the PHD to use Grant Funds for the purchase of equipment to convert the front play area to office space ant to approve amending the budget accordingly. All voting "Aye". MOTION PASSED

26249 APPROVE THE PURCHASE OF A CHECK PRESSURE SEAL MACHINE, A ONE YEAR MAINTENANCE CONTRACT PLUS PRESSURE SEAL STOCK AND TO AMEND THE BUDGET ACCORDINGLY [T1-1257]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the purchase of a check pressure seal machine, a one year maintenance contract plus pressure seal stock and to amend the budget accordingly. All voting "Aye". MOTION PASSED

26250 AUTHORIZE THE COUNTY JUDGE TO REQUEST FUNDS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS ASSOCIATED WITH UNCLAIMED CAPITAL CREDITS RECEIVED FROM ELECTRIC COOPERATIVES AND TO CERTIFY THAT USE OF THE FUNDS WILL BE FOR A PROGRAM AS SPECIFIED UNDER LOCAL GOVERNMENT CODE, SECTION 381.004 [T1-1269]

Grants Administrator Jeff Hauff advised that the County must request funds that will be used for purposes as specified under Section 381.004 of the Local Government Code. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to request funds from the Texas Comptroller of Public Accounts associated with Unclaimed Capital Credits received from electric cooperatives and to certify that use of the funds will be for a program as specified under Local Government Code, Section 381.004. All voting "Aye". MOTION PASSED**

26251 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #3 TO THE CONTRACT WITH WESTAR CONSTRUCTION, INC. FOR A DEDUCTION AMOUNT OF $49,500 FOR THE FIVE MILE DAM PARK PROJECT [T1-1307]

Grants Administrator Jeff Hauff advised that this change order is for a deduction of $49,500 for the deletion of hydro mulch from all areas other than four soccer fields and the playground area for Phase I construction at Five Mile Dam Park due to current drought conditions. Funds are to be reserved for inclusion in the Phase II construction project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute change order #3 to the Contract with Westar Construction, Inc. for a deduction amount of $49,500 for the Five Mile Dam Park Project. All voting "Aye". MOTION PASSED**

26252 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF SAN MARCOS TO COLLABORATE WITH CITY'S CONSULTANT ON THE FIVE-MILE DAM PROJECT [T1-1337]

Grants Administrator Jeff Hauff advised that the City of San Marcos has retained Judy Langford to administrate a grant given to the City by Texas Parks & Wildlife. This agreement ensures that Ms. Langford will have access to information related to the project, some of which is being retained by Hays County. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Agreement with the City of San Marcos to collaborate with City's consultant on the Five Mile Dam Project. All voting "Aye". MOTION PASSED**

26253 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AMENDMENT WITH LAND DESIGN PARTNERS, INC. IN THE AMOUNT OF $1,804.00 TO INCLUDE ADDITIONAL SERVICES FOR SURVEY WORK ASSOCIATED WITH A 1.5-ACRE PARCEL FOR THE WINTERS MILL TRAIL PROJECT [T1-1359]

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to execute a contract amendment with Land Design Partners, Inc. in the amount of $1,804 to include additional services for survey work associated with a 1.5 acre parcel for the Winters Mill Trail Project to be funded out of contingencies. All voting "Aye". MOTION PASSED

26254 APPOINT JON ENGEL, CORKY KUHLMANN AND KATHY BOYDSTON TO THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD [T1-1389]

A motion was made by Judge Sumter, seconded by Commissioner Barton to appoint Jon Engel, Corky Kuhlmann and Kathy Boydston to the Hays County Parks and Open Space Advisory Board. All voting "Aye". MOTION PASSED

26255 ACTION REGARDING ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT OFFICES; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-1431]

Brenda Jenkins (Broaddus & Associates) spoke of review and gave an update on the Government Center project. Commissioner Barton spoke. Brenda Jenkins spoke of cost projections. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to ask the following or a representative from each: County Court at Law, District Judges, District Attorney, Sheriff, Justice of the Peace, Commissioner Barton and Broaddus in evaluating the proposed information that Ms. Jenkins has for us to make a prompt recommendation. All voting "Aye". MOTION PASSED**

26256 AUTHORIZE THE COUNTY JUDGE TO SIGN AN AGREED CHANGE AGREEMENT TO INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY, TEXAS, AND THE CITY OF BUDA, TEXAS [T1-1823]

Commissioner Barton spoke of the current contract and need to look at the rates being charged as set out in the contract. Need to amend the contract for an increase in service level – add four officers. Sheriff's Dept. Capt Bo Kidd spoke of need for additional officers in Buda in order to provide 24 hour coverage. Capt. Kidd spoke of progress being made with services provided to City of Buda and he spoke of increase in car burglaries. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to amend current price per officer and extend for 4 additional officers beginning July 1, 2009, which will change from the current price of $35,373.16 to $60,339.49. All voting "Aye". MOTION PASSED.** Commissioner Barton spoke of 90 day notice of rate change required by current contract. There may be a significant increase in health insurance premiums coming up and salary increases that need to be considered.

26257 APPROVE A RESOLUTION BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ONE OR MORE SERIES OF CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH [T1-3211]

County Auditor Bill Herzog spoke of need for publication regarding $8 million for Dacy Lane project. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve a resolution by the Commissioners Court of Hays County, Texas approving and authorizing publication of Notice of Intention to issue one or more series of Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and resolving other matters in connection therewith. All voting "Aye". MOTION PASS**

UPDATE OF HAYS COUNTY STRATEGIC POLICY PLAN AND STATE OF TEXAS, OFFICE OF COMPTROLLER, LOCAL GOVERNMENT MANAGEMENT ASSESSMENT AND RISK ASSESSMENTS [T1-3288]

Judge Sumter gave an update of what is happening with the Hays County Strategic Policy Plan meetings with various stakeholder groups and the management assessment from the State Comptroller's officer. Judge Sumter spoke of proposed citizen meetings throughout the county in July – need to determine if these will need to be posted as Commissioner Court meetings.

PRESENTATION FROM HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT ON DROUGHT CONDITIONS AND MANAGEMENT PLANS, UPDATE ON DESIRED FUTURE CONDITION (DFC) AND MANAGED AVAILABLE GROUNDWATER (MAG) PROCESS, SUMMARY OF LEGISLATIVE ACTIVITY AND BUDGET CONSTRAINTS GOING FORWARD AND POSSIBLE OPTIONS, AND REVIEW OF DISTRICT INPUT TO THE HAYS COUNTY WATER AND WASTEWATER PLANNING PROCESS [T2-148]

Jack Hollon, Hays Trinity Groundwater Conservation District, spoke of the current drought conditions in the Wimberley area. He spoke of drops in the monitored wells. He spoke of need to conserve water. Andrew Backus spoke of need for $250,000 for groundwater availability modeling, education, etc. David Baker (new HTGCD board member) spoke. Discussed rainwater harvesting, drought tolerant planting, etc.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING EXISTING OR CONTEMPLATED EMPLOYMENT CLAIMS INVOLVING HAYS COUNTY

Court convened into closed executive session at 3:05 p.m. and reconvened into open meeting at 4:15 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF THE DEPARTMENT HEAD OF VETERAN SERVICES DEPARTMENT

Court convened into closed executive session at 4:15 p.m. and reconvened into open meeting at 4:55 p.m. No action taken.

Clerk's Note: Agenda Item #13 RE: *ACCEPT WITH EXCEPTIONS, OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND RELEASE OF THE CONSTRUCTION BOND FOR BIG SKY SUBDIVISION* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JUNE 30, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7TH DAY OF JULY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26258 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices in the amount of $ 1,238,497.48 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26259 APPROVE COMMISSIONER COURT MINUTES OF JUNE 16TH 23RD AND 30TH 2009

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of June 16, 23, & 30, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26260 APPROVE THE APRIL 2009 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the April 2009 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

26261 APPROVE INSTITUTIONAL OSSF PERMIT FOR THREE BEDROOM HOUSE AND BASEBALL BATTING CAGES LOCATED AT 31330 RANCH ROAD 12, DRIPPING SPRINGS IN PRECINCT 4

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Institutional OSSF Permit for Three Bedroom House and Baseball Batting Cages located at 31330 Ranch Road 12, Dripping Springs in Precinct 4. All voting "Aye". MOTION PASSED

26262 APPROVE INSTITUTIONAL OSSF PERMIT FOR HELDENFELS ENTERPRISES LOCATED AT 5700 S. I-35, SAN MARCOS IN PRECINCT 1

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Institutional OSSF Permit for Heldenfels Enterprises located at 5700 S. I-35, San Marcos in Precinct 1. All voting "Aye". MOTION PASSED

25263 TRANSFER TRUCK VIN#1FTEF15N0SLB92679 FROM CONSTABLE PRECINCT 3 TO BUILDING MAINTENANCE DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to transfer truck VIN #1FTEF15NOSLB92679 from Constable Precinct 3 to Building Maintenance Department. All voting "Aye". MOTION PASSED

26264 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve utility permit #02024 on Peaceful Valley issued to Goforth Venture; permit #02025 on Goforth Road issued to Goforth Venture; permit #02026 on Opal Lane issued to City of Kyle; permit #02027 on Opal Lane issued to City of Kyle as submitted by the Hays County Road Department. All voting "Aye". MOTION PASSED

26265 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS ON CRYSTAL HILL DRIVE IN GOLDENWOOD SUBDIVISION [T1-50]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of 30 MPH speed limit on Crystal Hill Drive in Goldenwood Subdivision. All voting "Aye". MOTION PASSED**

26266 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION, PHASE 4, SECTION 18 [T1-65]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of a stop sign on Bradshaw Drive at Belterra Drive; stop sign on Bradshaw Drive at Naples Lane; stop sign on Naples Lane at Bradshaw Drive; stop sign on Kinloch Court at Naples Lane; stop sign on Bitterfoot Lane at Naples Lane; and set speed limit of 25 MPH in Belterra Subdivision Phase 4 Section 18. All voting "Aye". MOTION PASSED**

26267 [08-04-70 – 1 LOT] **LONESOME SAGE SUBDIVISION – APPROVE FINAL PLAT** [T1-77]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Lonesome Sage Subdivision. All voting "Aye". MOTION PASSED**

26268 [08-4-68 – 2 LOTS] **RANCHO BELLA SUBDIVISION – APPROVE FINAL PLAT** [T1-98]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of Rancho Bella Subdivision. All voting "Aye". MOTION PASSED**

26269 [08-4-67 – 7 LOTS] **REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH, PHASE 2 - CALL FOR PUBLIC HEARING ON AUGUST 4, 2009** [T1-125]

Subdivision Coordinator Clint Garza gave staff recommendation to call for a public hearing. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on August 4, 2009 for a replat of Tract 4 Dripping Springs Ranch Phase 2. All voting "Aye". MOTION PASSED**

26270 [09-4-19 – 25 LOTS] **HIGHPOINTE PHASE 5, SECTION 1 SUBDIVISION – APPROVE FINAL PLAT** [T1-140]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Highpointe Phase 5 Section 1 Subdivision. All voting "Aye". MOTION PASSED**

26271 APPROVE THE RELEASE OF THE 7.5 FT. SIDE PUE'S AND REPLACE WITH 5 FT. PUE'S ON LOT 8 CREEK OF DRIFTWOOD AMENDED [T1-184]

Subdivision Coordinator Clint Garza spoke of reducing the size of a PUE because of building encroachment. He gave staff recommendation for approval **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve the Release of the 7.5 ft. side PUE's and replace with 5 ft. PUE's on Lot 8 Creek of Driftwood Amended. All voting "Aye". MOTION PASSED**

26272 [09-2-18 – 11 LOTS] **STUDIO ESTATES SUBDIVISION, SECTION 1 – APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF $141,902.25** [T1-209]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval and acceptance of a cash bond as fiscal surety. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat and accept fiscal surety in the amount of $141,902.25 for Studio Estates Subdivision Section 1. All voting "Aye". MOTION PASSED**

26273 RELEASE THE LETTER OF CREDIT NO. 376, IN EXCHANGE FOR A CASH BOND IN THE AMOUNT OF $9,689.50, FOR THE MAINTENANCE OF STREET AND DRAINAGE IMPROVEMENTS IN THE NORTHRIDGE SUBDIVISION, PHASE 2 [T1-237]

Subdivision Coordinator Clint Garza gave staff recommendation for accepting a cash bond in exchange for a letter of credit. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to release the Letter of Credit No. 376 in exchange for a Cash Bond in the amount of $9,689.50 for the Maintenance of Street and Drainage improvements in the Northridge Subdivision Phase 2. All voting "Aye". MOTION PASSED**

26274 APPROVE THE PURCHASE OF EQUIPMENT FOR TWO PATROL VEHICLES [T1-266]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the purchase of equipment for two patrol vehicles and amend the budget accordingly. All voting "Aye". MOTION PASSED

REQUEST TO CONVERT AN ADMINISTRATIVE ASSISTANT III POSITION IN THE CONSTABLE PCT. 1 OFFICE TO A DEPUTY CONSTABLE [T1-281]

Constable Pct. 1 David Peterson requested conversion of an Administrative Assistant III position with a Deputy Constable position. Judge Sumter, Commissioner Conley, and Commissioner Ford requested postponement at this time. Constable Pct. 3 Darrel Ayres spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to convert the Administrative Assistant III position, in the Constable Pct. 1 Office to a Deputy Constable. Motions were withdrawn.

26275 APPROVE THE RESALE OF PROPERTY HELD IN TRUST [T1-628]

Tax Assessor-Collector Luanne Caraway gave recommendation to approve resale as presented. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the resale of property held in trust. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING NEED FOR NEW REGULATIONS IN CONCERT WITH APPLICABLE STATE LAW TO CLARIFY THE DISTINCTION BETWEEN RV PARK AND MANUFACTURED HOME RENTAL COMMUNITY AS IT RELATES TO THE COUNTY'S OSSF REGULATIONS [T1-707]

Commissioner Ford spoke of need for policy decisions regarding RV Park and Manufactured Home Rental Community as it relates to the OSSF regulations. Special Counsel Mark Kennedy spoke of rules drafted in 1999 which need to be more defined. Discussion was had regarding length of lease, number of units, etc. and accessibility of emergency vehicles. Commissioner Ford spoke of need for notification to adjoining landowners. RPTP Director Jerry Borcherding spoke of need to have Environmental Health staff input based on research.

26276 AUTHORIZE COMMERCIAL OSSF PERMIT TO JANET AND FRANK ZERAVICA FOR A 5-SPACE RV PARK LOCATED AT 312 HARMON HILLS COVE (HARMON HILLS LOT H-30) DRIPPING SPRINGS IN PRECINCT 4 [T1-1544]

Chief Sanitarian Tom Pope spoke of RV use of an OSSF system. If problems appear in the future, the property owner would have to upgrade the system. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Commercial OSSF Permit to Janet and Frank Zeravica for a 5-space RV Park located at 312 Harmon Hills Cove (Harmon Hills lot H-30) Dripping Springs, in Precinct 4 with addition of a water flow meter on their wastewater system. All voting "Aye". MOTION PASSED**

26277 AUTHORIZE THE EXTENSION OF THE CIGNA HEALTH AND DENTAL CONTRACT FOR AN ADDITIONAL THREE (3) MONTHS, THROUGH DECEMBER 31, 2009 [T1-1711]

County Treasurer Michele Tuttle spoke of need to change contract period to be on a calendar year basis. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the extension of the Cigna Health and Dental Contract for an additional three (3) months, through December 31, 2009 and to change the new contract to be a calendar year plan. All voting "Aye". MOTION PASSED**

26278 APPROVE THE RELOCATION OF A DOOR IN A PROSECUTOR'S OFFICE LOCATED WITHIN THE CRIMINAL DISTRICT ATTORNEY'S OFFICE AT THE HAYS COUNTY JUSTICE CENTER, 110 EAST MARTIN LUTHER KING DRIVE, SAN MARCOS [T1-1781

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the relocation of a door in a Prosecutor's Office located within the Criminal District Attorney's Office at the Hays County Justice Center, 110 East Martin Luther King Drive, San Marcos. All voting "Aye". MOTION PASSED

26279 PROVIDE A PHONE ALLOWANCE FOR JERRY BORCHERDING, RPTP DIRECTOR

[T1-1788] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to provide a phone allowance for Jerry Borcherding, RPTP Director, and amend the budget accordingly. All voting "Aye". MOTION PASSED**

PRESENTATION AND DISCUSSION REGARDING THE PROPOSED LOCATION OF U.S. FOODS IN BUDA WITHIN THE SUNFIELD MUNICIPAL UTILITY DISTRICT, THE POSSIBLE CREATION OF A TAX INCREMENT REINVESTMENT ZONE (TIRZ), AND RELATED COUNTY ROAD IMPROVEMENTS THAT MIGHT BE FINANCED BY THE TIRZ [T1-1852]

Summary: U. S. Foodservice is a national food service distributor that distributes food and related products to 250,000 customers such as restaurants, hotels, healthcare facilities, cafeterias and schools. It employs nearly 30,000 people company-wide. U. S. Foodservice is interested in building a regional headquarters and distribution center in Hays County which would be an approximately 265,000 square feet of building in the initial phase, 400,000-500,000 square feet at final build out; located on 40-50 acres; with a least 250 employees at opening and 405 employees by 2017; and with an initial investment of $47-56 million, and build-out investment of $69-85 million. U.S. Foods and the Sunfield MUD are asking the county to improve parts of two county roads: CR118 & Turnersville Road. Projected cost of these road improvements is $2.5 million. Buda has committed the proceeds from a Texas Capital Fund grant in the amount of $750,000 toward construction costs, leaving $1,750,000.00. U.S. Foods is now proposing to finance the $1,750,000 with a TIRZ backstopped by U.S. Foods. The Buda City Council voted 5-2 to clear zoning hurdles for the project and the City is requesting the county's support. The project is also supported by the Buda Economic Development Corporation. [T1-2152] John Fowler (U. S. Foodservice) gave a powerpoint presentation regarding the size of the facility, community service provided, employment/salaries, Sunfield MUD land plan, truck traffic, current traffic counts & projected traffic counts, stringent design patterns, roadway improvements, real & personal property and sales tax generated from facility and land, and risk/benefit of Capital Fund Projects for the County. [T1-3335] Richard Schneider (President Of Buda Area Chamber of Commerce), Warren Ketteman (Executive Director of the Buda Economic Development Council), and Antonio Sosa (Buda EDC board member) made public comment in support of this project. David Patterson (Buda resident) read from a list of questions he has for the county and U.S. Foods. Stahl Urban (Buda resident) spoke in opposition to the location and he would like to see a vote from the citizens of Buda. Susan Harris spoke of emerging market in this area (from South Park Meadows @Slaughter Lane to the San Marcos Outlet Mall). Emails of support were submitted from Don Graham/Graham & Associates, Ray Mason-Business Advisor/Texas State SBDC, Richard Harlow, George Harper- President & CEO/Harper's Fine Jewelry Inc., Harry Patel/Americas Best Value Inn, Rob Borrel/Dizzy Tee Designs, Chef Reno Lanzillotti/Nonna Gina's Italian Restaurant, Lawrence Radinsky/Pizza Hut, Don Goodson/Gen Mng of Camper Clinic II, Rev. Roy A. Erdahl/Good Shepherd Ministries, Bob Elder/Friends of the Buda Public Library, Carla Gasparini/Hill Country Eye Care, Shirley Malone/Edwards Jones Financial Advisor, John Sanford/Pct. 2 resident, James Bratton, Danny Webber/MBA Broker-Owner, Claude Green/Computer Werks Inc., Terry Capps, and William McAnelly/Buda EDC Director.

DISCUSSION OF BUDGET GOALS FOR THE FY2010 BUDGET [T2-900]

Judge Sumter requested input from members of the court regarding goals for the FY2010 budget. Discussed previous goals. Each member of the court spoke of items they would like to support and each stated that they want to maintain the current tax rate. County Auditor Bill Herzog spoke of decrease in revenues and in appraisal which will greatly affect the budget.

Clerk's Note: Agenda Item #17 RE: *AUTHORIZE THE PURCHASE OF A NEW JURY SOFTWARE PACKAGE AND CONTRACT WITH TYLER TECHNOLOGIES* **was PULLED.**

Clerk's Note: Agenda Item #26 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER: PRECINCT OFFICES; RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT OFFICES; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 7, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF JULY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH THE FOLLOWING NOT PRESENT JEFFERSON W. BARTON COMMISSIONER, PCT. 2 AND WILL CONLEY COMMISSIONER, PCT. 3 AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

WORKSHOP – HAYS COUNTY COMPLETE COUNT PRESENTATION FOR THE 2010 CENSUS

Sophia Azoubel, U.S. Census gave an overview and a powerpoint presentation. Estimates of population as of 2007: Hays County – 145,000; City of San Marcos – 50,000; City of Kyle – 24,000; City of Buda – 6,000. Sophia gave explanation of the Complete Count Committee (CCC) which is a volunteer team of community leaders whose goal is to develop and implement local outreach and awareness for 2010 Census. Sophia also spoke of need for partnerships and local strategies. She spoke of temporary job opportunities with the Census Bureau. The website for the Census is: www.2010census.gov Sophia spoke of the timeline for the Census Count to be as follows: Feb – Mar 2010 – Mail out questionnaire; Apr 1, 2010 – Census Day; May – Jul 2010 – non-response follow up; Dec 31, 2010 – deliver population count to the President. Sophia also emphasized that the information gathered in this count would not be shared with any governmental agency, it's solely for the Census Bureau. People with PO Box addresses will be asked to report to – "Be Counted Centers".

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 13, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF JULY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

New employees were introduced to the court.

PRESENTATION OF COUNTY SERVICE AWARDS

Presentation was made of service awards by RPTP Director Jerry Borcherding to Ernest Cordova (Road Department) with 30 years of service, by Commissioner Barton to Constable Pct. 2 James Kohler with 30 years of service, and by Judge Sumter to Ed Cooper (Juvenile Probation) with 35 years of service,

4-H PRESENTATION

Richard Parrish, County Extension Agent, gave a report of 4-H activities in 2008-2009. He spoke of the 4-H program empowering the next generation by equipping youth with positive character, effective problem-solving and decision making skills. 4-H Ambassadors Katie Dickinson and Kayla Fink spoke of their experiences and knowledge they have gained through the 4-H program.

PRESENTATION BY MIKE WEAVER OF THE MONTHLY PROGRESS REPORT FOR THE HAYS COUNTY PASS THROUGH FINANCE PROGRAM FOR JUNE 2009 [T1-383]

Mike Weaver (Prime Strategies Inc.) presented a progress report regarding the Hays County Pass Through Financing Program regarding FM1626 Phase A (FM2270 to FM967), FM1626 Phase B (FM967 to Brodie Lane), FM110 (IH35 to SH123), US290 (Nutty Brown Road to Trautwein Road), IH35 Phase I (FM2001 to FM1626 & Kyle Crossing/CR210 Overpass), IH35 Phase IIA (RM 150 realignment), IH35 Phase IIB (FM1626 to Yarrington), and FM2001 Frontage Road Connector. He explained Amendment No. 2 to the Pass-Through Agreement for Payment of Pass-Through Tolls by the Department (TxDOT Contract No. PT 2005-013-001) which will be placed on the next Commissioners Court agenda.

PUBLIC COMMENT
[T1-625] Clay Huckaby [Buda Fire Chief / Hays County Fire Chiefs Association] made public comment. Invited court members to their next meeting.

26280 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of $655,084.21 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26281 APPROVE COMMISSIONER COURT MINUTES OF JULY 7, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of July 7, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26282 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR UP TO $15,619.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE TITLE V PRENATAL PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract for up to $15,619.00 from the Texas Department of State Health Services for the Title V Prenatal program. All voting "Aye". MOTION PASSED

26283 APPROVE THE MAY 2009 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve the May 2009 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

26284 APPROVE PURCHASE OF A POWERHEART AED G3 AUTOMATIC FOR THE PCT. 4 OFFICE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve purchase of a Powerheart AED G3 Automatic for the Pct. 4 Office. All voting "Aye". MOTION PASSED

26285 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BUTTERCUP LANE, CR 286 [T1-676]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation for 25MPH speed limit approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish traffic regulations of 25 MPH speed limit on Buttercup Lane. All voting "Aye". MOTION PASSED**

26286 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS RELEASE THE CONSTRUCTION BOND AND ACCEPT MAINTENANCE BOND FOR BIG SKY SUBDIVISION [T1-688]

RPTP Director Jerry Borcherding gave staff recommendation to release construction bond and accept maintenance bond. He also recommended accepting the private roads as county roads upon completion of two year maintenance period. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept road construction and drainage improvements release the construction bond and accept maintenance bond for Big Sky Subdivision. All voting "Aye". MOTION PASSED**

26287 [08-04-69 – 3 LOTS] **PUBLIC HEARING ON REPLAT OF LOTS 12 AND 13, BEAR CREEK ESTATES AND APPROVE FINAL PLAT** [T1-750]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Bear Creek Estates Replat of Lots 12 and 13. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING ACCEPTANCE OF OWL HOLLOW ROAD AND EAST OWL HOLLOW ROAD INTO THE COUNTY MAINTENANCE SYSTEM [T1-783]

Ron Parker and Wade Parham (President of Rocky Ranch One HOA) made public comment and requested road acceptance by the county. Commissioner Ford spoke of safety issues and need for assistance to bring the road (1.55 miles) up to county standards and into the county road maintenance system. John Celetti spoke of petition that was circulated several years ago. RPTP Director Jerry Borcherding spoke of re-building the road at its current location – it will be built to country lane standards. It will cost approximately $54,650 in materials to bring this road up to county standards. Commissioner Conley spoke of changing county policy if action is taken as proposed on this item. Commissioner Ford spoke of neighborhoods that don't have viable options. She requested that the annual $50 road maintenance fee be collected and paid to the county as reimbursement. Commissioner Ingalsbe spoke of process followed in Precinct 1. Special Counsel Mark Kennedy spoke of possibility of amending the subdivision restrictions to allow increase in annual maintenance fee. Commissioner Ford advised that she will work with the HOA to consider other options.

26288 AUTHORIZE APPROVAL OF CONTRACT WITH CLAYTONLEVYLITTLE FOR THE RFQ #2009-P07 HISTORIC PRESERVATION ARCHITECT FOR RESTORATION OF THE OLD HAYS COUNTY JAIL AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME [T-1920]

Hays County Historical Commissioner Chair Kate Johnson gave her appreciation to building maintenance and Road Dept. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize approval of contract with ClaytonLevyLittle for the RFQ #2009-P07 Historic Preservation Architect for restoration of the Old Hays County Jail and authorize County Judge to execute same. All voting "Aye". MOTION PASSED**

26289 AWARD THE ENGINEERING DESIGN SERVICES FOR CR 266/OLD BASTROP HWY TO HUITT-ZOLLARS AND AUTHORIZE COMMISSIONER INGALSBE AND STAFF TO NEGOTIATE A CONTRACT AND FEE SCHEDULE [T1-1965]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to award the engineering design services for CR 266/Old Bastrop Hwy to Huitt-Zollars and authorize Commissioner Ingalsbe and staff to negotiate a contract and fee schedule. All voting "Aye". MOTION PASSED

26290 DESIGNATE NAMING A PRIVATE DRIVEWAY OFF LIME KILN ROAD AS "SAHALEE" PATH [T1-2014]

County policy was adopted in May 2005 encouraging such naming of private drives to facilitate emergency response. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to designate naming a private driveway off Lime Kiln Road as "Sahalee" Path. All voting "Aye". MOTION PASSED**

26291 ALLOW THE USE OF THE HAYS COUNTY CIVIC CENTER AT NO COST FOR THE PURPOSES OF PRACTICE RIDING (BARREL RACING, ETC.) FROM NOW UNTIL AUGUST 31, 2009 [T1-2046]

Civic Center Manager Barry Nelson spoke of allowing the use of the Civic Center at no cost for the purposes of practice riding (barrel racing, etc.) from now until August 31, 2009 - limited to regular hours of 8am-5pm Monday-Friday. Organized club/event activities will not qualify for "free use" and are subject to the normal pricing structure. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to allow the use of the Hays County Civic Center at no cost for the purposes of practice riding (barrel racing, etc.) from now until August 31, 2009. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton and Commissioner Conley not present to vote. MOTION PASSED**

26292 TRANSFER $3,608.00 FROM THE MISC. CAPITAL IMPROVEMENTS LINE ITEM TO ARENA/OTHER SUPPLIES AND VEHICLE MAINTENANCE IN THE CIVIC CENTER BUDGET [T1-2177]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to transfer $3608.00 from the Misc. Capital Improvements line item - $3108.00 into Arena/Other Supplies and $500 into vehicle maintenance line item - in the Civic Center Budget and amend the budget accordingly. All voting "Aye". MOTION PASSED

26293 REDUCE THE FUEL LINE ITEM ACROSS ALL DEPARTMENTS [T1-2265]

Judge Sumter spoke of fuel costs that were budgeted based on fuel pricing in the range of $4.00 per gallon. There are now revenue shortfalls in the current budget. County Auditor Bill Herzog spoke of budget shortfalls in the Sheriff/Jail budgets and the Transfer Station budget. Discussed having a policy to not allow use of fuel expenses for other items. Judge Sumter suggested taking money out of individual budget fuel line items and create a new countywide line item. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to move $225,500 from department budgets fuel line item to be placed in a new countywide fuel line item. All voting "Aye". MOTION PASSED**

26294 APPROVE PURCHASE OF EQUIPMENT/VEHICLES NOT TO EXCEED $86,806.00 FOR THE ROAD DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY [T1-2617]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of three pieces of equipment/vehicles not to exceed $86,806 for the Road Department and amend the budget accordingly. All voting "Aye". MOTION PASSED

26295 AUTHORIZE THE COUNTY JUDGE TO APPROVE THE INSTALLATION OF A SIGN TO REPLACE A TEMPORARY SIGN ON THE LBJ MUSEUM LOCATED AT: 131 N. GUADALUPE ST., SAN MARCOS [T1-2731]

The Operators of the LBJ Museum are applying for a Grant that would pay for the design, construction, and installation of a new sign. They want to be sure the County has no objection. The Operators intend to consult with County staff to insure that no major alterations are made to County Property. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to approve the installation of a sign to replace a temporary sign on the LBJ Museum located at 131 N. Guadalupe St., San Marcos. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley was not present for vote. MOTION PASSED**

26296 DISCUSSION AND ACTION REGARDING ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER: PRECINCT OFFICES; RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT OFFICES; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-2752]

Brenda Jenkins (Broaddus & Associates) gave an update of ongoing projects. Margo Frasier (retired Sheriff & Sr. Associate with MGT) spoke. Discussion was had regarding the government center, jail facility, and various precinct offices. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to ask Broaddus and Associate to move forward with final contract negotiations with MGT to bring them on board based on the proposal that's been presented today and ask MGT to expedite their work with Hays County with funding to come out of the consultant line item. All voting "Aye". MOTION PASSED**

26297 APPROVE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN HAYS COUNTY, THE HILL COUNTRY CONSERVANCY AND THE CITY OF AUSTIN FOR THE DAHLSTROM RANCH PROJECT, AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE MOU AND ACCOMPANYING DOCUMENT [T2-582]

Commissioner Barton spoke of amendment to MOU. Special Counsel Mark Kennedy spoke of City of Austin paying the full earnest money – county will reimburse the City of Austin $500,000. There will be three grantees to the easement (HCC/Hill Country Conservancy, City of Austin, and Hays County) - Managing Grantee will be HCC. Amendments have already been approved by the City of Austin and the HCC. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve amended and restated Memorandum of Understanding (MOU) between Hays County, the Hill Country Conservancy and the City of Austin for the Dahlstrom Ranch Project, and authorize the County Judge to execute the MOU and accompanying document. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 14, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF JULY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH THE FOLLOWING NOT PRESENT JEFFERSON W. BARTON, COMMISSIONER, PCT. 2 AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

CONSERVATION STAKEHOLDER CHARRETTE- COUNTY STRATEGIC POLICY PLAN

Judge Sumter spoke of reason for the meeting. The County is working with LCRA, TSU, Pedernales Electric and Bluebonnet Electric to gather information from stakeholders county-wide in developing a Strategic Plan for the County. A number of different stakeholder groups have been identified and are being asked to meet to provide information to the County. This particular group is concerned with conservation. A series of general-public meetings will also be held. Judge Sumter introduced Kirk Scanlon of LCRA, who presented the major portion of the meeting. He gave a brief powerpoint presentation that showed population growth and projections for the county and cities. He then conducted an exercise, asking the group to offer 5 headlines that Hays County will be seeing in 2018, 10 years from now. As this was a group composed primarily of conservationists, the headlines centered around water, building and energy. Lists of strengths and weaknesses were developed and the group was asked to develop 5 primary issues facing the County from that list. Those offered were: Water (quality, supply, storm); Transportation/Infrastructure; Land Use; Conservation and Education. The group then offered ideas of how the County could address these issues and take part in resolving them.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 16, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF JULY A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley asked for a moment of silence in recognition and remembrance of County Court at Law Judge Howard Warner and he gave the invocation. Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26298 ADOPT A PROCLAMATION SUPPORTING PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK, JULY 19-25, 2009 IN HAYS COUNTY

Lisa Pacheco, new Chief Adult Probation Officer, spoke**. A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation supporting Probation, Parole and Community Supervision Week, July 19-25, 2009 in Hays County. All voting "Aye". MOTION PASSED**

PUBLIC COMMENT
[T1-172] Tyler Carlson made public comment regarding loud music coming from vehicles.

26299 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices in the amount of $976,572.64 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26300 APPROVE COMMISSIONER COURT MINUTES OF JULY 13 & 14, 2009

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of July 13 & 14, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26301 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT OF THE JUSTICE OF THE PEACE PRECINCT 5 OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept the delivery of the Internal Examination Report of the Justice of the Peace Precinct 5 Office. All voting "Aye". MOTION PASSED

26302 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM AND FUNDING FOR FY 2010, IN THE AMOUNT OF $145,344.00

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute the Public Health Emergency Preparedness Program and funding for FY 2010, in the amount of $145,344.00. All voting "Aye". MOTION PASSED

26303 APPROVE SPECIFICATIONS FOR RFP #2009-P12 "CONSTRUCTION MATERIALS TESTING SERVICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve specifications for RFP #2009-P12 "Construction Materials Testing Services" and authorize Purchasing to solicit for Proposal and advertise. All voting "Aye". MOTION PASSED

26304 ACCEPT $2,000 DONATION TO THE HISTORICAL COMMISSION FOR THE JACK C. HAYS PRODUCTION AND AMEND THE BUDGET ACCORDINGLY. ADDITIONALLY, AMEND THE BUDGET FOR THE $6,000 PREVIOUSLY APPROVED BY THE COURT ON JULY 7TH

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept $2,000 donation to the Historical Commission for the Jack C. Hays Production and amend the budget accordingly and additionally, amend the budget for the $6,000 previously approved by the court on July 7, 2009. All voting "Aye". MOTION PASSED

26305 APPROVE SPECIFICATIONS FOR RFQ #2009-P13 "DESIGN BUILD SERVICES FOR THE HAYS COUNTY GOVERNMENT COMPLEX" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve specification for RFQ #2009-P13 "Design Build Services for the Hays County Government Complex" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

26306 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE PROJECT MANAGEMENT SERVICES AGREEMENT EXECUTED BETWEEN HAYS COUNTY AND BROADDUS AND ASSOCIATES ON OR ABOUT APRIL 14, 2009

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an amendment to the Project Management Services Agreement executed between Hays County and Broaddus and Associates on or about April 14, 2009. All voting "Aye". MOTION PASSED

26307 APPROVE UTILITY PERMIT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve utility permit #02026 on Francis Harris Road issued to the City of San Marcos as presented by the County Road Department. All voting "Aye". MOTION PASSED

26308 ACCEPT THE CERTIFICATE OF COMPLETION, TO ACCEPT THE MAINTENANCE BOND, AND AUTHORIZE THE RELEASE OF RETAINAGE, AND TO AUTHORIZE THE FINAL PAYMENT FOR SAWYER RANCH ROAD [T1-250]

RPTP Director Jerry Borcherding gave staff recommendation for acceptance. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept the Certificate of Completion, to accept the Maintenance Bond, and authorize the Release of Retainage, and to authorize the payment for Sawyer Ranch Road. All voting "Aye". MOTION PASSED**

DISCUSSION OF ANTICIPATED DEBT INCREASES FOR PROJECTED CAPITAL EXPENDITURES [T1-270]

County Financial Advisor Dan Wegmiller provided 8 debt structure analysis/scenarios of projected anticipated capital expenditures, 6 scenarios with the projected costs for the government building and jail, and the original debt structure scenario used to determine the road bond package size and estimated tax amount for comparison. Discussion was had by the court regarding various projects.

26309 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE COMMERCIAL LEASE FOR THE ADULT PROBATION OFFICES, LOCATED IN SAN MARCOS CENTER AT 700 N. LBJ BLVD, SAN MARCOS, TX 78666 [T1-900]

Special Counsel Mark Kennedy spoke of amendment that was approved by the court and not accepted by the Lessor – lease extension period was changed to a month to month basis with 60 day termination notice. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute an Amendment to the Commercial Lease for the Adult Probation Offices, located in San Marcos Center at 700 N. LBJ Blvd., San Marcos. All voting "Aye". MOTION PASSED**

26310 ADOPT A RESOLUTION TO AMEND THE PASS-THROUGH AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR TRANSFER OF REIMBURSEMENT FROM THE IH 35/FM 2001 (OVERPASS ROAD) PROJECT TO THE IH 35 AT KYLE CROSSING PROJECT AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDMENT [T1-966]

Commissioner Barton explained that this action simply transfers the amount of money that we would be reimbursed on one section of I-35 to another section of I-35, meaning local dollars will pay for all improvements on the FM2001/Overpass Road section of I-35. That, in turn, means we can expedite that portion of the project, saving time and money because we don't have to comply with certain bureaucratic restrictions. Total reimbursable amount to Hays County does not change. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt a Resolution to amend the Pass-Through Agreement with the Texas Department of Transportation to provide for Transfer of Reimbursement from the IH 35/FM 2001 (Overpass Road) Project to the IH 35 at Kyle Crossing Project and to authorize the County Judge to execute the Amendment. All voting "Aye". MOTION PASSED**

26311 APPROVE PURCHASE OF AN EVIDENCE STORAGE SAFE ($499.00), PAPER SHREDDER ($259.00), AND TWO VEHICLE DIRECTION LIGHTS ($1552.00) FOR CONSTABLE, PCT 4 AND TO AMEND BUDGET ACCORDINGLY [T1-1095]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve purchase of an evidence storage safe ($499.00), paper shredder ($259.00), and two vehicle direction lights ($1,552.00) for Constable, Pct. 4 and to amend budget accordingly. All voting "Aye". MOTION PASSED

26312 CREATE A COMMITTEE TO REVIEW THE HAYS COUNTY VEHICLE USE POLICY

[T1-1155] Human Resources Director DeeDee Baen spoke of current policy and personnel that take vehicles home at this time. She spoke of cost to the county. [T1-1425] **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to create a committee consisting of the County Judge, Commissioner Conley, DeeDee Baen, and representatives from the Auditor's office, and from each department on the list (Road Department, District Attorney, Constable, etc.) to review the Hays County vehicle use policy. All voting "Aye". MOTION PASSED**

26313 AUTHORIZE THE COUNTY JUDGE TO SEND NOTICE OF TERMINATION OF THE AGREEMENT FOR THE PROVISION OF ON-SITE SEWAGE FACILITY INSPECTION AND ENVIRONMENTAL HEALTH & SANITATION WHICH WAS ORIGINALLY EXECUTED BETWEEN THE VILLAGE OF WIMBERLEY AND HAYS COUNTY ON AUGUST 28, 2000 [T1-1520]

Commissioner Conley spoke of it being time for the Village of Wimberley to perform their own services to be effective January 1, 2010. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to send Notice of Termination of the Agreement for the provision of On-Site Sewage Facility inspection and Environmental Health and Sanitation which was originally executed between the Village of Wimberley and Hays County on August 28, 2000 – to be effective on January 1, 2010. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING ROAD IMPROVEMENTS TO CR 119 AND TURNERSVILLE ROAD, THE POSSIBLE CREATION OF A TAX INCREMENT REINVESTMENT ZONE (TIRZ) RELATED TO FINANCING THE ROAD IMPROVEMENTS, AND A POSSIBLE AGREEMENT WITH U.S. FOODSERVICE AND/OR RELATED ENTITIES CONCERNING THE ROAD IMPROVEMENTS AND PROVIDING FOR U.S. FOODSERVICE TO LOCATE AT OR NEAR THE INTERSECTION OF CR 119 AND TURNERSVILLE, TO CREATE JOBS, AND TO PARTICIPATE IN THE ROAD IMPROVEMENT AGREEMENT [T1-1575]

Commissioner Barton spoke of error in posting notice – referenced CR119 (Old Goforth Road) instead of CR118 (unnamed gravel road) – therefore no action will be taken today. Court will take action on August 4, 2009. Commissioner Barton gave an update on the project since the July 7th Commissioners Court session. He spoke of MUD agreement with the City of Buda and annexation issue. RPTP Director Jerry Borcherding spoke of standard road improvements versus the type of road that is being requested. City of Buda has applied for a Texas Capital Fund grant to fund part of the road upgrade. U. S. Foods is proposing that the county finance the remaining $1,750,000 needed with a TIRZ backstopped by U.S. Foods. [T1-1969] Carol Urban made public comment. David Patterson made public comment.

DISCUSSION REGARDING CONTINUANCE OF THE USGS JOINT FUNDING AGREEMENT INTO THE NEXT FISCAL FOR THE PURPOSE OF WATER QUALITY MONITORING ON CERTAIN CONTRIBUTING ZONE CREEKS AND WATERS WELL IN THE BARTON SEGMENT OF THE EDWARDS AQUIFER [T1-2233]

Commissioner Ford explained that the joint funding of a USGS water quality study was approved by the court on Oct. 28, 2008 and includes LCRA, City of Austin, Dripping Springs, and BSEACD. Due to drought the study was not able to complete the base flow sampling. It has been recommended by our partners to extend the study into the next USGS fiscal, but partners will make final payments within this fiscal. No action was taken.

26314 EXECUTIVE SESSION PURSUANT TO SECTION 552.131 OF THE TEXAS GOVERNMENT CODE, RELATED TO A POSSIBLE OFFER OF ECONOMIC DEVELOPMENT INCENTIVES TO GRIFOLS, INC. FOR THE DEVELOPMENT OF A BIOMEDICAL FACILITY IN HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-2294]

Court convened into closed executive session at 11:45 a.m. and reconvened into open meeting at 12:43 p.m.
A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to offer an economic development incentive under Chapter 381 of the Texas Local Government Code to Grifols, Inc. in the form of refunds of 75% of personal property and inventory taxes paid annually for 10 years on each phase over a term of 15 years for an estimated total of $2,080,695 in exchange for the location of a biomedical facility employing 190 full-time employees with an estimated average wage of $38,571 in the City of San Marcos, Hays County and authorize Commissioner Ingalsbe and staff to negotiate the terms and conditions of a Chapter 381 Economic Development Agreement with Grifols, Inc. consistent with such offer in the event such offer is accepted by Grifols, Inc. with the final contract coming back to Commissioner's Court for approval. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter was not present to vote. MOTION PASSED

DISCUSSION REGARDING THE FINDINGS OF THE PROPOSED DEVELOPMENT REGULATIONS

Commissioner Ford spoke of Commissioner Court meeting on June 2, 2009 and citizens requesting an evening public meeting away from the Courthouse. She spoke of the Court not taking action today, but listening to the concerns from the public. Grant Jackson of Naismith Engineering spoke of changes made in Chapter 741 concerning OSSF recommendations by RPTP Department (ie: hydraulic flow). He also spoke of set of proposed findings/order. Some of the recommended changes are as follows: charging of development fees by municipality (County will have some costs which will be established by the Court), Clint Garza, Subdivision Coordinator, spoke of fees varying between each municipality, Mark Kennedy, Special Counsel, spoke of 1445 Agreements with municipalities; wording changes; 6.5 ac minimum lot size, recommended 2 ac; Chapter 705 regarding easements; spray irrigation – spacing requirements(spray drift); spray application for commercial/institutional systems; roadway offsets; requirement for signage on gated communities for emergency vehicles; Chapter 765 – conservation development – impervious cover; Chapter 799 was left blank for future use or revisions. The following people made PUBLIC COMMENT: David Glenn – Wimberley resident; Ray Whisenant – Dripping Springs resident; Dianne Wassenich – Director of San Marcos River Foundation and San Marcos resident; Mark Key – Austin resident; Ed Pope – Burnet Ranches Subdivision just West of Wimberley; Bruce Turbow – Dripping Springs resident; Jack Hollon – Wimerley Valley Watershed Association and Wimberley resident; Joe Day – Wimberley resident; Jim McMeans – Wimberley resident; Larry Calvert – Wimberley resident; W. F. Smith – W. F. Smith Company and Dripping Springs resident; Kim Johnson – Dripping Springs Chamber of Commerce and Dripping Springs resident; Charlene Farmer – Dripping Springs resident; Alston Boyd – North Hays County resident; Louis Parks – Wimberley resident; David Baker – Executive Director of Wimberley Valley Watershed and Wimberley resident; Linda Kaye Rogers – Wimberley resident; Bill Gebhard – Wimberley resident; Jimmy Skipton – Dripping Springs resident; Terry Tull – Dripping Springs ETJ; Melanie Cambron – Dripping Springs resident; Jerry Wright – Dripping Springs resident; Kathleen Tomas – Floral Designer and Dripping Springs ETJ; Phil Savoy – Take Back Texas and Austin resident; Marvin Lehr; Hank Smith – Engineer; Andrew Backus – Board Member of Hays Trinity Groundwater Conservation District and Dripping Springs resident. After public comments were heard the Court discussed some of the changes. Commissioner Ford suggested using TCEQ rules and adjusting them a little for Hays County to use in the interim. One of the new rules is having an easement in new subdivisions of 50 acres or more for monitoring wells – that was requested by the Water Districts to monitor the aquifers. The Court suggested the easement ~~not~~ be located in a park and not for public use. The Court discussed Chapter 741 regarding spray applications. Commissioner Barton asked about criss-cross index and illustration and ease of understanding of all the rules. The Court discussed road speed limits and setbacks for building off different size roadways. The Court discussed lot size averaging and members of the court gave their preference.

Clerk's Note: Agenda Item #17 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING RADAR EQUIPMENT FOR THE BUDA PATROL IN THE HAYS COUNTY SHERIFF'S OFFICE* **was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

Clerk's Note: Agenda Item #19 RE: *CONVERT THE ADMINISTRATIVE ASSISTANT III POSITION IN THE CONSTABLE PCT. 1 OFFICE TO A DEPUTY CONSTABLE* **was PULLED**

Clerk's Note: Agenda Item #22 *RE: DISCUSSION AND POSSIBLE ACTION REGARDING ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT OFFICES; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS* **was PULLED**

Clerk's Note: Agenda Item #23 RE: *DISPUTE RESOLUTION CENTER, DISCUSSION WITH POSSIBLE ACTION TO FOLLOW* **was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 21, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 4TH DAY OF AUGUST A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford led the court in a moment of silence and gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26315 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices in the amount of $456,639.66 for week ending July 28, 2009 and in the amount of $640,055.79 for week ending in August 4, 2009 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26316 APPROVE COMMISSIONER COURT MINUTES OF JULY 16 & 21, 2009

Commissioner Ford requested change in minutes of July 21st re: easement for well monitoring needs to be changed to show the Court would prefer it to be in a public park. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Commissioner Court Minutes of July 16 & 21, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED**

PUBLIC COMMENT
Tim Miller made public comment regarding City of Kyle waterline.

26317 AMEND THE COUNTY COURT AT LAW 1 AND 2 BUDGETS [T1-121]

This action will transfer all line items, except salary related line items, from CCL#1 budget into CCL#2's budget. **A motion was made by Commissioner Conley, seconded by Judge Sumter to amend the County Court at Law 1 and 2 budgets. All voting "Aye". MOTION PASSED**

26318 [08-4-67 – 7 LOTS] **REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH, PHASE 2 – HOLD PUBLIC HEARING, APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION SURETY IN THE FORM OF A $140,760.00 CASH BOND** [T1-160]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat and accept construction surety in the form of a $140,760 Cash Bond for Dripping Springs Ranch Phase 2 Replat of Tract 4. All voting "Aye". MOTION PASSED**

26319 APPROVE ADDITIONAL COST OF $500.00 TO COMPLETE STORAGE SHED FOR EXTENSION OFFICE AND AMEND THE BUDGET ACCORDINGLY [T1-200]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve additional cost of $500 to complete storage shed for Extension Office and amend the budget accordingly. All voting "Aye". MOTION PASSED

26320 AUTHORIZE THE CONTINUATION OF A TEMPORARY, PART-TIME EMPLOYEE FOR J.P 4 OFFICE THROUGH THE END OF THE FY2009 FISCAL (9/30/09) AND TRANSFER FUNDS FROM INSURANCE LINE ITEM AS ALLOCATED BELOW [T1-2848]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the continuation of a temporary, part-time employee for J.P.4 office through the end of the FY2009 Fiscal (9/30/09) and transfer funds from Insurance Line Item. All voting "Aye". MOTION PASSED

26321 APPROVE THE CONTRACT BETWEEN CINTAS DOCUMENT MANAGEMENT COMPANY AND THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-2879]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the contract between Cintas Document Management Company and the Hays County Personal Health Department. All voting "Aye". MOTION PASSED

26322 APPROVE AWARD TO HUNTER INDUSTRIES FOR IFB #2009-B19 "ROAD IMPROVEMENTS/HOT-MIX OVERLAY FOR VARIOUS ROADS [T1-2887]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve award to Hunter Industries for IFB #2009-B19 "Road Improvements/Hot-Mix overlay for various roads. All voting "Aye". MOTION PASSED

26323 APPOINT MEMBERS FROM PCT. 2 TO THE PARKS AND OPEN SPACE BOARD [T1-2905]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to appoint Jeffrey C. Kaufmann and Barbara G. Vinson from Pct. 2 to membership on the Parks and Open Space Board. All voting "Aye". MOTION PASSED

26324 ADOPT A RESOLUTION IN HONOR OF COUNTY COURT AT LAW #1 JUDGE HOWARD WARNER, REPLACING JUDGE WARNER WITH JUDGE LINDA RODRIGUEZ ON HAYS COUNTY BAIL BOND BOARD AND APPOINT JUDGE LINDA RODRIGUEZ AS ADMINISTRATIVE JUDGE FOR HAYS COUNTY COURT AT LAW AND DESIGNATE COUNTY COURT AT LAW#2 AS THE DESIGNATED JUVENILE COURT FOR HAYS COUNTY [T1-2930]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt a resolution in honor of Judge Howard S. Warner II. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Judge Linda Rodriguez as Administrative Judge for Hays County Court at Law and appoint Judge Linda Rodriguez to replace Judge Warner on the Bail Bond Board and designate County Court at Law #2 as the designated Juvenile Court for Hays County. All voting "Aye". MOTION PASSED

26325 ACTION TO RATIFY AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT FOR RR12 PIONEER TRAIL TO SAN MARCOS BAPTIST ACADEMY BETWEEN TXDOT AND HAYS COUNTY AND APPROVE THE RESOLUTION [T1-3201]

Mike Weaver of Prime Strategies explained the agreement. **A motion was made by Commissioner Conley, seconded by Judge Sumter to ratify and/or authorize the County Judge to execute the Advance Funding Agreement for RR12 Pioneer Trail to San Marcos Baptist Academy between TxDot and Hays County and approve the Resolution. All voting "Aye". MOTION PASSED**

26326 RECONFIRM THE USE OF ROOM 105, IN THE HAYS COUNTY COURTHOUSE, BE DEDICATED TO THE HAYS COUNTY HISTORICAL COMMISSION [T1-3463]

Kate Johnson, Hays County Historical Commission Chair, spoke of space needed for their records. Commissioner Conley spoke of original use of Room 102 & 104 now being used by Constable's offices. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to reconfirm the use of room 105, in the Hays County Courthouse, be dedicated to the Hays County Historical Commission at the current time and in the future the use of Room 102 and 104 . All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING 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 [T2-133]

Special Counsel Mark Kennedy spoke of consultant wanting to hire a surveyor – this will be brought back to the court at a later date.

DISCUSSION TO ADDRESS REMAINING POLICIES AND GUIDELINES FOR THE PROPOSED HAYS COUNTY DEVELOPMENT REGULATIONS [T1-142]

Commissioner Ford spoke of items to be addressed: Minimum lot sizing for residential subdivisions of property reliant exclusively on groundwater within the PGMA, easements for monitoring wells, expiration of development authorizations, roadway setbacks for country lane, etc., parkland dedication and management, triggers to prevent a chain of subdividing and attempts to evade the rules (time, deed, plat notes), review language clarifications on items discussed 7/21, including but not limited to exemptions from platting and water availability requirements, review of voluntary WQ requirements for stringency, alignment and LCRA setbacks, more focus on temporary controls, and confirm legality of TIA. Grant Jackson (Naismith Engineering) spoke of supplement to the June 5, 2009 Publication with additions to Chapter 701 Section 10.07 - public access to application tracking, Chapter 705 Section 4.06(A), Chapter 705 Section 5.04(G), Chapter 705 Section 5.05 Lot Size Requirements, Chapter 705 Section 5.06 - Parkland and Open Space Requirements, Chapter 705 Section 8.04(E), Chapter 715 Section 30.01(C), Chapter 715 Section 306(D)(1) & (F), Chapter 712 721.02, Chapter 725 Section 2.02, Chapter 731 Section 2.05, Chapter 721 Section 8.01(A)(2)(b), Chapter 721 Section 741.05, Chapter 741 Section 8.05(B), Chapter 741 Section 8.07(G), Chapter 741 Section 8.10, and Chapter 741 Section 8.19(G). [T1-1919] Susan Cook, Mark Key, Jimmy Skipton, and Peggy Jones made public comment. No action taken this date.

26327 ADOPT A RESOLUTION TO ESTABLISH A TAX INCREMENT REINVESTMENT ZONE (TIRZ) AND DIRECT STAFF TO MOVE FORWARD WITH THE LOCATION PRESENTED TODAY [T2-647]

Commissioner Barton advised that this is a follow-up to the July 7th and 21st Commissioners Court meetings. Extensive backup was provided at those meetings. John Fowler (U.S. Food Service) urged the court to approve the creation of a TIRZ to finance road improvements and providing U.S. Food Service to locate at or near the intersection of CR118 and Turnersville Road. David Patterson (Buda resident), Christopher Juusola (Buda resident), Warren Ketteman (Buda Economic Development), Antonio Sosa (Buda resident), Patrick Kirby (Buda resident & PDK Associates), Richard Schneider (Buda resident & President of the Buda Area Chamber of Commerce), Robert Kidnew (President of Texas Lehigh Cement), Betsey Urban (Buda resident), and Stahl Urban made public comment. Commissioner Barton spoke of infrastructure improvements needed in the area. Lisa Wright, County Planning Director, spoke of process involved in establishing a reinvestment zone. Commissioner Barton spoke in favor of U.S. Food Service. Commissioner Ford, Commissioner Conley, and Commissioner Ingalsbe spoke in support of U.S. Food Service. Judge Sumter voiced her concerns. Ann Marie Wesler spoke about the Texas Capital Fund. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to adopt resolution to establish a Tax Increment Reinvestment Zone (TIRZ) and direct staff to move forward with the location presented today. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

BUDGET WORKSHOP [T2-3347]

COUNTY TREASURER
Michele Tuttle explained personnel needs. She also spoke of her salary request and the salary study that was done last year.

DPS
Sgt. Darrell Jiral spoke of staff funding.

TAX ASSESSOR-COLLECTOR
Luanne Caraway spoke of postage increase (requesting $75,000–78,000) and only $68,000 was budgeted. She also spoke of software needs. Color printer/copier is needed.

CONSTABLE PCT. 2
James Kohler requested a salary increase for himself (from $50,502 to $60,000) and for another Deputy Constable position.

JUSTICES OF THE PEACE [T3-288]
J.P. 2 Beth Smith requested an additional Court Clerk and she spoke of increase in workload. She spoke of salary study that was done last year regarding elected officials salaries. She read a statement from J.P.3 Andrew Cable regarding the elected official's salary study. J.P.1-1 Joanne Prado requested her part-time position be increased to a fulltime position – she withdrew her request for a salary increase for herself. Judge Prado changed her request and asked the court if they would consider her part-time 20 hrs per week to be bumped up to 30 hrs per week. J.P. 1-2 Margie Hernandez requested her part-time position be increased to a fulltime position and that the line items that were decreased be returned to original request. She withdrew her request for a salary increase for herself. J.P. 5 Terry Kyle spoke of temporary employee that was hired and need for one additional court clerk. He advised that he has also withdrawn his request for a salary increase for himself.

HISTORICAL COMMISSION
Kate Johnson spoke of need for at least an additional $4,000 for cemetery maintenance. Jim Cullen spoke of number of cemeteries and gravesites that have been identified and documented. Ofelia Vasquez Philo spoke of work that has been done.

RETIREE COMMITTEE
Britney Richey spoke of the committee recommendations: no cost of living increase for retirees and recommending no changes to current retiree insurance (Cigna medical & dental, Humana for Medicare eligible retirees for free, Aetna Choice Silver for Medicare eligible retirees for free), recommending a revised section 5.05 in the Personnel Policy as summarized. Policy changes: ● employees may not return to Hays County employment for at least six weeks after making a withdrawal of retirement due to separation of employment ● Retirees may not return to Hays County employment for at least six months after retiring. ● Combined Section 5.10 regarding disability retirement into this section and eliminated it entirely ● Changed the portion of retiree medical insurance contributions to be percentages instead of flat amounts to be able to slightly increase as premiums increase [25% for 15 years – 20 years = $161.05 (currently $150) 15% for 20+ years = $96.63 (currently $100)] ● Allowed for part-time employees that receive county insurance benefits to receive similar insurance benefits as full-time employees at the time of retirement. [50% for 15 years – 20 years $322.10 (currently $644.20) 25% for 20+ years = $161.05 (currently $644.20)] ● Revised the disability retirement policy adopted in December 2008 to make it more consistent with non-disability retirement benefits (left the limited time of one month of paid coverage for each year of service the same as in the current policy, changed service retirements for paid medical insurance to match the requirements under the regular retirement (currently 8 years = changing to 15 years to match current non-disability retirement benefits), allowed for part-time employees that receive county insurance employees at the time of disability retirement, and changed flat amounts to percentages to match non-disability retirement recommendation (full-time employees: 25% for 15 years – 20 years 15% for 20+ years Part-time employees: 50% for 15 years – 20 years 25% for 20+ years)

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 4, 2009.

Linda C. Fritsche

LINDA C. FRITSCHE, 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 AUGUST A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

BUDGET WORKSHOP FY09-10

SHERIFF'S DEPT.
Sheriff Tommy Ratliff spoke of vehicles that were requested. Commissioner Barton spoke of City of Buda indicating that they will be terminating their contract and creating their own police department. There are currently four deputies and one supervisor assigned to the City of Buda with four more deputies to be added. The County will have to absorb these deputies, vehicles, and equipment which will impact the budget because Buda will no longer be paying for these services, etc. Adjustments will have to be made to the budget request in order to absorb the Buda Deputies. Discussion was had regarding number of laptops requested and recommended. IT Director Jeff Magill spoke of computers being requested to replace current laptops. Deputy Dennis Gutierrez spoke of need for CAD Tyler Technology software to integrate into 911 system. Discussed handling of emergency calls (Fire & EMS). Deputy Mike Davenport spoke of uniform expense. Crime Analyst position, if grant is approved, will need equipment (computer, etc.). Sheriff Ratliff spoke of need for an AR-15 rifle for the School Resource Officer. He spoke of need for an Administrative Assistance I to answer phone calls coming into the office or some type of system that would handle those calls. $160,000 will be needed to pay for 4% merit increase for law enforcement.

CONSTABLE PCT. 4 [T1-1779]
Constable Ron Hood spoke of postage requested and fuel costs needed – a new deputy was recently added to his department. Other items covered were: staff salary, law enforcement equipment & supplies, membership fees, and vehicle maintenance. Constable Hood reduced request for law enforcement supplies from $5,715 to $3,608 and law enforcement equipment from $9,351 to $5,512. He spoke of AR15 rifle being requested.

JUVENILE CENTER [T1-2540]
Juvenile Center Director Brett Littlejohn spoke of need for a Nurse (LVN = $29,204) position and a new vehicle (Dodge Charger = $17,500). He spoke of programs offered an increase in the fees for those programs.

EXTENSION OFFICE [T1-2838]
Susan Schramm spoke of fuel line item and educational requirements for new extension agent. She spoke of travel required to various stock shows that the youth attend. Susan spoke of need for a new countertop – requested funds for this in the misc. building improvements line item.

JUVENILE PROBATION [T1-3096]
Chief Juvenile Probation Officer Ed Cooper spoke of need for a replacement vehicle (F150 Ford 4 door Pickup).

RPTP DEPARTMENT [T1-3218]
Jerry Borcherding, RPTP Director, spoke of trying to keep the budget flat with the addition of $800,000 for the road department building. Discussed Line Item #5217 – requested $16,000 to continue the safety program and replace rain gear as required by federal mandate, #5262 – the federal government is requiring that all regulatory signs be replaced with prismatic reflective material within seven years, #5321 - $2,000 is needed for education/certifications, #5331 – if funding is cut he will have to cut training of equipment operators, #5421 – deals with new employees, #5438 - $40,000 is the maintenance fee and does not include installation of new units (low water crossing monitors), #5450 & 5451 were added by the County Judge, #5452 – trash hauling expense has increased, #5454 – dam maintenance has been brought up to date and should not require additional maintenance this coming year, #5711 – Furniture for the Yarrington Road building was included in this line item, and #5741 cost of the addition was included in this line item (roll over funds). Line Item #5413 – he feels like vehicle equipment maintenance & repairs will need the $200,000. Line Item #5271 Fuel & Lubes request is for $500,000 and recommended amount is $330,000. Line Item #5443 consultant expense request was for $931,000 - was cut to $140,000. Discussion was had regarding Fisher Store Road and other road projects. Line Item #5448 contract road work – requested $2,683,408 which was reduced to $600,000 – this line item is used for costs of using contract labor and services used on county roadways and rights-of-way for reconstruction and maintenance activities. Line Item #5386 ROW Expense – requesting $780,000 – reduced to $220,000. [T2-1592] Jerry Borcherding spoke of staff positions that have not been filled and have been deleted from the budget – he spoke of need for the Administrative Assistant III and Construction Coordinator positions and he has two scheduled interviews for the Construction Coordinator position. He spoke of salary being offered is too low at $60,000 – he spoke of possible promotions within his department and leave the lower positions vacant. Discussed $120,000 for furniture and $891,000 for additional building costs.

ENVIRONMENTAL HEALTH [T2-1275]
Line Item #5213 Books & Periodicals - $4,000 requested - $250 recommended – Jerry Borcherding spoke of needed publications = $3875. Some publications can be found on the internet. Line Item#5473 Equipment Rent/Lease - $4,000 requested $3000 recommended. Discussed travel to bring deposits/mail to the courthouse, membership fees & bonds, continuing education for Sanitarians, Environmental Investigators/law enforcement officer, and Planner – requesting $13,550,

CONSTABLE PCT. 1 [T2-2008]
Constable David Peterson requested $1200 for #5211 office supplies and $1200 for #5212 postage – law enforcement equipment repairs – $400 needed - $650 needed from printing – requesting funds for a time/date stamper and paper shredder.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 5, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF AUGUST A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford was not present when meeting was called to order.

BUDGET WORKSHOP FY09-10

LIBRARIES
Jeff Hauff spoke of Social Services budget requests that were reviewed by the County Committee. He spoke of library requests – he spoke of looking at the number of customers served in each library. He also spoke of EMS budget requests ***Commissioner Ford came to the meeting at this time.***

EMS
Discussed capital improvement funds held by various social/community services and income sources.

SAN MARCOS YOUTH SERVICES BUREAU
Discussed number of children being served and discussed other services being provided to youth. Schedule them to come before the court.

HAYS TRINITY GROUNDWATER CONSERVATION
Commissioner Conley spoke of need for an independent professional study. Schedule them to come in for a presentation on how money is to be spent.

BUDA LIBRARY
Discussion was had regarding services provided and funds being requested. Discussed giving all the libraries a lump sum and let them divide it as they see fit. Discussed funding: $196,570 is current funding – recommended amount was $190,000 – suggested amount is $200,000.

[T1-1922] Judge Sumter spoke of goals: not raising the operations side of the tax rate, adequately fund our social services, put aside as much of the tax rate for future capital improvement projects as possible, and fiscally restraining our re-occurring expenditures to only market driven adjustments and essential additional personnel. Discussed effective tax rate (45.33¢), proposed tax rate (47¢), rollback rate (51.21¢). The proposed tax rate represents a 3.7% increase in the effective rate and a 3.3% increase in the current rate of 45.5. The increase is mostly due to the increase in the debt rate to pay for voter approved general obligation bonds. Also discussed was new personnel requests and Buda Patrol contract. Court went through the Revenue Estimate Worksheet by funds.

DISTRICT ATTORNEY [T2-244]
Sherri Tibbe spoke of compensating lawyers for their years of service in their specific area of work. Discussion was had regarding supplements that are being paid to some employees. She also spoke of travel allowance requested for her and her Chief at $2500 each.

BUDGET WORKSHOP CALENDAR/SCHEDULE [T2-1776]

August 12 @ 2 p.m. - Wednesday - for Transportation & budget workshop
August 18 @ 11 a.m. - Tuesday - budget workshop

BUDGET PRIORITIES

Commissioner Conley spoke of not providing merit increases this year – he would like to ask departments to go back and look at possible 2-5% in cuts – no new hires. Commissioner Barton spoke of honoring step increases in law enforcement. Commissioner Ingalsbe spoke of need to find cuts in the Sheriff's budget in order to honor those step increases. Commissioner Barton requested that all Commissioners get the same for continuing education and staffing (1 fulltime and part-time help). Court discussed use of funds for special projects. Discussion was had regarding 4% step increase for law enforcement and additional personnel being requested. Discussion was had regarding 4% step increase for law enforcement, additional personnel being requested, and absorption of Buda Patrol (9 Deputies). 3 main priorities: (1) roads, (2) 4% step for law enforcement, and (3) cut all new positions [except for grant positions]. Discussion was had regarding a tax rate of 47 cents (1.5 cents of that is voter approved). Discussed LCRA Service fees and membership fees/dues.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 6, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF AUGUST A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford led the court in a moment of silence and prayer and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Human Resources Director Dee Dee Baen introduced new employees.

PRESENTATION BY GEORGE HERNANDEZ OF THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (ADULT PROBATION)

George Hernandez advised that he will be retiring. He introduced new Director Rochelle Thomas, Deputy Director of Hays County Lisa Pacheco, and Program Division Director Michael Hartman. Mr. Hernandez provided a handout showing number of staff in Hays County, caseloads, fees collected, and information regarding community restitution. He spoke of funding received from the State of Texas.

PRESENTATION FROM THE HOME BUILDERS ASSOCIATION OF GREATER AUSTIN ON HB2833
[T1-225]

Hank Smith spoke of House Bill 2833 which makes provisions for counties to require building code compliance in unincorporated portions of the county. There are three options for the court to consider and he requested that the court adopt a resolution selecting one of these three options. A county must pass a resolution for HB2833 provisions to apply and if they do not pass a resolution for the provisions to apply, no code is required by statute. The county would not provide enforcement, only record repository for public information. Jerry Borcherding, RPTP Director, advised that he would not need any additional staff – they would file the paperwork in the same file as the septic permit. Lisa Wright, Hays County Planning Director, advised that she would work up a resolution for adoption by the court.

26327 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $1,749,536.06 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26328 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 4, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of August 4, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26329 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT ADJUSTMENT WITH THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT FOR THE HOMELAND SECURITY GRANT PROGRAM, TO INCREASE THE TOTAL AWARD AMOUNT FROM $8,759.95 TO $28,609.95

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a grant adjustment with the Governor's Division of Emergency Management for the Homeland Security Grant Program to increase the total award amount from $8,759.95 to $28,609.95. All voting "Aye". MOTION PASSED

26330 APPROVE RENEWAL OF BID #2007-B09 "FUEL" FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of bid #2007-B09 "Fuel" for one additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

26331 APPROVE PURCHASE OF A USPS APPROVED SALSBURY 3300 SERIES CLUSTER BOX UNIT (CBU) FOR MAIL DELIVERY AT THE PCT. 4 OFFICE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve purchase of a USPS approved Salsbury 3300 Series Cluster Box Unit (CBU) for mail delivery at the Pct. 4 Office to be paid out of Precinct 4 special projects line item. All voting "Aye". MOTION PASSED

26332 APPROVE CONTRACT FOR DR. BARRETT RANDALL BLAUE, MD TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve contract for Dr. Barrett Randall Bluae, MD to provide services for the Hays County Personal Health Department. All voting "Aye". MOTION PASSED

26333 APPROVE RENEWAL OF CONTRACT WITH AUSTIN COMMUNITY COLLEGE FOR ACCREDITATION FOR HAYS COUNTY SHERIFFS TRAINING SET TO EXPIRE AUGUST 31, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of contract with Austin Community College for accreditation for Hays County Sheriffs Training Set to expire August 31, 2009. All voting "Aye". MOTION PASSED

26334 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE INTERLOCAL CONTRACT FOR ENHANCED 9-1-1 DATABASE PROGRAM WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute the Interlocal Contract for Enhanced 9-1-1 Database Program with the Capital Area Council of Governments. All voting "Aye". MOTION PASSED

26335 APPROVE INSTITUTIONAL OSSF PERMIT FOR A DENTAL OFFICE AND GENERAL OFFICE SPACE LOCATED AT 4189 W US290, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve institutional OSSF Permit for a Dental Office and General Office space located at 4189 W US 290, Dripping Springs, in Precinct 4. All voting "Aye". MOTION PASSED

26336 APPROVE RETIREE COMMITTEE RECOMMENDATIONS DATED AUGUST 4, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve retiree committee recommendations dated August 4, 2009. All voting "Aye". MOTION PASSED

26337 APPROVE AWARD OF BID #2009-B15 "FIVE MILE DAM PARK PHASE 2" (SITE) TO HARRIS ROAD COMPANY

Grants Administrator Jeff Hauff explained Phase 2 of the project. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of bid #2009-B15 "Five Mile Dam Park Phase 2" (site) to Harris Road Company. All voting "Aye". MOTION PASSED**

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

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

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

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

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

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

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

A motion was made by Commissioner Ford, seconded by Commissioner Barton to release the Maintenance Bond and accept for Maintenance all road and drainage improvements within County ROW for Bush Ranch Subdivision Phase 1 (aka Ledgestone) to be limited to the first 865 feet from the entrance road . All voting "Aye". MOTION PASSED

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

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

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

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

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

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

26345 DISCUSSION AND ACTION REGARDING APPOINTMENT OF A COUNTY COURT AT LAW JUDGE #1 [T1-1330]

David Mendoza (candidate for CCL#1 Judge position) presented a written request and CCL#2 Judge Linda Rodriguez submitted a letter to members of the court. Letters of Interest and Resumes from Anna Martinez Boling and David Scott Glickler have been submitted to the County Judge for appointment to the position. Judge Sumter spoke in support of Anna Martinez Boling. Commissioner Conley spoke of David Scott B. Glickler being a qualified person and he read a letter of interest from Attorney Jim Pape. Commissioner Barton spoke of need to establish a process for consideration. He spoke of possibly having a bar association review. Judge Sumter asked that anyone interested in this position needs to submit their resumes as quickly as possible. Commissioner Ford spoke of need to set a deadline for submission of letters of interest/resumes and make an appointment as soon as possible. Judge Sumter suggested a special meeting on Thursday August 27th. Special Counsel Mark Kennedy spoke of length of the appointment – to terminate in November 2010. [t1-2086] **A motion was made by Commissioner Barton, seconded by Commissioner Ford to set a deadline of August 18, 2009 at noon to submit to the County Judge's office written or electronic letters of interest and resumes, and a list of 3 to 5 references, from individuals interested in appointment as County Court at Law #1 Judge position and to furthermore accept those letters of interest and resumes that have already been submitted by Anna Martinez Boling, David Scott Glickler and James Pape. All voting "Aye". MOTION PASSED.**

26346 APROVE A STANDARD FORM FOR A HAYS COUNTY POSSESSION AND USE AGREEMENT AND TO SET A MINIMUM PAYMENT POLICY FOR THE PROPERTY OWNER UPON EXECUTION OF THE AGREEMENT BASED ON THE APPROVED APPRAISED VALUE FOR RIGHT-OF-WAY ACQUISITION IN BOTH THE PASS-THROUGH FINANCE PROGRAM AND THE PRIORITY ROADS PROGRAM [T1-2243]

Mike Weaver, Prime Strategies, explained the process and agreement. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve a standard form for a Hays County Possession and Use Agreement and to set a minimum payment policy for the property owner upon execution of the Agreement based on the approved appraised value for Right-of-Way acquisition in both the Pass-Through Finance Program and the Priority Roads Program for State Highway Projects.** [T1-2452] **. All voting "Aye". MOTION PASSED**

26347 APPROVE WORK AUTHORIZATION #5 WITH CURRENT AMENDMENT PREPARED BY HNTB FOR THE RM 12 SAFETY IMPROVEMENT PROJECT [T1-2545]

To be funded from ROW line item in the Road Department budget. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Work Authorization #5 with current amendments prepared by HNTB for the RM 12 safety improvement project using ROW funding from Road Dept. budget line item #03-460-5386 and authorize Commissioner Will Conley to sign the work authorization. All voting "Aye". MOTION PASSED**

26348 FORM A COMMITTEE TO REVIEW AND RECOMMEND A PRE-CERTIFIED FIRM FOR UTILITY COORDINATION FOR THE ROAD BOND PROJECTS [T1-2670]

Mike Weaver [Prime Strategies] and Jeff Curren [HDR] spoke. [T1-3055] **A motion was made by Commissioner Ford, seconded by Commissioner Barton to form a committee consisting of a representative from Prime Strategies and HDR Inc. and RPTP Director Jerry Borcherding to review and recommend two pre-certified firms for utility coordination for the 2008 Road Bond Projects. (pass through and priority projects) and recognizing that Commissioners can utilize someone on this list if they are already working with them on a road bond project, and come back next week with the recommendations. All voting "Aye". MOTION PASSED**

26349 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH ROLANDO L. RIOS AND ASSOCIATES, PLLC FOR THE 2010 REDISTRICTING PROCESS [T1-3206]

Commissioner Ingalsbe spoke of presentation previously given by Rolando Rios. Commissioner Ford advised that she would like to go out for an RFP. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a contract with Rolando L. Rios and Associates, PLLC for the 2010 redistricting process. Commissioner Ingalsbe and Commissioner Barton voting "Aye" and Commissioner Ford and Judge Sumter voting "No". MOTION FAILED**

26350 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A GRANT AGREEMENT WITH THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT FOR THE FY2009 EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF $22,000 [T1-3316]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to accept and execute a Grant Agreement with the Governor's Division of Emergency Management for the FY2009 Emergency Management Performance Grant in the amount of $22,000. All voting "Aye". MOTION PASSED

26351 APPROVE THE EARLY VOTING SCHEDULE FOR NOVEMBER 3, 2009 ELECTION [T1-3350]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the early voting schedule for November 3, 2009 election as submitted. All voting "Aye". MOTION PASSED

26352 ACCEPT DONATIONS TO THE HAYS COUNTY HISTORICAL COMMISSION FOR THE JACK C. HAYS DOCUMENTARY FILM AND AMEND THE BUDGET ACCORDINGLY [T1-3412]

County Auditor Bill Herzog spoke of additional donations to be accepted. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept donations to the Hays County Historical Commission for the Jack C. Hays Documentary Film and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26353 APPOINT NAOMI HARRIS FROM PRECINCT 1 TO THE PARKS AND OPEN SPACE BOARD [T1-3461

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to appoint Naomi Harris from Pct 1 to the Parks and Open space Board. All voting "Aye". MOTION PASSED

26354 AMEND THE NEW WORLD FINANCIAL SOFTWARE CONTRACT DUE TO A NEEDED SOFTWARE MODIFICATION/ENHANCEMENT [T1-3480]

County Auditor Bill Herzog explained amendment to the contract – no additional funds required. **A motion was made by Commissioner Barton. seconded by Commissioner Ingalsbe to amend the New World Financial Software Contract due to a needed software modification/enhancement. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING PURCHASE OF BUSHMASTER CARBINE BCWA3F1M4 RIFLES FOR THE CONSTABLE OFFICES AND AMEND THE BUDGET ACCORDINGLY [T2-30]

Purchasing Department has verified three quotes and L.M. Burney is the lowest quote and is on the state bid contract. Some of the Constables have been able to find funds in their current budgets, however money will need to be found for others. Jimmy Skipton and Mark Key made public comment. Commissioner Conley advised that he would provide funds from his budget for Constable Pct. 3. Commissioner Ford spoke of options. Constable Pct. 3 Darrell Ayres and Constable Pct. 4 Ron Hood spoke.

WORKSHOP WITH HDR ENGINEERING TO REVIEW PROPOSED PLANNING AREA BOUNDARIES RELATED TO THE HAYS COUNTY WATER AND WASTEWATER REGIONAL FACILITIES PLAN [T2-447]

Tony Bagwell [HDR] gave a powerpoint presentation providing an update on project status and coordination, review of recent growth information, and to discuss draft planning sub-area boundaries. Members of the court reviewed the planning sub-area boundaries. Meetings are pending with various cities, etc.

26355 DISCUSSION AND ACTION REGARDING 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 [T2-1616]

Brenda Jenkins (Broaddus & Associates) provided a status report regarding the Hays County Government Center. Three scenarios, based upon distinct budget benchmarks, have been developed. All scenarios reflect a design-build project delivery method with a new building design.

Scenario One – Targeted to a **$90 million** total project budget – All departments included in the original remain in the proposed project – reduce cost from original estimate is $28 million
Scenario Two – Targeted to a **$70 million** total project budget – Staff amenities are reduced and sharper reductions in departmental space are made – personnel growth projections are reduced – not all original departments are accommodated – reduce cost from original estimate is $48 million
Scenario Three – Targeted to a **$60 million** total project budget – personnel growth projections are reduced - reduced – additional amenities and reductions are identified and eliminated – additional department are not accommodated – reduce cost from original estimate is $58 million

Other considerations: Potential to shell 2 or 3 courtrooms in order to accommodate more departments
Long term storage of "old" files is generally not included in any proposed scenario,
Recommends to exclude long-term storage is based on cost effectiveness.
●Construct "warehouse" type space on or near the campus specifically for that purpose.
●Negotiate land lease; have outside party develop & manage warehouse on campus

Broaddus & Associates is asking the court to decide what budget amount they desire today. Brenda Jenkins spoke of jail study. Discussed the three scenarios presented for consideration. [T2-3553] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to select Scenario One and proceed with RFP's on the Government Center with the understanding that's not where we want to be and we are going to work on bringing the numbers down. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Ford voting "Aye". Commissioner Conley and Judge Sumter voting "No". MOTION PASSED**

DISPUTE RESOLUTION CENTER DISCUSSION WITH ACTION [T3-9]

Anna Bartowski advised that the DRC will be governed as a 501(c)(3) non-profit organization with a board of directors and an executive director and office staff under contract with Hays County to provide dispute resolution services and associated training.. The mission of the DRC is to provide mediation and conflict resolution services and relevant training for Hays County and its residents in accordance with the Texas Civil Practice & Remedies Code Chapter 154. Services offered is mediation in District & County Court civil cases, family cases, JP cases, and CPS and training for basic mediation (40 hours), CPS, and mediation skills for community entities. Income resources will be a $15 filing fee for civil cases filed in the District and County Courts, $5 filing fee for JP Court cases and $50 per party for 3 hour mediation. Office space will be needed (1,560 sq ft) – typically two conference rooms with private caucus rooms, office space for executive director, reception area, break room and restrooms. Request is for the County to establish a Dispute Resolution Center for Hays County, authorize collection of $15 filing fee in District and County Courts and $5 in JP Courts, grant a discretionary exemption from the bidding requirements of the County's RFP procedure due to the distinctive expertise and qualifications of the group as a dispute resolution systems design expert and in the unique circumstance of assisting in the creation and organization of the system, and accept the proposal to form the DRC – a contract will be submitted by the Central Texas Alternative Dispute Resolution Inc., a 501(c)(3) non-profit organization, to provide the services described in the proposal. Mark Zuniga, Assistant District Attorney, spoke of use of a DRC in civil matters and cost savings to the county. Human Resources Director Dee Dee Baen spoke of possible use of DRC in employee dispute. Initial start up fund being requested is about $18,000 and space needs is an additional issue. Judge Sumter spoke in support of a DRC – funds ($20,000) have been budgeted in the proposed budget but office space has not been considered. Commissioner Conley spoke in opposition to funding the DRC at this time. Commissioner Barton spoke of no office space available in the county. Anna Martinez Boling, committee member and liaison with the Local Bar Association, spoke of not receiving any negative concerns about the DRC. She is a private mediator. She spoke of the cost for a private mediator and encouraged the court to support the DRC. Commissioner Ford spoke in support of the DRC. No action was taken.

EXECUTIVE SESSON PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REALPROPERTY IDENTIFIED AS A POSSIBLE VENUE FOR A FIREARMS SHOOTING RANGE IN HAYS COUNTY, TEXAS

Court convened into closed executive session at 5:35 p.m. and reconvened into open meeting at 6:40 p.m. No action was taken.

26356 **APPROVE A RESOLUTION BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS CALLING FOR REDEMPTION CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS DESIGNATED AS "HAYS COUNTY, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1997"; DIRECTING THAT THE COUNTY CLERK, OR HER DESIGNEE, EFFECTUATE THE REDEMPTION OF THESE OBLIGATIONS; AND OTHER MATTERS IN CONNECTION THEREWITH** [T3-1535]

County Auditor Bill Herzog spoke of savings to the county to pay off this debt early. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a Resolution by the Commissioners Court of Hays County, Texas calling for redemption certain currently outstanding obligations designated as "Hays County, Texas Combination Tax and Revenue Certificates of Obligation, Series 1997"; directing that the County Clerk, or her designee, effectuate the redemption of these obligations; and other matters in connection therewith. All voting "Aye". MOTION PASSED**

26357 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REAL PROPERTY LEASE AGREEMENT BETWEEN HAYS COUNTY AND W.C. CARSON, FOR THE COUNTY'S ONGOING USE OF PROPERTY PREVIOUSLY OWNED BY HAYS COUNTY ON THORPE LANE IN SAN MARCOS, TEXAS** [T3-1624]

Commissioner Ingalsbe spoke of taxes that are due since it is no longer tax exempt property. Estimate of taxes is approximately $32,000. Special Counsel Mark Kennedy spoke of terminating the contract with CARTS and finding another location for San Marcos/Hays County EMS in the future. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute a Real Property Lease Agreement between Hays County and W.C. Carson, for the County's ongoing use of property previously owned by Hays County on Thorpe Lane in San Marcos, Texas. All voting "Aye". MOTION PASSED**

26358 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LICENSE AGREEMENT WITH THE CITY OF SAN MARCOS FOR USE OF THE DRIVE INLETS ON THE NORTHWEST SIDE OF THE OLD COUNTY COURTHOUSE (HOPKINS STREET) BETWEEN THE HOURS OF 6 P.M. AND 6 A.M.** [T3-1767]

Judge Sumter requested that the hours be changed to 10:00 P.M. and 5:00 A.M. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a License Agreement with the City of San Marcos for use of the drive inlets on the Northwest Side of the Old County Courthouse (Hopkins Street) between the hours of 6 P.M. and 6 A.M. MOTIONS WERE WITHDRAWN** Special Counsel Mark Kennedy will speak with the City Attorney regarding a change in hours of use and add to rights of the county regarding need by county on special occasions.

CONSIDER APPROVAL OF RECOMMENDED PROPERTY USE POLICIES [T3-2206]

Discussion was had regarding events, etc. held at the courthouse. **A motion was made by Commissioner Conley to approve recommended Property Use Policies. MOTION FAILED FOR LACK OF A SECOND.**

Clerk's Note: Agenda Item #7 RE: *APPROVE OUT OF STATE TRAVEL FOR CORA FURR RN, FNP-BC TO ATTEND "STAGES IN WOMEN'S HEALTH" CONFERENCE IN LAS VEGAS, NEVADA ON OCTOBER 16-18, 2009* **was PULLED.**

Clerk's Note: Agenda Item #31 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LOOMIS FOR SAFETY IMPROVEMENTS ON FM 2325* **was PULLED**

Clerk's Note: Agenda Item #36 RE: *HIRE TEMPORARY HELP IN THE HUMAN RESOURCES OFFICE* **was PULLED.**

Clerk's Note: Agenda Item #38 RE: *REPLACE 4 EXIT DOORS, INSTALL 3 ADDITIONAL EXIT DOORS AND PURCHASE FIRE EXTINGUISHERS AND SIGNAGE FOR THE HAYS COUNTY CIVIC CENTER AND COURTHOUSE* **was PULLED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 11, 2009.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF AUGUST A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Budget Workshop – Road and Bridge Budget Discussion.

RPTP Director, Jerry Borcherding spoke of vicinity maps that were discussed at the last RPTP meeting. Commissioner Ingalsbe spoke of Elder Hill Road and how it connects Hwy 150 and RR 12 and how these maps help visualize it better. Steve Floyd showed the 2025 Transportation Plan Map. **Staff Salaries** Jerry Borcherding asked the court to reconsider letting him keep the Coordinator and Administrative Assistant positions. He's had qualified applicants apply and he feels he's ready to make a decision. Jerry Borcherding spoke of **Membership Fees & Bonds** – he needs to keep that amount and he offered to pay for his own. Court discussed that maybe some of the professionals that the County pay for half and the employee pay for half of their accreditations. Jerry Borcherding spoke of Construction Coordinator would be used on the Mt. Gainor Road project and for other projects that come along. Court asked Jerry Borcherding if he had to make a cut between the Construction Coordinator or Administrative Assistant which would he cut and he would cut the Administrative Assistant. The Court spoke of when the Environmental Health and the Road Departments are in one office they could utilize their employees and become more proficient. **Road Construction Materials** – when estimated costs were figured he got lower estimates for a savings of $205,200 for what the Judge recommended. **Vehicle Maintenance** – Jerry Borcherding spoke of needing the amount of $200,000 because he also has the Environmental Health Department. The Court spoke of $180,000 be placed on the budget. Commissioner Conley spoke of Fischer Store Road and cutting costs by ½ or 1/3 but would like for the road to be striped. **Consultant Expense** – Court agreed on $399,000 for Mt. Gainor low water crossing designs - $140,000 (safety); Leisurewoods/E. Summit drainage $120,000 (safety); McCarty Lane schematic & design $101,000 (safety); McGregor Land Bridge replacement construction phase services $13,000; Green Acres Bridge replacement construction phase services $15,000; Fisher Store Bridge Approach construction phase services $10,000. **Contract Road Work –** Green Acres Bridge replacement $425,000; McGregor Bridge replacement $1,200,000; Fisher Store Bridge approach $1,200,000; McCarty Lane extension $400,000(to be put in escrow for FY11; Hot Mix Paving 1 mile per precinct $360,000 + 2 roads in Commissioner Pct 3 that were left out from previous year; Guard Rail, etc $150,000; Brush Cutting $0. Commissioner Conley spoke of eliminating $300,000 from consulting and $300,000 from ROW and is requesting $130,000 for Green Acres Bridge and Fisher Store approach. Commissioners spoke of using reserves to help pay for some of the road projects. **Dam Maintenance** – will stay with Judge's recommendation of $5,000. **Office Equipment** – office furniture for the new addition is a one-time fee out of reserves. **Data Proc Equipment** – this is equipment for new position. **Misc Capital Improvements** – this $800,000 is for new addition of consolidating the Road Department and the Environmental Health Department that is being place there and an additional $800,000 from reserves.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 12, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF AUGUST A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

William Williams, Juvenile Probation Department, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26359 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payments of county invoices in the amount of $584,171.20 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26360 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 5TH & 6TH 2009

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioner Court Minutes of August 5th & 6th 2009, as presented by the County Clerk. All voting "Aye". MOTION PASSED

26361 ACCEPT DONATION OF FUNDS IN THE AMOUNT OF $200 TO THE HAYS COUNTY SHERIFFS OFFICE AND AMEND THE BUDGET ACCORDINGLY (CRIME PREVENTION PROGRAM)

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept donation of funds in the amount of $200 to the Hays County Sheriffs Office and amend the budget accordingly (Crime Prevention Program). All voting "Aye". MOTION PASSED

26362 APPROVE RENEWAL OF THE IMMUNIZATION GRANT BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR $192,341.00

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of the immunization grant between the Hays County Personal Health Department and the Texas Department of State Health Services (DSHS) for $192,341.00. All voting "Aye". MOTION PASSED

26363 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT PRE-APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS, FY2010 HOMELAND SECURITY GRANT PROGRAM FOR EQUIPMENT FOR THE HAYS COUNTY COMMUNITY RESPONSE TEAM, IN THE AMOUNT OF $28,624.00

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to submit a grant pre-application to the Capital Area Council of Governments, FY2010 Homeland Security Grant Program for equipment for the Hays County Community Response Team, in the amount of $28,624.00. All voting "Aye". MOTION PASSED

26364 APPROVE THE JUNE 2009 TREASURERS REPORT AND INVESTMENTS REPORT

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the June 2009 Treasurer Report and Investments Report. All voting "Aye". MOTION PASSED

26365 APPROVE OUT OF STATE TRAVEL FOR CORA FURR RN, FNP-BC TO ATTEND "STAGES IN WOMEN'S HEALTH" CONFERENCE IN LAS VEGAS, NEVADA ON OCTOBER 16-18, 2009 AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve out of state travel for Cora Furr RN, FMP-BC to attend "Stages in Women's Health" Conference in Las Vegas, Nevada on October 16-18, 2009 and amend the budget accordingly. All voting "Aye". MOTION PASSED

26366 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO $61,000 TO THE TEXAS DEPARTMENT OF TRANSPORTATION, SECTION 5310 PROGRAM TO REPLACE THE COUNTY VETERANS AFFAIRS BUS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to submit a grant application for up to $61,000 to the Texas Department of Transportation, Section 5310 Program to replace the County Veterans Affairs Bus. All voting "Aye". MOTION PASSED

26367 AUTHORIZE THE COUNTY JUDGE TO RENEW AN INTERLOCAL AGREEMENT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR PSAP MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING CONTRACT, IN THE AMOUNT OF $1,250.00

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to renew an Interlocal Agreement with the Capital Area Council of Governments for PSAP Maintenance, Equipment upgrade and training contract, in the amount of $1,250.00. All voting "Aye". MOTION PASSED

26368 APPROVE AWARD OF BID #2009-B17 "FIVE MILE DAM PARK PHASE 2 (BUILDING) TO HARRIS ROAD COMPANY INC

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve award of bid #2009-B17 "Five Mile Dam Park Phase 2 (Building)" to Harris Road Company Inc. All voting "Aye". MOTION PASSED

26369 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT PRE-APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS, FY2010 HOMELAND SECURITY GRANT PROGRAM FOR EQUIPMENT FOR THE LAW ENFORCEMENT STRIKE TEAM, IN THE AMOUNT OF $6,620.00

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to submit a grant Pre-Application to the Capital Area Council of Governments, FY2010 Homeland Security Grant Program for equipment for the Law Enforcement Strike Team, in the amount of $6,620.00. All voting "Aye". MOTION PASSED

26370 AUTHORIZE LEGAL COUNSEL TO NEGOTIATE AND EXECUTE THE TERMINATION OF THE CURRENT AGREEMENT FOR ARCHITECTURAL SERVICES RELATED TO THE GOVERNMENT CENTER PROJECT

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize legal counsel to negotiate and execute the termination of the current Agreement for architectural services related to the Government Center Project. All voting "Aye". MOTION PASSED

26371 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT PRE-APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS, FY2010 HOMELAND SECURITY GRANT PROGRAM FOR EQUIPMENT IN THE AMOUNT OF $486,386.00

Jeff Turner explained the grant and equipment being considered. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to submit a grant Pre-Application to the Capital Area Council of Governments, FY2010 Homeland Security Grant Program for Equipment in the amount of $486,386.00. All voting "Aye". MOTION PASSED**

26372 **CONSIDER THE RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR MEADOWS AT BUDA COMMERCIAL** [T1-153]

RPTP Director Jerry Borcherding gave staff recommendation for release and acceptance. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to consider the Release of the Maintenance Bond and accept for Maintenance all road and drainage improvements within County Road and drainage improvements within county ROW for Meadows at Buda Commercial. All voting "Aye". MOTION PASSED**

26373 [08-3-34 – 5 LOTS] **MUSTANG VALLEY SUBDIVISION SECTION 2 – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY IN THE AMOUNT OF $100,476.10, FOR STREET AND DRAINAGE IMPROVEMENTS** [T1-169]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat and accept construction fiscal surety in the amount of $100,476.10, for street and drainage improvements for Mustang valley Subdivision Section 2. All voting "Aye". MOTION PASSED

26374 [09-4-23 – 2 LOTS] **RE-PLAT OF LOTS 9 & 10, MADRONE CANYON RANCH – WAIVE PRELIMINARY PLAN, PUBLIC NOTICE, AND APPROVE FINAL PLAT** [T1-185]

Subdivision Coordinator Clint Garza explained the submission and gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan, public notice and approve final plat of Madrone Canyon Ranch Replat of Lots 9 & 10. All voting "Aye". MOTION PASSED**

26375 [09-4-20 – 2 LOTS] **RE-DIVISION OF TRACT 4 AND 5 BLOCK "B", SYCAMORE VALLEY II – WAIVE PRELIMINARY PLAN, PUBLIC NOTICE AND APPROVE FINAL PLAT** [T1-215]

Subdivision Coordinator Clint Garza explained the submission and gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan, public notice and approve final plat of "Sycamore Valley II Redivision of Tracts 4 & 5 Block B". All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING PURCHASE AGREEMENT WITH TYLER TECHNOLOGIES FOR CONVERSION OF DATA FROM GUADALUPE AND ~~COMAL~~ CALDWELL COUNTY [T1-234]

Tax Assessor-Collector Luanne Caraway explained the agreement. Posting states Comal County, however, it should be Caldwell County. Special Counsel Mark Kennedy advised that this action can be ratified next week on consent agenda. No action taken this date.

26376 **APPROVE TRANSFER OF FUNDS FROM LINE ITEM 01-419-5235 LAW ENFORCEMENT SUPPLY TO 01-419-5719 MISC. EQUIPMENT IN ORDER TO PURCHASE BAND-IT PRISONER TRANSPORT AND COURTROOM CONTROL SYSTEM. THE TOTAL AMOUNT OF FUNDS REQUESTED IS $1,820.00** [T1-274]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the transfer of funds from Line Item #01-419-5235 Law Enforcement supply to #01-419-5719 Misc. Equipment in order to purchase Band-it Prisoner Transport and Courtroom Control System, the total amount of funds requested being $1,820 and amend the budget accordingly. All voting "Aye". MOTION PASSED

26377 **APPROVE NOVEMBER 3, 2009 POLLING LOCATIONS [T1-288]**

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve November 3, 2009 Polling Locations as submitted by Elections Administrator Joyce Cowan. All voting "Aye". MOTION PASSED

26378 APPROVE WORK AUTHORIZATION AND CONTRACT FOR LOOMIS AUSTIN FOR SAFETY IMPROVEMENTS ON FM 2325 [T1-311]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Work Authorization and Contract from Loomis Austin for safety improvements on FM2325. All voting "Aye". MOTION PASSED

26379 APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS UNLIMITED TAX ROAD BONDS, SERIES 2009"; LEVYING AN ANNUAL AD VALOREM TAX, WITHOUT LIMIT AS TO RATE OR AMOUNT, UPON ALL TAXABLE PROPERTY IN THE COUNTY FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE [T1-335]

Jeff Kuhn, Fulbright & Jaworski, explained the action needed. Bond Counsel Dan Wegmiller explained the final pricing summary for the $9,990,000 Unlimited Tax Road Bonds, Series 2009; $7,970,000 Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2009; and $49,575,000 Pass-Through Toll Revenue and Limited Tax Bonds, Series 2009. **A motion was made by Commissioner Barton, seconded by Judge Sumter to approve an Order authorizing the issuance of "Hays County, Texas Unlimited Tax Road Bonds, Series 2009"; levying an annual ad valorem tax, without limit as to rate or amount, upon all taxable property in the County for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the letter of representations on file with the depository trust company; and providing an effective date. All voting "Aye". MOTION PASSED**

26380 APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE COUNTY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SOLID WASTE MANAGEMENT SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE [T1-352]

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve an order authorizing the issuance of "Hays County, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2009"; providing for the payment of said certificates of levy of an ad valorem tax upon all taxable property within the county and further securing said certificates by a lien on and pledge of the pledged revenues of certificates by a lien on the pledge of the pledged revenues of the solid waste management system/ providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates, including the approval and distribution of an official statement; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; and providing an effective date. All voting "Aye". MOTION PASSED

26381 **APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS PASS-THROUGH TOLL REVENUE AND LIMITED TAX BONDS, SERIES 2009"; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS AND FURTHER SECURING SAID BONDS BY A LIEN ON AND PLEDGE OF CERTAIN PLEDGED REVENUES; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND PROVIDING AN EFFECTIVE DATE** [T1-369]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve an Order Authorizing the Issuance of "Hays County, Texas, Pass-Through Toll Revenue and Limited Tax Bonds, Series 2009"; levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds and further securing said bonds by a lien on and pledge of certain pledged revenues; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the provisions of the depository trust company's letter of representations; and providing an effective date. All voting "Aye". MOTION PASSED

26382 **APPROVE REPLACEMENT OF 4 EXIT DOORS, INSTALL 3 ADDITIONAL EXIT DOORS AND PURCHASE FIRE EXTINGUISHERS AND SIGNAGE FOR THE HAYS COUNTY CIVIC CENTER AND COURTHOUSE** [T1-774]

Abel Velasquez, County Safety Coordinator, spoke of safety issue concerns regarding the civic center. Civic Center Manager Barry Nelson spoke of doors at the Civic Center. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve replacement of 4 exit doors, install 3 additional exit doors and purchase fire extinguishers and signage for the Hays County Civic Center and Court in the amount of $15,275 to be paid from contingency funds. All voting "Aye". MOTION PASSED**

26383 **ADOPT THE FINDINGS OF THE PROPOSED HAYS COUNTY DEVELOPMENT REGULATIONS, ADOPT THE PROPOSED HAYS COUNTY DEVELOPMENT REGULATIONS (AUGUST 11, 2009 VERSION) IN RESPONSE TO THE FINDINGS, AND ADOPT THE UPDATED RESPONSE TO PUBLIC COMMENTS (AUGUST 12, 2009 VERSION)** [T1-940]

W. F. Smith and Jimmy Skipton made public comment. Grant Jackson, Naismith Engineering, presented recommendations for findings and order for the adoption of the Hays County Development Regulations. Special Counsel Mark Kennedy spoke of additional language to be added to bullet #2: Discussion was had regarding appraisals. [T2-720] Mark Kennedy spoke of discussion he had with Steve Dickman regarding minimum lot sizes and TIA. Grant Jackson spoke of TCEQ rules regarding water availability. **A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt the Findings of the Proposed Hays County Development Regulations, Adopt the Proposed Hays County Development Regulations (August 11, 2009 Version) in response to the Findings, and Adopt the Updated Response to Public Comments (August 12,2009 Version) with changes on findings to include add Chapter 7 language after Chapter 26 (2nd bullet point) to read as follows:** ***(Hays County has been granted legal authority to make water quality inspections and to enforce state water quality requirements under Chapter 26 and Chapter 7 etc)*** **and Chapter 705 Section 5.06 (H) (1) second sentence to read as follows:** ***The established value shall be determined using either the assessed tax value of all the parent tracts for the subject property on a per acre basis or at the discretion of the applicant the value determined by an appraisal performed by accredited appraiser selected by the applicant with the approval of the County.*** **All voting "Aye". MOTION PASSED**

26384 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE FOR IMPROVEMENTS TO FM150** [T1-1899]

Mike Weaver, Prime Strategies, spoke. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of Kyle for improvements to FM150. All voting "Aye". MOTION PASSED**

26385 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT FOR IH35 AT KYLE CROSSING (0016-02-107) AND ADOPT THE RESOLUTION

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Advance Funding Agreement for IH35 at Kyle Crossing (0016-02-107) and adopt the Resolution. All voting "Aye". MOTION PASSED

26386 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCED FUNDING AGREEMENT FOR IH 35 AT FM 2001 (1776-02-014) AND ADOPT THE RESOLUTION

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute the Advanced Funding Agreement for IH35 at FM2001 (1776-02-014) and adopt the Resolution. All voting "Aye". MOTION PASSED

26387 APPROVE THE 'CONTRACTUAL AGREEMENT FOR RIGHT-OF-WAY PROCUREMENT – LOCAL GOVERNMENT' FOR RM 12 FROM RM 32 TO PROPOSED FM 3407 AND ADOPT THE RESOLUTION

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the "Contractual Agreement for Right-0f-Way Procurement – Local Government All voting "Aye". MOTION PASSED

26388 AUTHORIZE THE COUNTY AUDITOR TO PAY FOR THE RIGHT OF WAY ON RR 12 NOT TO EXCEED THE AMOUNTS APPROVED BY THE COMMISSIONER'S COURT AND TO AUTHORIZE THE TREASURER TO RELEASE THE CHECK TO THE PROPERTY OWNERS UPON EXECUTION OF THE POSSESSION AND USE AGREEMENT

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Auditor to pay for the right of way on RR 12 not to exceed the amounts approved by the Commissioners' Court and to authorize the Treasurer to release the check to the property owners upon execution of the possession and use agreement. All voting "Aye". MOTION PASSED

26389 APPROVE A STANDARD UTILITY RELOCATION AGREEMENT [T1-2120]

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve a Standard Utility Relocation Agreement. All voting "Aye". MOTION PASSED

26390 AUTHORIZE LEGAL COUNSEL TO OBTAIN AN APPRAISAL ON THE PROPERTY HAYS COUNTY WILL RECEIVE UNDER THE MOU BETWEEN HAYS COUNTY AND CEDAR VALLEY INVESTMENTS, LLC FOR THE REALIGNMENT OF OAK BRANCH DRIVE [T1-2202]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize legal counsel to obtain an appraisal on the property Hays County will receive under the MOU between Hays County and Cedar Valley Investments, LLC for the realignment of Oak Branch Drive. All voting "Aye". MOTION PASSED

26391 ACTION TO PUBLISH NOTICE OF A PUBLIC HEARING AND CALL FOR A PUBLIC HEARING ON SEPTEMBER 14, 2009 ON A PROPOSED NEW FEE FOR PRESERVATION AND RESTORATION OF ARCHIVED RECORDS [T1-2145]

New legislation: Government Code Chapter 51.305 creates a District Court Records Technology Fund. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve publication of Notice of a public hearing and call for a public hearing on September 14, 2009 on a proposed new fee for preservation and restoration or archived records. All voting "Aye". MOTION PASSED**

26392 **CONFIRM THE EXISTING BOARD MEMBERS OF THE HAYS COUNTY PARK FOUNDATION, INC.; AND TO REQUEST THAT THE BOARD MEMBERS DRAFT AND EXECUTE A DOCUMENT STATING THAT THE 50+ ACRE TRACT OF LAND BE DONATED TO THE CITY OF KYLE FROM HAYS COUNTY** [T1-2216]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to confirm the existing board members of the Hays County Park Foundation Inc. (County Judge, County Clerk & Grants Administrator); and to request that the board members draft and execute a document stating that the 50+ acre tract of land be donated to the City of Kyle from Hays County. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING PARTICULAR FY10 BUDGET LINE ITEMS [T1-2317]

Indigenous Cultures Institute - Maria Rocha spoke of mission to preserve Native American culture. She spoke of event to be held in San Marcos. Judge Sumter is recommending $5,000 in funding from the County.
Youth Services Bureau – Julie Hollar spoke of services provided by the YSB and sources of revenue.
Hays Trinity Groundwater Conservation District – Greg Ellis, Attorney for HTGCD, spoke of changes in staff, board members, etc. He stated that the role of the district will be changing dramatically. Lengthy discussion was held. Jim McMeans (Citizens Alliance for Responsible Development) spoke and presented a resolution endorsing HTGCD funding in the amount of $100,000 from the Hays County Water & Sewer Authority (LCRA fees). Jimmy Skipton spoke of other sources of funding that were not pursued.

26393 **AUTHORIZE THE PURCHASE OF A TIME/DATE STAMP FOR CONSTABLE PCT. 1 AND AMEND THE BUDGET ACCORDINGLY, NOT TO EXCEED $515.00** [T2-1213]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the purchase of a time/date stamp for Constable Pct. 1 and amend the budget according, not to exceed $515. All voting "Aye". MOTION PASSED

26394 **ALLOW THE PURCHASE OF 13 BUSHMASTER CARBINE BCWA3F1M4 RIFLES FOR THE CONSTABLE'S OFFICES AND AMEND BUDGETS ACCORDINGLY** [T2-1228]

Deputy Constable Ray Helm advised that Constable Pct. 3 Darrell Ayres is requesting 2 rifles instead of 3. Cost per rifle = $780. Discussion was had regarding accessories for the rifles. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to allow the purchase of 13 Bushmaster Carbine BCWA3F1M4 rifles for the Constable's offices and amend budgets accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

26395 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT, FOR THE PERFORMANCE OF INSURANCE – RELATED CONSULTING PER THE RECOMMENDATIONS OF THE INSURANCE COMMITTEE** [T2-1491]

Human Resources Director Dee Dee Baen spoke of proposals received and explained the agreement. The insurance committee is recommending that the county contract with Scott Yarbrough. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement with Scott Yarbrough, for the performance of insurance related consulting per the recommendation of the Insurance Committee in an amount not to exceed $ 8,000. All voting "Aye". MOTION PASSED**

26396 **FY2010 BUDGET DISCUSSION CONTINUED - ADOPT PROPOSED FY10 BUDGET, VOTE ON A PROPOSED TAX RATE AND SCHEDULE PUBLIC HEARINGS ON THE TAX RATE AND THE BUDGET** [T2-?

County Auditor Bill Herzog gave highlights regarding certified property values, tax rate, home values, and new positions. Budget includes $4,500,000 - dedicated to office purchase/construction, $600,000 - 10% increase for health insurance, $1,811,000 – new RPTP Bldg & Furniture (Reserves), $2,136,490 – additional debt payment (new), $252,200 – fuel increases (Reserves), and $100,000 – consultants & redistricting (Reserves). Proposed tax rate is $0.4692 (represents a 3.1% increase over the current tax rate of $0.4550 and a 3.5% over the effective rate of $0.4533). Rollback tax rate = $0.5105.

Indigenous Cultures Institute – Judge Sumter recommended taking $5,000 out of reserves
Sheriff's Dept. – discussed removing 4 new positions and absorb 9 officers (Buda patrol). 4 vehicles could be added to the budget instead of the 7 requested. $65,700 savings by not purchasing seven vehicles. $64,500 needed for 8 itronix for patrol.
Tax Office – budget $170,000 in countywide operations for tax software and rollover next year if not used.
Position ReGrades
Shari Miller spoke of regrades for various positions:
Juvenile Probation – regrade 2 JPO's

Jail – regrade food svc mngr kitchen assist and food svcs asst. – no impact to budget
Human Resources – no fiscal impact – change title
District Attorney – regrade attorney positions – fiscal impact = $19,861
Constable Pct. 4 – Admin Asst position regrade (one level higher)
Fire Marshal – 1 Admin Asst and 2 Assistant Fire Marshals to administer fire code if adopted
Veterans Admin – increase admin to full time position (moved from Fire Marshal)
Juvenile Center – kitchen staff increases

Discussed various priorities: Hays County/San Marcos EMS, Buda Library, Environmental Health Sanitarians step plan, J.P. 4 part-time position, J.P. 1-1 part-time position, and step plan for Law Enforcement. Other items discussed were $2,000 for community service for Pct. 3, $13,500 to convert laptops to itronix instead of $64,500, $500 for continuing education for Pct. 2, and Pct. 2 requesting Interns =$8000, temp personnel = $1200 and $1000 for research. Departments need to be made aware of availability of temporary help through HR. Judge Sumter suggested taking the following items out of contingencies: EH Sanitarians ($5,901) and Indigenous Culture Institute ($5000

Items to be considered:
$170,000 tax office software out of reserves
$ 23,132 for part-time position in JP1-1 office to increase to 30 hrs
$ 19,896 for part-time position in JP4 office
Sheriff' Office – blend 9 positions (add nine and delete 4), 4% step plan,+ 5 itronix @ $13,500
$ 5,901 for Sanitarians step program
$ 6,550 for Continuing Education in RPTP
$ 25,975 savings from CAPCOG grant
$ 10,000 for Buda Library
$ 75,000 for Hays County/San Marcos EMS
$ 6,100 for Pct. 3 = $ 2, 000 for community svcs + $4000 for personnel + $100 for postage
$ 10,000 for personnel for Pct. 2
$ 4,000 for temporary personnel for Pct. 4
$ 37,348 for new JP2 staff position

Road Budget [T3-1114]
Proposed Projects were discussed with changes:
$700,000 for McGregor Bridge from R&B reserves
$538,000 for Dacy Lane project
$ 40,000 for Elder Hill Road
$101,000 for McCarty Lane

Discussed step increases for law enforcement and possible increase or bonus for other employees.

[T3-1935]
A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to set the proposed tax rate at $0.4692. All voting "Aye". MOTION PASSED [T3-2077] **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to reconsider action setting the proposed tax rate. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton and Commissioner Conley not present to vote. MOTION PASSED**

Clerk's Note: Agenda Item #40 RE: *IMPLEMENT POSITION CHANGES IN THE SHERIFF'S OFFICE AND AMEND THE BUDGET ACCORDINGLY* **was PULLED.**

Clerk's Note: Agenda Item #18 RE: *[09-3-26] RE-DIVISION OF LOT 63, WOODCREEK SECTION 6A, AND LOT 77, WOODCREEK SECTION 6-B. DISCUSSION AND POSSIBLE ACTION TO CONSIDER WAIVER OF PRELIMINARY PLAN, PUBLIC NOTICE, AND APPROVAL OF FINAL PLAT. CONSIDER APPROVAL OF A VARIANCE TO MINIMUM LOT SIZE STANDARDS IN HAYS COUNTY OSSF RULES SECTION 10.1* **was PULLED.**

COURT RECESSED UNTIL 9:00 A.M. ON WEDNESDAY AUGUST 19, 2009. COMMISSIONER BARTON AND COMMISSIONER CONLEY WERE NOT PRESENT WHEN THE COURT RECONVENED AT 9:00 A.M. COMMISSIONER BARTON AND COMMISSIONER CONLEY CAME TO THE MEETING AT 9:15 A.M.

Salaries [T3-2358]
Commissioner Ford spoke of a 2% for law enforcement and 1% for all other county employees = $346,000. Commissioner Ingalsbe spoke of a 4% for law enforcement and 1.5% for all other county employees starting in January 2010. Possible funds to be used could come from capital equipment from road dept.
Law Enforcement @ 4% on Jan 1, 2010 = $115,964
Others employees @ 1.5% on Jan 1, 2010 = $282,255 starting in Oct. 1, 2009 = $414,900
1% one-time payment for all county employees (except law enforcement) beginning in Oct. 2009 = $276,000
$368,000 to give a $500 bonus to all county employees with exception of law enforcement and adult probation.
Judge Sumter suggested not giving a COLA/merit increase – she suggested a one-time payment as a bonus in December which would not be a re-occurring expense. 4% for law enforcement beginning January 1,2010 = $115,964 In order to give the 1% to other county employees the following is needed = $245,668 ($36,492 from R&B fund, $24,745 in juvenile center fund, and $184131 from general fund).

[T4-200] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to honor the 4% step increase for law enforcement to begin on January 1, 2010 and approve a 1% of net salary as of October 1, 2009 one-time payment to all county employees eligible for benefits – except elected officials, law enforcement, and employees hired after April 1, 2009 - with a $500 cap/$250 minimum to be paid November 30, 2009. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Ford voting "Aye". Commissioner Conley voting "No". Judge Sumter not present to vote. MOTION PASSED.**

[T5-1415] **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to amend previous motion to exclude the Assistant District Attorneys and Sanitarians from the 1% one time payment being allocated for eligible employees. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton was not present to vote. MOTION PASSED**
[T6-1205]
A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to clarify that the 1% one-time payment does apply to eligible law enforcement personnel that are not in the 4% step plan. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

Travel Allowance
County Judge = $10,962 plus $3,480 for Assistant. Commissioner Conley suggested deleting $3,480 for the Assistant. A motion was made by commissioner Conley to delete $3480 from County Judge's travel allowance line item #5191 and reallocate $1000 to line item #5311 with a $2,480 savings. Motion died for lack of a second. Judge Sumter requested that the $2,480 be put in a line item for an intern #5449.
[T4-1150] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to take $3,480 out of the County Judge's travel allowance line item #5191 and reallocate $1,000 to line item #5311 travel and $2,480 to line item #5449 temp personnel. All voting "Aye". MOTION PASSED**

Memberships [T4-900]
Discussed various membership dues/fees.
Discussed $50,000 needed for Partners in Progress (economic development project)

Court went through the Budget Workshop Request list.

Fire Marshal	**#5473 equip rent/lease-**	**$ 1,000**	**approved**
Constable 3	#5212 postage -	$ 100	maybe
	#5717 law enf equip -	$ 1,545	not approved
Tax Office	**#5212 postage -**	**$ 10,000**	**approved**
	#5712 tax software -	$170,000	fund from reserves
	#5711 color printer -	$ 1,400	not approved
Treasurer	#5011 elected official salary -	$ 14,389	not approved
District Atty	#5021 Atty Salary progression plan	$ 9,818	not approved – HT referral
	#5191 travel allowance	**$ 1,500**	**approved [$5,000 requested]**
Constable 2	#5011 elected official salary -	$ 11,189	not approved
	#5021 new deputy	$ 56,970	not approved
JP2	#5021 staff position	$ 37,348	maybe
JP1-1	#5021 part-time to full time	$ 18,172	30 hr maybe [$23,132 request]
JP1-2	#5021 part time to full time	$ 7,116	not approved
	#5211 office supplies	**$ 100**	**approved [$600 requested]**
	#5212 postage	**$ 200**	**approved [$600 requested]**
	#5321 membership fees & dues	$ 100	not approved
	#5331 continuing education	**$ 200**	**approved [$300 requested]**
	#5461 printing	**$ 50**	**approved [$250 requested]**
JP4	#5021 part time position	$ 19,896	maybe
Historical Comm	#5429 cemetery maintenance	$ 4,000	not approved
Veteran's Ofc	#5713 bus (county match)	$ 12,000	not approved
Civic Center	#5719 2 forklift forks = $2,000		
	2 tractor buckets = $2,000		
	#5741 portable signs = $2,000		
	Chain link fence = $6,000		
	#5299 arena supplies = $6,700	**$ 5,000**	**approved + $3,000 f/veh mtc**
Sheriff	#5021 admin asst. 1	$ 34,763	not approved
	#5712 5 laptops for warrants	**$ 3,600**	**approved 3 [req 5 = $6,000]**
	8 itronix for patrol	**$ 64,500**	**approved**
	1 laptop for SRO	**$ 1,525**	**approved**
	CAD station/software	**$ 10,250**	**approved from reserves?**
	Pc for crime analyst	$ 2,349	not approved
	#5717 AR15 rifle for SRO	**$ 930**	**approved**
	#5474 uniform expense	**$ 4,200**	**approved [$34,200 request]**
Constable 4	**#5212 postage**	**$ 160**	**approved [$360 requested]**
	#5448 contract services	**$ 400**	**approved**
	#5271 fuel	**$ 5,300**	**approved f/countywide fuel**
	#5413 veh maint & repair	$ 730	not approved
	#5717 law enf equip (3 rifles)	$ 5,306	not approved
	#5235 supplies & equip	**$ 115**	**approved [$2,528 request]**
	#5021 staff salaries	$ 10,469	maybe – HR to look at

Extension Ofc	**#5271 fuel**		**$ 2,000**	**approved f/countywide fuel**
	# 5331 cont ed		**$ 100**	**approved**
	#5741 capital improve – countertop	$ 500		not approved
Juv Probation	#5713 vehicle	$ 16,000		not approved
RPTP Env Hlth	#5021 salaries – sanitarians step plan	$ 5,901		maybe – HR to look at
	#5213 books & periodicals	$ 2,750		approved [requested $3625]
	#5473 equp rent & lease		**$ 2,700**	**approved**
	#5311 travel	$ 2,000		not approved

Shari Miller (Human Resources) spoke of positions considered by HR:
Administrative Assistants – 3 levels were identified but is not a progressive type system
Attorneys – 3 levels identified based on direct experience while licensed – no funding approved
EH Sanitarians – 2 levels identified – no funding approved
5 Attorneys will be eligible to receive an increase next year

Commissioner Barton left the meeting at this time.

$8240 savings by excluding attorneys from one-time payment in November 2009 and exclude sanitarians – need to clarify law enforcement reference on original motion to reflect

Constable 1	#5211 office supplies	$ 200		not approved
	#5212 postage		**$ 200**	**approved**
	#5417 equip maint & rep		**$ 100**	**approved [$400 requested]**
	#5461 printing	$ 300		not approved
	#5717 law enf equip – light bar	$ 1,3674		not approved
Social Services	#5811 Buda Library	$10,000		maybe
	#5844 Hays Co/SM EMS	$75,000		maybe
Human Res	**#5311 travel**		**$ 500**	**approved**
	#5331 contin ed		**$ 500**	**approved**
Juvenile Ctr	#5021 staff salaries	$43,318		not approved
	#5713 vehicles	$17,500		not approved
	#5719 law enf equip	$ 1,000		not approved
RPTP R&B	#5021 staff salaries	$60,567		not approved
	#5217 misc supplies		**$ 1,500**	**approved [$5,000 request]**
	#5321 membership fees & bonds	$ 1,000		not approved
	#5331 cont ed		**$ 5,000**	**approved [$ 8,145 request]**
	#5421 data proc supplies	$ 500		not approved
	#5712 computers for open positions	$ 2,400		not approved
	#5718 software	$ 500		not approved
	#5413 veh maint & rep		**$30,000**	**approved [$50,000 request]**

Youth Services Bureau requested $28,000 - $15,000 was recommended – move back to $18,000 (current budgeted amount).

Judge Sumter requested putting $3,480 into salary for Jeff Laws that was previously moved into temp personnel line item.
[T5-2180]
A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to place $4,480 into the County Judge's budget salaries line item for Jeff Laws that was previously moved into travel and temp personnel line items. Commissioner Ingalsbe, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

Commissioner Ingalsbe requested transferring $1,000 from temp personnel line item to community program expenses. Commissioner Ford requested transferring $1,500 from misc equip line item to community program expenses (new line item). Adjustments to Commissioner Pct. 2 budget are to add $500 to continuing education and change temp personnel to $10,200.

Social Services Funding [T5-2490]
Commissioner Conley suggested increasing the following social services by 5% of the recommended amount = $10,975: Hays County Area Food Bank, Hays/Caldwell Council on A/D Abuse, Hays/Caldwell Women's Center, Scheib Opportunity Center/MHMR, Southside Community Center, Greater SM Youth Council, CASA, Big Brothers/Big Sisters, Hays County Child Protection Board, and Nosotros La Gente.

Discussion was had regarding use of reserve funds and financing of government center. R&B budget – change guard rail to $125,000

[T6-1274]
A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to add $1,500 to the Historical Commission cemetery maintenance line item #5429. All voting "Aye". MOTION PASSED

[T6-1314]
A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a proposed tax rate of $0.4692 and schedule public hearings for September 2, 2009 at 9:00 a.m. and September 9, 2009 at 6:00 p.m. All voting "Aye". MOTION PASSED

[T6-1407]
A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to set a public hearing and adoption of the FY10 Hays County Budget on September 16, 2009 at 9:00 a.m. and to set the tax rate and levy taxes. All voting "Aye". MOTION PASSED

Commissioner Barton requested that the following be added to the public notice:
Note: This is a proposed rate only. By law, the Commissioner Court may still lower the rate after public hearings but may not raise it without additional advertised notice. This proposed rate includes the voter approved bond debt for parks and roads.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 18, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF AUGUST A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

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

Commissioner Ford offered a moment of silence and prayer and led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF RETIREMENT GIFTS TO SARAHANN LOWTHER AND SANTIAGO REYNA

County Court at Law Judge Linda Rodriguez presented a retirement clock to Santiago Reyna and County Auditor Bill Herzog presented a retirement clock to Sarahann Lowther.

PUBLIC COMMENT
Jack Hollon made public comment in support of Hays Trinity Groundwater Conservation District. [T1-288] Mark Key made public comment regarding funding for Hays Trinity Groundwater Conservation District.

26397 APPROVE RENEWAL OF DOCTORS' ANNUAL CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC. PHYSICIANS: TERESA IRWIN MD, ARTHUR RAY JACOBSON MD, BETH D. REID MD, AND BARRETT RANDALL BLAUE M.D

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of Doctor's Annual Contract for the Hays County Personal Health Department Women's Health Clinic. Physicians: Teresa Irwin MD, Jacobson, Arthur Ray Jacobson MD, Beth D. Reid MD, and Barrett Randall Blaue MD. All present voting "Aye". MOTION PASSED

26398 APPROVE THE CONTRACT RENEWAL FOR DR. CHARLES P. ANDERSON MD TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the contract renewal for Dr. Charles P. Anderson MD to provide services for the Hays County Personal Health Department Family Clinic. All present voting "Aye". MOTION PASSED

26399 APPROVE RENEWAL OF THE CONTRACT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND DR. CHARLES P. ANDERSON AS THE HAYS COUNTY LOCAL HEALTH AUTHORITY

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of the contract between Hays County Personal Health Department and Dr. Charles P. Anderson as the Hays County Local Health Authority. All present voting "Aye". MOTION PASSED

26400 APPROVE THE PURCHASE AGREEMENT WITH TYLER TECHNOLOGIES FOR CONVERSION OF DATA FROM GUADALUPE AND CALDWELL COUNTIES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the Purchase Agreement with Tyler Technologies for conversion of data from Guadalupe and Caldwell Counties. All present voting "Aye". MOTION PASSED

26401 APPROVE RENEWAL OF EXISTING BID #2008-B18 "REGULATORY, WARNING ROAD SIGNS" FOR ONE (1) ADDITIONAL YEAR, TO MULTIPLE VENDORS, AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of existing bid #2008-B18 "Regulatory, Warning Road Signs" for one (1) additional year, to multiple vendors, as provided for in the original bid. All present voting "Aye". MOTION PASSED

26402 APPROVE COMMERCIAL OSSF PERMIT FOR STEVE AND AMY HENRY TO SERVE AN AUTOMOTIVE RESTORATION GARAGE LOCATED AT 25 PIONEER TRAIL, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commercial OSSF Permit for Steve and Amy Henry to serve an automotive restoration garage located at 25 Pioneer Trail, Dripping Springs, in Precinct 4. All present voting "Aye". MOTION PASSED

26403 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve utility permit #02030 issued to LCRA on Coach House Road; permit #02031 issued to City of Kyle on Roland Lane as submitted by the County Road Department. All present voting "Aye". MOTION PASSED

26404 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT PROJECT WORKSHEET TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS, FY 2010 HOMELAND SECURITY GRANT PROGRAM FOR THE LAW ENFORCEMENT STRIKE TEAM IN THE AMOUNT OF $17,000.00

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to submit a grant project worksheet to the Capital Area Council of Governments, FY 2010 Homeland Security Grant Program for the Law Enforcement Strike Team in the amount of $17,000.00. All present voting "Aye". MOTION PASSED

26405 GRIEVANCE COMMITTEE SELECTION PURSUANT TO LOCAL GOVERNMENT CODE 152.015

The County Judge selected twenty names from the 2008 Grand Jury for possible service on the Grievance Committee pursuant to Local Government Code 152.015 as follows: Linda Rodgers Baker, Katherine Ann Rhodes, Daniel Rezykowski, Wallace A. Cheatham, Alan Lee Parks, Joel Liebeskind, Lisa Kay Mayo, Gary Don Reeves, Ruth Epstein Kirkilis, Charles Dean Staedtler, Maria Elena Rodriguez, Thomas William Ray, Blanca Estela Guzman, James H. Wingard, Stephen Hoevelman, Kathleen Ables Gold, Sandra Lange Michalewicz, Karen Leah Hollis, Paige Fortenberry.

26406 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested addition of invoice in the amount of $40,599.19 from HRM Consultants Inc. from Road Bond funds. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payments of county invoices in the amount of $1,317,259.22 as submitted by the County Auditor with addition of $40,599.19 invoice. All present voting "Aye". MOTION PASSED**

26407 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS RELEASE OF THE CONSTRUCTION BOND, ACCEPT THE MAINTENANCE BOND FOR TWO YEARS, AND ACCEPT THE RE-VEGETATION LETTER OF CREDIT FOR MUSTANG VALLEY SUBDIVISION, SECTION 1 [T1-316]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept road construction and drainage improvements release of the Construction Bond, accept the Maintenance Bond for two years, and accept the Re-vegetation Letter of Credit for Mustang Valley Subdivision, Section 1. All present voting "Aye". MOTION PASSED

26408 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN HERITAGE OAKS SUBDIVISION [T1-324]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of a speed limit of 30 MPH and install a stop sign at the corner of Heritage Oaks Drive and Laurel Hill Street in the Heritage Oaks Subdivision. All present voting "Aye". MOTION PASSED**

26409 CALL FOR A PUBLIC HEARING ON SEPTEMBER 15, 2009 TO ESTABLISH TRAFFIC REGULATIONS AT ALL SCHOOL ZONE LOCATIONS ON COUNTY-MAINTAINED ROADS [T1-339]

RPTP Director Jerry Borcherding spoke of new statute regarding prohibiting use of cell phone in school zones. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 15, 2009 to establish traffic regulations at all school zone location on county maintained roads. All present voting "Aye". MOTION PASSED**

26410 AWARD $5,000.00 TO THE INDIGENOUS CULTURES INSTITUTE IN SAN MARCOS

[T1-382] Court agreed that it would be advisable to have an MOU and if event is not held the funds will be either not paid out or if already paid out it would be refunded to the county. **A motion was made by Judge Sumter, seconded by Commissioner Ford to award $5,000.00 to the Indigenous Cultures Institute in San Marcos to be paid out of contingencies with an MOU. All present voting "Aye". MOTION PASSED**

26411 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCED FUNDING AGREEMENT WITH TXDOT FOR THE US 290 (NUTTY BROWN ROAD TO TRAUTWEIN ROAD) PASS-THROUGH AGREEMENT ROAD PROJECT [T1-454]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute the Advanced Funding Agreement with TxDot for the US 290 (Nutty Brown Road to Trautwein Road) Pass-Through Agreement Road Project. All present voting "Aye". MOTION PASSED

26412 PURCHASE A 5-DRAWER LATERAL FILE CABINET FOR CONSTABLE PRECINCT 1 FROM COUNTY WIDE EQUIPMENT (01-414-5711) [T1-491]

A motion was made by Judge Sumter, seconded by Commissioner Conley to purchase a 5 drawer lateral file cabinet for Constable Precinct 1 from County Wide Equipment (01-414-5711). All present voting "Aye". MOTION PASSED

26413 APPROVE PURCHASE OFFICE FURNITURE FOR JP 1-2 [T1-497]

J.P.1-2 Margie Hernandez spoke of three quotes received. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve purchase office furniture for JP 1-2 out of line item #01-425-5335. All present voting "Aye". MOTION PASSED**

26414 APPROVE THE RECYCLING OF COMPUTER EQUIPMENT [T1-609]

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve disposal of old computer equipment as worthless pursuant to LGC 362.152 and send to Goodwill for recycling. All present voting "Aye". MOTION PASSED

26415 RATIFY THE COUNTY JUDGE'S EXECUTION OF A 3RD AMENDMENT TO THE CONSERVATION EASEMENT PURCHASE AGREEMENT FOR THE DAHLSTROM RANCH PARKS AND OPEN SPACE PROJECT [T1-623]

Special Counsel Mark Kennedy explained the agreement. **A motion was made by Commissioner Barton, seconded by Judge Sumter to ratify the County Judge's execution of a 3rd Amendment to the Conservation Easement Purchase Agreement for the Dahlstrom Ranch Parks and Open Space Project. All present voting "Aye". MOTION PASSED**

26416 APPROVE THE PURCHASE OF TWO ADDITIONAL ACID LOCKERS FOR THE TRANSFER STATIONS AT WIMBERLEY AND DRIFTWOOD AND TWO EYE WASH STATIONS WITH PLACARDS [T1-700]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the purchase of two additional acid lockers for the Transfer Stations at Wimberley and Driftwood and two eye wash stations with placards out of line item # 01-421-5801. All present voting "Aye". MOTION PASSED

26417 DECLARE AN EMERGENCY AND AMEND THE BUDGET OF THE JUVENILE DETENTION CENTER [T1-728]

Juvenile Detention Center Manager Brett Littlejohn spoke of need for additional funds in salaries for part-time personnel. County Auditor spoke of turnover rate of 59% which requires training of new personnel. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to declare an emergency and amend the budget of the Juvenile Detention Center from juvenile detention center reserves. All present voting "Aye". MOTION PASSED**

26418 ACCEPT THE THREE FIRMS RECOMMENDED FOR UTILITY COORDINATION FOR THE BOND ROAD PROJECTS BY THE REVIEW COMMITTEE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT NOT TO EXCEED $500,000.00 PER FIRM [T1-832]

RPTP Director Jerry Borcherding spoke of firms being recommended: Alba Utility & Service Consultants, Cobb Fendley Associates Inc., and Halff Associates Inc. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept the three firms recommended for utility coordination for the Bond Road Projects by the Review Committee and authorize the County Judge to execute a Professional Services Agreement not to exceed $500,000.00 per firm. All present voting "Aye". MOTION PASSED**

26419 MOVE $579.95 FROM THE LAW ENFORCEMENT EQUIPMENT LINE ITEM TO PURCHASE A NIGHT VISION MOUNTING SYSTEM [T1-889]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to move $579.95 from the Law Enforcement Equipment line item to purchase a night vision mounting system. All present voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #10 RE: *APPROVE COMMERCIAL OSSF PERMIT FOR NABI LLC, (JASON MOMIN) TO SERVE A GROCERY STORE AND RETAIL SHOPS LOCATED AT 1095 WINDY HILL ROAD, BUDA, TX, IN PRECINCT 2* **was PULLED.**

Clerk's Note: Agenda Item #26 RE: *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**

Clerk's Note: Agenda Item #27 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 25, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF AUGUST A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

26420 APPOINT A COUNTY COURT AT LAW JUDGE #1

Billy McNabb, Karen Langsley (Dripping Springs Lawyer), Lydia Serna, and Constable Pct. 2 James Kohler made public comment. Judge Sumter advised that there were seven applicants: Anna Martinez-Boling, Kyle Maysel, James Pape, Tacie Zelhart, David Mendoza, David Scott Glicker, and Charles R. Roach. Judge Sumter spoke in support of Anna Martinez-Boling. Commissioner Ingalsbe spoke of all the applicants being highly qualified. Commissioner Barton spoke of high quality of all the applicants. He feels like the person appointed should also be a candidate for the position – he supports appointment of Anna Martinez-Boling. Commissioner Ford spoke of being enriched by meeting the applicants – she supports appointment of Anna Martinez-Boling. Commissioner Conley spoke in support of appointing a person who will not be a candidate for the position – he spoke in support of David Glicker and James Pape. Members of the court spoke of the significant loss of Judge Warner to the county. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve appointment of Anna Martinez Boling as County Court at Law Judge #1 to fill the unexpired term of Howard S. Warner II as provided by Law to be effective September 21, 2009. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED** Anna Martinez-Boling thanked the court for their support and promised that she will be the best public servant she can possibly be to the county.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 27, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF SEPTEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Bob Smith of Powerhouse Christian Center gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26421 ADOPT A RESOLUTION DECLARING SEPTEMBER 2009 TO BE NATIONAL PREPAREDNESS MONTH IN THE CAPITAL AREA COUNCIL OF GOVERNMENTS REGION

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a Resolution declaring September 2009 to be National Preparedness Month in the Capital Area Council of Governments Region. All voting "Aye". MOTION PASSED

26422 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payments of county invoices in the amount of $2,406,582.33 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26423 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 11TH ,12TH ,18TH & 25TH 2009

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioner Court Minutes of August 11-12,18 & 25, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26424 APPROVE THE RENEWAL CONTRACT FOR MR. JOHN CARSON, R.PH TO PROVIDE PHARMACY SERVICES TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the Renewal Contract for Mr. John Carson, R.PH to provide pharmacy services to Hays County Personal Health Department. All voting "Aye". MOTION PASSED

26425 APPROVE THE RENEWAL OF THE TRIPLE "O" CONTRACT FOR $63,535.00 WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE RLSS-LOCAL PUBLIC HEALTH SERVICES GRANT AND THE HAYS COUNTY PUBLIC HEALTH DEPARTMENT

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the renewal of the Triple "O" Contract for $63,535.00 with the Texas Department of State Health Services for the RLSS-Local Public Health Services Grant and the Hays County Public Health Department. All voting "Aye". MOTION PASSED

26426 APPROVE THE RENEWAL OF THE ANNUAL PROVIDER AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION, INC. OF HAYS, CALDWELL, AND BLANCO COUNTIES

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

26427 AMEND THE BUDGET FOR THE TJPC DIVERSIONARY GRANT TO REFLECT ADDITIONAL FUNDING FROM THE GRANTING AGENCY

A motion was made by Commissioner Ford, seconded by Commissioner Barton to amend the budget for the TJPC Diversionary Grant to reflect additional funding from the granting agency. All voting "Aye". MOTION PASSED

26428 APPROVE COMMERCIAL OSSF PERMIT FOR NABI LLC, (JASON MOMIN) TO SERVE A GROCERY STORE AND RETAIL SHOPS LOCATED AT 1095 WINDY HILL ROAD, BUDA, TX, IN PRECINCT 2

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commercial OSSF Permit for NABI LLC, (Jason Momin) to serve a grocery store and retail shops located at 1095 Windy Hill Road, Buda, TX, in Precinct 2. All voting "Aye". MOTION PASSED

26429 RELEASE THE FISCAL SURETY FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS IN THE MOUNT OLIVE RANCH SUBDIVISION [T1-233]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to release the fiscal surety for re-vegetation of the street and drainage improvements in the Mount Olive Ranch Subdivision. All voting "Aye". MOTION PASSED

26430 GATLIN PRAIRIE SUBDIVISION [09-4-13 – 2 LOTS] **- APPROVE PRELIMINARY PLAN** [T1-257]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve preliminary plan of Gatlin Prairie Subdivision. All voting "Aye". MOTION PASSED**

26431 READ SUBDIVISION [09-4-26 – 2 LOTS] **– APPROVE PRELIMINARY PLAN** [T1-279]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. Commissioner Ford requested a provision on lot 1 to prohibit a ground water well. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve preliminary plan of Read Subdivision. All voting "Aye". MOTION PASSED**

26432 REPLAT OF LOTS 15 AND 16, BLOCK A, HOWARD RANCH SUBDIVISION, SECTION 2 [09-4-25 – 1 LOT] [09-4-25 – 1 LOT] **– WAIVE PRELIMINARY PLAN AND PUBLIC NOTICE AND APPROVE FINAL PLAT** [T1-315]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to waive preliminary plan and public notice and approve final plat of Howard Ranch Subdivision replat of Lots 15 and 16 Block A. All voting "Aye". MOTION PASSED**

26433 RESUBDIVISION OF LOT 6, LEGEND OAKS, SECTION 2 [09-4-24 – 3 LOTS] **– APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON SEPTEMBER 29, 2009** [T1-342]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan and call for a public hearing on September 29, 2009 for Legend Oaks Section 2 Resubdivision of Lot 6. All voting "Aye". MOTION PASSED**

26434 OAK RUN ESTATES [09-3-22 – 2 LOTS] **– APPROVE PRELIMINARY PLAN** [T1-358]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve preliminary plan for Oak Run Estates. All voting "Aye". MOTION PASSED**

26435 **REPLAT OF LOTS 239 AND 243 WOODCREEK SECTION 25** [09-3-20 – 1 LOT] **– WAIVE PRELIMINARY PLAN,A VARIANCE FROM HAYS COUNTY MINIMUM LOT SIZE STANDARDS, AND APPROVE FINAL PLAT** [T1-370]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Judge Sumter to waive preliminary plan, a variance from Hays County minimum lot size standards and approve final plat of Woodcreek Section 25 Re-plat of Lots 239 and 243. All voting "Aye". MOTION PASSED**

26436 **ROBERTS CORNER SUBDIVISION** [09-4-27 -3 LOTS] **– APPROVE PRELIMINARY PLAN** [T1-392]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan of Roberts Corner Subdivision. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING ADOPTION OF THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION BYLAWS AND DISSOLVE THE JOINT POWERS AGREEMENT [T1-419]

Discussion was had regarding membership on the CAMPO board (based on population). No action was taken.

26437 **ACCEPT DONATIONS TO THE HAYS COUNTY HISTORICAL COMMISSION FOR THE JACK C. HAYS DOCUMENTARY FILM AND AMEND THE BUDGET ACCORDINGLY** [T1-665]

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

26438 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE MODIFIED RESOLUTION TO THE GOVERNOR'S OFFICE, CRIMINAL JUSTICE DIVISION FOR THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT PROGRAM** [T1-679]

Grants Administrator Jeff Hauff explained the modification. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Modified Resolution to the Governor's Office, Criminal Justice Division for the Recovery Act: Edward Byrne Memorial Justice Assistance Formula Grant Program. All voting "Aye". MOTION PASSED**

26439 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LICENSE AGREEMENT WITH THE CITY OF SAN MARCOS FOR USE OF THE DRIVE INLETS ON THE NORTHWEST SIDE OF THE OLD COUNTY COURTHOUSE (HOPKINS STREET) BETWEEN THE HOURS OF 8 P.M. AND 4 A.M** [T1-699]

Judge Sumter spoke of her meeting with the City Manager. She recommended use of the long inlet only and add an enforcement clause. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a License Agreement with the City of San Marcos for use of the Drive Inlets on the Northwest side of the Old County Courthouse (Hopkins Street) between the hours of 8 P.M. and 4 A.M. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

26440 **APPROVE THE PURCHASE OF NEW SOFTWARE FOR JURY SELECTION AND AMEND THE BUDGET ACCORDINGLY AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE SOFTWARE LICENSE AND PROFESSIONAL SERVICES AGREEMENT AND AMENDMENT TO EXISTING SOFTWARE MAINTENANCE AGREEMENT** [T1-883]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the purchase of new software for jury selection and amend the budget accordingly and authorize the County Judge to sign the Software License and Professional Services Agreement and amendment to existing Software Maintenance Agreement subject to legal counsel review and approval. All voting "Aye". MOTION PASSED

26441 **APPROVE AN ORDER ESTABLISHING AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM; AUTHORIZE COLLECTION OF FEES RELATIVE TO DISPUTE RESOLUTION; AND AUTHORIZE THE COUNTY JUDGE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CENTRAL TEXAS ALTERNATIVE DISPUTE RESOLUTION, INC, UTILIZING THE DISCRETIONARY EXEMPTION OF THE BIDDING PROCESS, LOCAL GOVERNMENT CODE 262.024** [T1-925]

Anna Bartowski (Central Texas Alternative Dispute Resolution Inc.) spoke of proposal previously discussed by the court and she spoke of issues that have been addressed. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve an Order establishing an Alternative Dispute Resolution system; authorize collection of fees relative to Dispute Resolution; and authorize the County Judge to negotiate an Agreement with Central Texas Alternative Dispute Resolution, Inc., utilizing the discretionary exemption of the bidding process, Local Government Code 262.024. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED. Fee collection to be effective September 8, 2009 or as soon as allowed by law.**

26442 **MODIFY AND/OR TERMINATE EXISTING INTERLOCAL AGREEMENTS FOR REVIEW OF SUBDIVISIONS IN THE EXTRA TERRITORIAL JURISDICTIONS TO ACCOMMODATE THE NEW HAYS COUNTY DEVELOPMENT REGULATIONS** [T1-1498]

Commissioner Barton spoke of this action being taken due to adoption of new county development regulations. **A motion was made by Judge Sumter, seconded by Commissioner Conley to modify and/or terminate existing Interlocal Agreements for review of Subdivisions in the Extra Territorial Jurisdictions to accommodate the New Hays County Development Regulations. All voting "Aye". MOTION PASSED**

26443 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE 1ST AMENDMENT TO AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY PURSUANT TO 263.006 OF THE TEXAS LOCAL GOVERNMENT CODE, ORIGINALLY EXECUTED BETWEEN HAYS COUNTY AND W.C. CARSON ON OR ABOUT JULY 31, 2007; AND TO AUTHORIZE THE PREPARATION AND EXECUTION OF ASSOCIATED CLOSING DOCUMENTS AND REVERSIONARY CLAUSE CHANGED TO 50% AND PROPERTY WOULD REVERT BACK TO SELLER** [T1-1645]

Commissioner Ingalsbe spoke of additional acreage on Wonderworld Drive and diversionary clause in the agreement (must start construction by March 2011). Special Counsel Mark Kennedy spoke of minimal risk to the county. Action was postponed at this time. [T2-859] Court revisited this item. Mark Kennedy advised that if reversion occurs then 50% of the money already paid for the additional acreage will be retained by the Carson's as a penalty. Brenda Jenkins (Broaddus) spoke of need for the additional acreage and need to take action as quickly as possible to stay on track. Mark Kennedy spoke of proposed ground breaking being in February 2010. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute the First Amendment to Agreement for the exchange of real property pursuant to 263.006 of the Texas Local Government Code, originally executed between Hays County and W. C. Carson on or about July 31, 2007; to accept the 4 acres at no cost to the County and purchase 5 acres at half the appraised value of $217,800 and reversionary clause would be changed that if construction does not begin within two years from the date of closing on the 26 acres that the seller would retain 50% of the $217,800 as penalty and the property would revert back to seller. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

26444 **AUTHORIZE THE COUNTY JUDGE TO SIGN A PAYROLL ACCOUNT ACKNOWLEDGEMENT AGREEMENT CHANGING THE FLEXIBLE BENEFIT PLAN (SECTION 125, PREMIUM ONLY PLAN) FROM FISCAL YEAR (10/1) TO A PLAN YEAR OF 10/1/09 THROUGH 12/31/09 AND THEN FROM 1/1/2010 TO 12/31/2010**

[T1-1965] **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a Payroll Account Acknowledgement Agreement changing the flexible Benefit Plan (Section 125, Premium Only Plan) from Fiscal Year (10/1) to a Plan Year of 10/1/09 through 12/31/09 and then from 1/1/2010 to 12/31/2010. All voting "Aye". MOTION PASSED**

26445 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A JOINT ELECTION AGREEMENT WITH THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT** [T1-2010]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute a Joint Election Agreement with the Driftwood Economic Development Municipal Management District. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY IDENTIFIED AS A POSSIBLE VENUE FOR A FIREARMS SHOOTING RANGE IN HAYS COUNTY

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 1:00 p.m. No action was taken.

SAN MARCOS CISD AND THE DIAMOND STANDARD PRESENTED BY DR. PATTY SHAFER, SUPERINTENDENT OF SCHOOLS [T1-2090]

Dr. Patty Shafer, San Marcos CISD Superintendent of Schools, provided the court with accountability ratings given by the Texas Education Agency. She spoke of changes in standards in the state system. She spoke of alternative schooling and efforts to improve the ratings. Dr. Shafer spoke of partnership with Austin Community College and Gary Job Corp.

UPDATE OF PARK BOND APPROVED FUNDING [THE PROJECTS, FUNDING AND WHERE THEY ARE IN CONSTRUCTION OR ACQUISITION PROCESS] [T1-2888]

Commissioners Ingalsbe and Conley were not present when this presentation began. Grants Administrator Jeff Hauff provided a park bond projects status report:

Harrison Park (Dripping Springs) land acquisition = 64.24 acres – approved by Commissioners Court on December 11, 2007 = $775,000 [total project cost of $1,550,000] – project was completed.
Dripping Springs Youth Sports Association Inc. Sports Fields – approved by Commissioners Court on Oct. 7, 2008 = $266,919 [total project cost of $533,000] – project was completed
CFPO-PAL Youth Sports Fields – approved by Commissioners Court on Jan. 22, 2008 = $1,618,417 [total project cost = $1,873,285] – expected completion date of January 2010
Jacob's Well 55 acres land acquisition, land restoration, etc. – approved by Commissioners court on Feb. 26, 2008 = $3,000,000 [total project cost of $10,000,000] – expected completion date of Mid 2012
North Hays Sportsplex – approved by Commissioners Court on March 18, 2008 = $581,000 [total project cost of $1,162,000] – expected completion date of April 17, 2010
Blue Hole Regional Park – approved by Commissioners Court on April 22, 2008 = $2,000,000 [total project cost of $3,160,000] – expected completion date in mid 2011
Stagecoach Park – approved by Commissioners Court on May 13, 2008 = $775,000 [total project cost of $2,500,000] – expected completion date of December 2009
Northeast Regional (Vista) Park – approved by Commissioners Court on May 13, 2008 = $2,479,000 [total project cost of $30,000,000+ - expected completion date is staged with full park completion in 2014
San Marcos Combined Parks Improvements – approved by Commissioners Court on July 22, 2008 = $3,100,000 [total project cost of $8,630,000] – project included improvements to Five Mile Dam Park, Purgatory Creek Preserve, Gary Sports Complex Softball Fields, Rio Vista Tennis Courts and Memorial Park Skate Park - expected completion date of mid 2012 on remaining projects
Dahlstrom Ranch – approved by Commissioners Court on September 30, 2008 = $4,900,000 [total project cost of $10,000,000 + $350,000 park development] – expected completion date of December 31, 2009 for conservation easement with public park access to follow
Five Mile Dam Park Phase I – approved by Commissioners Court on August 12, 2008 = $485,000 and August 14, 2008 = $826,500 [total project cost of $2,604,000] – expected completion date of October 31, 2009
Winter's Mill Trail – approved by Commissioners Court on February 28, 2006 and February 10, 2009 = $100,000 [total project cost of $1,000,000] – expected completion date is pending decision by TxDOT/CAMPO

Clerk's Note: Agenda Item #5 RE: *APPROVE AWARD OF BID #2009-B18 REMOVAL & INSTALLATION OF NEW ROOF FOR THE HAYS COUNTY LAW ENFORCEMENT CENTER TO TEXAS FIFTH WALL ROOFING* **was PULLED.**

Clerk's Note: Agenda Item #11 RE*: RELEASE THE MAINTENANCE BONDS AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SHADOW CREEK SUBDIVISION, PHASE 1,2,3,AND 4* **was PULLED**

Clerk's Note: Agenda Item #32 RE: *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.**

Clerk's Note: Agenda Item #33 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN,* **HDR was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 1, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2ND DAY OF SEPTEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

HOLD A PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING TAX YEAR BY 3.51 PERCENT. (9:00AM).

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. The Court will hold a public hearing on September 9, 2009 will be the tax rate increase
Court was adjourned.

I, LINDA C. FRITSCHE, 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 2, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF SEPTEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

HOLD A PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING TAX YEAR BY 3.51 PERCENT

Judge Sumter declared the public hearing open. Sherri Bilson, Peggy Jones, and Clint Frankmann spoke in opposition to a tax increase. Judge Sumter closed the public hearing.

The County Judge announced that the date to vote on the tax rate and the budget is Sept. 16, 2009 at 9:00 a.m.

Proposed tax rate = **$0.4692** per $100 of taxable value Current tax rate = **$0.4550** per $100 of taxable value

Commissioner Conley suggested various cuts in the budget to bring the tax rate down. Commissioner Barton spoke of emergency services and 9-1-1 dispatch. Court discussed cutting the budget.

APPROVE GRIEVANCE COMMITTEE SELECTION PURSUANT TO LOCAL GOVERNMENT CODE 152.015

Judge Sumter suggested trying to get nine citizens from the selections previously made and made today or go to the option of creating the Grievance Committee consisting of six elected officials and three citizens pursuant to statute. Judge Sumter randomly selected the following for service: James Bert Stubblefield, Linda Mary Gregory, Michael David Cox, Jessica M. Guardiola, Cynthia Hixenbaugh, Nina Beth Wright, Dana James Goodale, Charles Allen Dickens, Heather C. Galloway, Michael P.Donovan, Christa M. Delcastillo, Phyllis H. Edwards, David N. Lovett, Marilyn G. Lawrence, Kevin Edward McClain, Tommy M. Gautier, Jessica Lea Viator Shelby Adam Murrell, Belinda M. Mendoza, and Tammy Ann Hisey,

Court was adjourned.

I, LINDA C. FRITSCHE, 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 9, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF SEPTEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT,

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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mark Newton of First Baptist Church San Marcos gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26446 APPROVE AN APPLICATION BY THE PERSONAL HEALTH DEPARTMENT (PHD) FOR ADDITIONAL FUNDING FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR PHASE 1 AND 2 OF H1N1 RESPONSE. THE ADDITIONAL FUNDING AMOUNT WILL BE UP TO $145,449.00 [T1-38]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve an application by the Personal Health Department (PHD) for additional funding from the Texas Department of State Health Services (DSHS) for Phase 1 and 2 of H1N1 Response. The additional funding amount will be up to $145,449.00. All voting "Aye". MOTION PASSED

26447 ADOPT A PROCLAMATION DECLARING SEPTEMBER 15 THROUGH OCTOBER 15, 2009 AS HISPANIC HERITAGE MONTH IN SAN MARCOS

Commissioner Ingalsbe recognized the decedents of Jose Policarpio "Polly" Rodriguez that were present: Becky Sierra, Ronnie Mendez, Katina Mendez, Ernest Vargas, Celia Williams, Robert Williams, and Debbie Smith. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation declaring September 15 through October 15, 2009 as Hispanic Heritage Month in San Marcos. All voting "Aye". MOTION PASSED**

26448 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payments of county invoices in the amount of $664,305.84 for week ending September 8, 2009 and in the amount of $435,652.72 for week ending September 15, 2009 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26449 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 1, 2 & 9, 2009

Commissioner Ford requested correction on item #26437. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of September 1, 2 & 9, 2009 as presented by the County Clerk with correction to resolution #26437. All voting "Aye". MOTION PASSED**

26450 APPROVE THE CONTRACT RENEWAL FOR DR. ALBERTO SANTOS III. DO TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the Contract Renewal for Dr. Alberto Santos III, D.O. to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED

26451 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH FUGRO CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED $6300.00 FOR MATERIALS TESTING ASSOCIATED WITH PHASE II CONSTRUCTION AT FIVE MILE DAM PARK

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an Agreement with Fugro Consultants, Inc. in an amount not to exceed $6,300.00 for materials testing associated with Phase II construction Five Mile Dam Park. All voting "Aye". MOTION PASSED

26452 CALL FOR A PUBLIC HEARING ON SEPTEMBER 29, 2009 REGARDING RENAMING OF A PRIVATE ROAD IN THE HERMOSA PALOMA OVERLOOK SUBDIVISION FROM ITS CURRENT NAME, HERMOSA PALOMA OVERLOOK TO HERMOSA PALOMA [T1-205]

Ten landowners are requesting renaming of the road – drop "Overlook". **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a Public Hearing on September 29, 2009 regarding renaming of a private road in the Hermosa Paloma Overlook Subdivision from its current name, Hermosa Paloma Overlook to Hermosa Paloma. All voting "Aye". MOTION PASSED**

26453 CALL FOR A PUBLIC HEARING ON SEPTEMBER 29, 2009 TO CONSIDER 1) THE PROPOSED IMPROVEMENTS TO OWL HOLLOW ROAD AND EAST OWL HOLLOW ROAD WITHIN THE ROCKY RANCH I SUBDIVISION IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, *PRO RATA*, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY OF THE ROCKY RANCH I SUBDIVISION [T1-244]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a Public Hearing on September 29, 2009 to consider 1) the proposed improvements to Owl Hollow Road and East Owl Hollow Road within the Rocky Ranch I Subdivision in Hays County to cause the roadway to comply with Hays County Road Standards, and 2) the assessment of all or part of the costs of the improvement, Pro Rata, against the record owners of the Real Property of the Rocky Ranch I Subdivision. All voting "Aye". MOTION PASSED

26454 GATLIN PRAIRIE SUBDIVISION [09-4-13 – 2 LOTS] **- APPROVE FINAL PLAT** [T1-253]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Final Plat of Gatlin Prairie Subdivision. All voting "Aye". MOTION PASSED**

26455 ROBERTS CORNER SUBDIVISION [09-4-27 – 3 LOTS] **– APPROVE FINAL PLAT** [T1-266]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Final Plat of Roberts Corner Subdivision. All voting "Aye". MOTION PASSED**

26456 READ SUBDIVISION [09-4-26 – 2 LOTS] **- APPROVE FINAL PLAT** [T1-306]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Final Plat of Read Subdivision. All voting "Aye". MOTION PASSED**

26457 OAK RUN ESTATES [09-3-22 – 2 LOTS] **- APPROVE FINAL PLAT** [T1-318]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Final Plat of Oak Run Estates. All voting "Aye". MOTION PASSED**

26458 PURCHASE TWO (2) C3 MAESTRO CONSOLES/IMC EQUIPMENT, TWO (2) ZETRON MODEL 25 PROGRAMMABLE ENCODER, AND CIRCUITS FROM LCRA FOR THE HAYS COUNTY SHERIFF'S OFFICE 9-1-1 EMERGENCY COMMUNICATIONS DIVISION [T1-336]

Clay Huckaby, Buda Fire Chief/Hays County Fire Chiefs Association, spoke in support of the equipment being requested. **A motion was made by Commissioner Conley, seconded by Commissioner Barton, to purchase two (2) C3 Maestro Consoles/IMC Equipment, two (2) Zetron Model 25 Programmable Encoder, and Circuits from LCRA for the Hays County Sheriff's Office 9-1-1 Emergency Communications in the amount of $136,190 to be paid out of reserve funds and exempt from bid process due to sole source. All voting "Aye". MOTION PASSED**

26459 ACCEPT A GRANT AWARD FROM THE GOVERNOR'S OFFICE, CRIMINAL JUSTICE DIVISION FOR THE SHERIFF'S SCHOOL RESOURCE OFFICER IN THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT FOR $10,139.00 [T1-525]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept a grant award from the Governor's Office, Criminal Justice Division for the Sheriff's School Resource Officer in the Wimberley Independent School District for $10,139.00. All voting "Aye". MOTION PASSED

26460 AUTHORIZE THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE FLU SHOTS TO HAYS COUNTY EMPLOYEES/DEPENDENTS AND RETIREES AT NO COST [T1-548]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the Hays County Personal Health Department to provide Flu Shots to Hays County Employees/Dependents and Retirees at no cost. All voting "Aye". MOTION PASSED

26461 APPROVE A RESOLUTION ADOPTING PROVISIONS OF SUBCHAPTER F OF CHAPTER 233 OF THE LOCAL GOVERNMENT CODE REQUIRING INSPECTION OF RESIDENTIAL CONSTRUCTION IN UNINCORPORATED AREAS OF THE COUNTY [T1-602]

Hank Smith (Texas Engineering Solutions and Vice President of Austin Area Home Builders Association) spoke in support of the resolution. The Texas Residential Construction Commission was "sunsetted" or dissolved by the Texas Legislature and ceased operations on September 1, 2009. HB2833 provides counties with authority to continue residential inspections and authority for enforcement. For clarification: this will apply only to dwelling units that will be occupied. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a Resolution Adopting Provisions of Subchapter F of Chapter 233 of the Local Government Code requiring inspection of residential construction in unincorporated areas of the County. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

26462 ADOPT A RESOLUTION IN SUPPORT OF THE HILL COUNTRY CONSERVANCY AND THE CITY OF AUSTIN'S APPLICATION FOR FUNDING UNDER THE TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) DISCRETIONARY GRANT PROGRAM FOR THE "WALK FOR A DAY" TRAIL SYSTEM [T1-988]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt a Resolution in support of the Hill Country Conservancy and the City of Austin's Application for funding under the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant Program for the "Walk for a Day" Trail System. All voting "Aye". MOTION PASSED

26463 ADOPT A RESOLUTION IN SUPPORT OF FM 110 AND THE APPROVAL OF THE ENVIRONMENTAL DOCUMENT BY THE TEXAS DEPARTMENT OF TRANSPORTATION [T1-1088]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Resolution in support of FM 110 and the approval of the Environmental Document by the Texas Department of Transportation. All voting "Aye". MOTION PASSED

26464 APPOINT JOE SEGOVIA TO FILL A VACANCY ON THE HAYS COUNTY ESD BOARD #8 [T1-1113]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Joe Segovia to fill a vacancy on the Hays County ESD Board #8 replacing James Mike Huckaby and term effective immediately to expire December 31, 2009. All voting "Aye". MOTION PASSED

26465 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCED FUNDING AGREEMENTS FOR CSJ #0016-02-120, IH-35 AT CEMENT PLANT ROAD OVERPASS; CSJ #0471-02-064, SH21 AT FM2001; AND CSJ#0471-02-063, SH21 AT RHODE LANE WITH THE TEXAS DEPARTMENT OF TRANSPORTATION [T1-1200]

Commissioner Barton spoke of possible changes that could be made in the future to these projects. He spoke of FHWA funding. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Advanced Funding Agreements for CSJ #0016-02-120, IH-35 at Cement Plant Road Overpass, CSJ #0471-02-064, SH21 at FM2001; and CSJ #0471-02-063, SH21 At Rhode Lane with the Texas Department of Transportation court discussed the potential need in the future to amend these contracts and any final work on Rhode Lane at SH21 would be contingent upon an Interlocal Agreement with Caldwell County work would not commence until we have an Agreement with Caldwell County. All voting "Aye". MOTION PASSED**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER (PRIME STRATEGIES) AND JEFF CURREN (HDR) [T1-1548]

Jeff Curren (HDR) gave an update regarding US290 (RM12 to McGregor), RM12 @ Sports Park Drive, RM1826 @ Nutty Brown Road, RM1826 @ Crystal Hill Drive, RM2826 @ Darden Hill Road/CR162, RM1826 @ RM967, RM 2325 (Fischer Store Rd to Carney Lane), RM12 @ old Kyle Road, RM 12 & RM32 junction, RM12 Parkway Development, RM12 @ Hugo Road/CR214, RM12 @ Sink Creek, RM12 @ Wonder World Drive, Old Bastrop Hwy/CR266, SH21 @ High Road/CR127, SH21 @ FM2001, SH21 @ Rohde Road/CR126, Dacy Lane/CR205 (Bebee to Windy Hill), Lime Kiln Road @ Sink Creek, Post Road/CR140, Lakewood Drive @ FM1626, and RM967 @ Ruby Ranch Road. Jeff Watson (Prime Strategies) gave an update regarding FM1626 (from FM2270 to FM967), FM1626 (from FM967 to Brodie Lane), FM110 (from IH35 to SH123), US290 (from Nutty Brown Road to Trautwein Road), IH35 Phase I (from FM2001 to FM1626 & Kyle Crossing/CR210 Overpass), IH35 Phase IIA (RM150 realignment), IH35 Phase IIB (FM1626 to Yarrington), and FM2001 (Frontage Road Connector).

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING EXISTING OR CONTEMPLATED EMPLOYMENT CLAIMS INVOLVING HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 1:00 p.m. No action taken.

H1N1 UPDATE AND EXERCISE DISCUSSION PRESENTED BY PRISCILLA HARGRAVES [T1-2115)

Chuck Chapman, RN/Emergency Preparedness Coordinator, spoke of POD Exercise to be held in October. The exercise is scheduled to be a drive-thru flu clinic, with the seasonal flu vaccine as provided by the State of Texas. Health Department Director Priscilla Hargraves spoke of signage and staff that will be providing information to the public. The H1N1 flu is present in Hays County at this time and increasing in numbers.

HAYS COUNTY STRATEGIC COMMUNICATIONS PLAN WORKSHOP PRESENTED BY CHIEF HUCKABY [T1-3220]

Buda Fire Chief Clay Huckaby (Hays County Fire Chief Association) spoke of having created a committee of public safety professionals from each Fire and EMS Departments, as well as the Hays County Sheriff's Office Emergency Communications Center. The main purpose of this committee has been to address those issues which currently prevent the ultimate goal of a unified, co-located, countywide, shared 9-1-1 communications center. Current staffing at the Emergency Communications Center (ECC) is 13 fulltime Emergency Communication Officers (ECO), 1 part-time ECO, and 4 ECO supervisors [each working 12 hour shifts]. The center is only able to maintain minimal staff of 3 ECO's per shift. Hays County ECC only meets 53% of the requirement for the Insurance Services Office grading. The lack of available ECO's leads to public safety hazards. CAPCOG's upgrade to the 9-1-1 mapping system is in the final stages. The new Incident Management System (IMS) is provided at no cost to Hays County and can be used to run reports and track incidents. Two additional LCRA radio consoles were approved by Commissioners Court today and 10 new ECO's for Fire and EMS Dispatching (2 per shift) will improve the safety of citizens and first responders in Hays County. Impact on the 2009/2010 budget = $356,111. Chief Huckaby spoke of implementation timeline and creation of a Review Committee (consisting of one member each from HCFCA, Sheriff's Office, County Commissioner, Fire ESD Commissioner, EMS ESD Commissioner, CAPCOG representative, and one citizen of Hays County) which will oversee the implementation of the plan, evaluate and report on its progress, and measure overall effectiveness. ESD's will contribute funding as determined by their boards (possibly $80,000-$100,000). Sharon O'Brien advised that the ESD's will probably fund equipment rather than salaries. Deputy Sheriff Dennis Gutierrez spoke of training required for an ECO and retention of those officers.

26466 REVIEW BY GRANTS ADMINISTRATOR OF PROPOSED EVALUATION CRITERIA AND PROJECT SOLICITATION/SELECTION PROCESS FOR THE REMAINING 2007 PARK BOND FUNDS AS PROPOSED BY THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD WITH ACTION BY THE COURT [T2-753]

Grants Administrator Jeff Hauff spoke of criteria for review of future park bond projects developed by the Hays County Parks and Open Space Board. Before a project or property can be scored, it must be in an area identified as high value habitat for the Golden-cheeked Warbler or Black-capped Vireo by the Regional Habitat Conservation Plan or a qualified biologist. The property owner must be willing to sell the property, or an interest in the property such as a conservation easement, and must be able to convey clear title. Property must score at least 50 points - categories: secure public access to waterways, preserve water quality and quantity (especially in aquifer recharge areas), conserve wildlife habitat (in particular for endangered species), passive recreation and open space. Other considerations will be considered, although no points are awarded. Proposed date to call for projects is October 1, 2009 and close application period on November 16, 2009. Laurie Olson (Trust for Public Lands) spoke. Discussion was had regarding scoring of projects and types of project to be funded. Discussed Sports Shooting Complex as a possible project. **A motion was made by Judge Sumter, seconded by Commissioner Barton to utilize the scoring criteria with the changes that were made and put together a sub-committee of Commissioner Barton, Commissioner Ford, Todd Derkacz, Steven Marlow and Grants Director Jeff Hauff to revamp the letter that the five agree on and submit application for conservation. All voting "Aye". MOTION PASSED**

26467 DISCUSSION AND ACTION ON PROPOSED CAPITAL CONSTRUCTION PROJECT OF HAYS COUNTY GOVERNMENT CENTER – TO GO OUT FOR RFP'S FOR DESIGN BUILD SERVICES TO THE SHORT LIST OF FIVE FIRMS [T2-3314]

Brenda Jenkins spoke of RFP. She spoke of work done regarding the Wimberley/Pct. 3 Offices (project has been suspended by Commissioner Conley), R&B Addition, Jail, and Precinct 2 Offices. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to go out for RFP's for design build services to the short list of five firms for the Government Center. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY WITH POTENTIAL FOR PRIME ENDANGERED SPECIES HABITAT

Allen Glenn gave an update on the Regional Habitat Conservation Plan and discussed credits. Clift Ladd spoke. Court convened into closed executive session at 6:10 p.m. and reconvened into open meeting at 6:25 p.m. No action taken.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 15, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF SEPTEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

PUBLIC HEARING ON THE PROPOSED FY2010 HAYS COUNTY BUDGET

Judge Sumter declared the public hearing open.

CONSTABLE PCT. 2
Constable Pct. 2 James Kohler requested that the vehicle and equipment be allowed effective October 1, 2009 (Deputy Constable to begin in April 2010). Cost = $70,000 for the vehicle and Deputy position for ½ year.

HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT
Dorothy Knight, representing the "Citizens Alliance For Responsible Development" supports funding in the amount of $100,000 for the Hays Trinity Groundwater Conservation District. Jack Hollon, Hays Trinity Groundwater Conservation District, spoke in support of $100,000 in funding from the LCRA fees. [T1-902] David Baker spoke in support of funding for the HTGCD.

SHERIFF'S DEPT.
Sheriff Tommy Ratliff spoke of 3 vehicles (narcotics division) that were scheduled for replacement this year and were not approved in the proposed budget. Total cost of $58,680.42. Also requested 2 vehicles needed for transport officers. Sheriff Ratliff requested a contingency plan for Buda in the event that the contract with Buda stays in effect throughout the 2010 fiscal year. He requested a special projects fund ($5,000) in order to provide food and water at crime scenes and for multi-agency meetings. Court suggested taking the $5,000 out of reserves from crime prevention reserves. Sheriff Ratliff spoke of need to shred 300 boxes of records. Deputy Mike Davenport spoke of uniforms provided to officers - $32,000 needed. Commissioner Barton spoke of using Road Dept. traffic data/equipment that could possibly be used by Sheriff's Dept. for traffic control in subdivisions.

HAYS COUNTY FOOD BANK
Director Terry Grayson thanked the court for their support of the food bank

ENVIRONMENTAL HEALTH
Tom Pope spoke of need for additional funding in the postage line item – additional $4,000 is needed. [T1-1637] He spoke of 6% increase when Sanitarian receives certification.

PALS – PREVENT A LITTER
Sharri Boyett, PALS Executive Director, requested $19,500 to provide eight neutering/spaying clinics throughout the county.

COMMUNITY ACTION
Carole Belver, Executive Director of Community Action Inc. thanked the court for their support.

BUDA SENIOR CITIZENS
Richard Harlow thanked the court for their support

GIS/9-1-1 ADDRESSING
Steve Floyd spoke of need for change in title for several employees in his department. Jobs need to be referred to as GIS Analyst & GIS Technician. Shari Miller (Human Resources) spoke of using technical title when posting jobs rather than the job titles currently listed.

FRIENDS OF THE BUDA LIBRARY [T1-1601]
Eileen Altmiller thanked the court for their support.

Public Hearing was closed.

26468 SET THE SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY2010 [T1-1770]

There was no increase in Elected Officials salaries except for the longevity that is earned and paid out in December annually based on years of service. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to set the salaries and allowances for Hays County Elected Officials for FY2010 as published – the only increase in salary is longevity – Commissioner Conley declined receipt of his longevity in the amount of $240. All voting "Aye". MOTION PASSED**

26469 ADOPT THE FY2010 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES [T1-1903]

R & Bridge Dept. needs additional $20,000 for damages, repairs, etc. Sheriff's Dept. Dispatchers (10 new) – $26,549 minimum salary per dispatcher. Start 5 dispatchers in January and 5 dispatchers in May. $165,000 needed. Tax rate was discussed.

45.50 cent tax rate currently
46.92 cent tax rate published
46.50 cent tax rate proposed today

Discussed capital improvements (government center, Pct. 2 offices, R&B building, and jail improvements). Discussed employee one time payments of 1% and the 4% step for law enforcement. Discussed reduction in funds allocated for hot mix. Discussed various road project throughout the county ($2.4 million is suitable for reserves or C.O. financing). The following items were reconsidered:

Countywide increase sales tax to balance general fund	(100,000)	
Roll balance for financial system	(220,000)	
Rent for Thorpe Lane property		30,000
Jail repairs projects		600,000
Broaddus Project Management		1,000,000
Commissioner Pct. 3	(240)	
Fire Marshal – LEOSE funds		4,000
Veterans Office – salary corrections	(12,641)	
TP&W HCP – roll in-kind – co match		~~12,100~~ 6,000
JP's – time payment balances	(475)	
Human Resources – clarification on 1% one-time payment		
Environmental Health – Sanitarians – 1% one-time		
Environmental Health – postage – new subdivision rules		4,000
GIS – title changes		
JP1-1 – part-time to 30 hrs w/fringe		~~16,024~~ midyear review of all JP & Constable staff
Constable 1 – Itronix stand & docking		600
Constable 1 – vehicle maintenance		1,000
Constable 2 – Deputy Constable w/fringe		~~28,486~~ midyear review
Constable 2 – vehicle & equipment		~~41,700~~ midyear review
Constable 3 – vehicle maintenance & repair		~~1,500~~ 1,000
Constable 3 – Itronix & antennae (no docking)		5,541
Sheriff – Dispatch equipment		**136,190 from reserves**
Sheriff – 3 vehicles (unmarked)		58,681 \
Sheriff – 2 transport vehicles w/equipment		50,000 / **$55,000 reserves**
Sheriff – contingency plan for BLE		
Sheriff – special project line item		~~5,000~~
Sheriff – uniform expense ($20,000 is budgeted)		~~30,000~~ 10,000
Jail – document shredding		~~1,500~~
PALS – Prevent a Litter $2500 per clinic – request 8		~~14,500~~
RPTP – contract road work – misc portable toilets, fence repair, line repair Well repair, telephone repair		20,000
Juvenile Detention – increase revenue to reflect new rates	(500,000)	
Juvenile Detention – staff salaries		393,463
Juvenile Detention – FICA/Retirement		70,037
Juvenile Detention – Janitorial & Cleaning		36,500
Fire Code funding (fire inspector) - ($50,000 already budgeted)		50,000

Commissioner Barton spoke of request from Buda Library regarding regional interlibrary loans (requested $2500 for a total of $12,000 for all libraries). Precinct 2 – temporary personnel – reduce to $10,000 (decrease by $200). Precinct 1 – change cemetery maintenance line item to community program expense. Discussed road projects and funding. Discussed sales tax.

Employee's One time payment
Court clarified that the 1% one-time payment to employees was budgeted on base salary for employees eligible for insurance – across the board. Assistant District Attorney IV's to receive one time payment. Extension Agents and Court Reporters to receive? Discussed changing to: no minimum amount, $500 maximum, and at the discretion of the department head. Cost is $174,000 + $6,000 in the General Fund and $1,000 each for R&B & Juvenile Detention to be paid from reserves.

Discussion was had regarding projected sales tax figures ($9.4 – 9.5 million).

Social Service Agencies 5% increase was suggested on August 18, 2009 to Hays County Area Food Bank, Hays/Caldwell Council on Alcohol & Drug Abuse, Hays/Caldwell Women's Center, Scheib Opportunity Center, Southside Community Center, Greater San Marcos Youth Council, Casa of Central Texas, Hays Child Welfare Board, and Nosotros La Gente and agreed to this date. $250 added to budget for Nosotros Le Gente.
PALS (Prevent a Litter) – put $2500 in a discretionary fund for a designated event if needed.

County Judge
Staff salary and allowance was adjusted in the amount of $4480 on August 18, 2009 – correction needs to be made to that amount. Reduce by $1,000 - $3480 added to salary instead of $4480.

Discussed clarification by TAC that retirement contribution is based on salary plus any allowances (travel, etc.) which will require addition of $13,000 in the budget.

Employees One time payment [T3-270]
Court discussed, clarified, and agreed to the following details for the 1% employee one time payment:

1. One time payment is to be 1% of the employees base salary
2. One time payment applies only to employees who were hired before April 1, 2009
3. All Fulltime employees are to receive the one time payment
4. Part-time employees are to receive the one time payment at the discretion of the department head
5. The $250 minimum amount is removed and the $500 maximum amount remains
6. The one time payment MUST be awarded November 30, 2009
7. District Court Reporters are to receive 1% of the percentage of their salary that is paid by Hays County
8. Extension Agents are to receive 1% of the salary that is paid by Hays County
9. Attorney IV's and First Assistant DA are to receive the 1% one time payment of their base salary
10. Sanitarians are to receive the 1% one time payment and if/when they pass their test they would only receive a 5% incentive increase
11. Juvenile Center part-time employees payment to be determined by averaging the base salary as of April 1, 2009
12. Maxed-out employees, those who are still employed at payout, and those employees who are on leave without pay will receive the one time payment
13. Employees on disciplinary leave do not receive the one time payment

Payout of one time payment is contingent on economic indicators regarding sales tax revenue in a 3-month time period to be equal to or more than last years rate.

Discussed financing Capital Improvements (major road projects). Discussed tax rate figured in the budget for capital improvements (for government center, precinct offices, etc.). Court agreed to rollover $1 million into misc. capital improvements (total of $5.5 million). $7291 surplus to go into social services discretionary fund [$2500 for PALS, $1000 for Food Bank, $3791 not earmarked].

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt the FY2010 Hays County Budget with changes made this date. Commissioner Ford, Commissioner Barton, Commissioner Ingalsbe, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

26470 RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY2010 HAYS COUNTY BUDGET [T3-1436]

County Auditor Bill Herzog stated that this budget will raise more total taxes than last year's budget by $4,376,427 (9.5%) and of that amount, $3,337,140 is tax revenue to be raised from new property added to the tax roll this year. **A motion was made by Judge Sumter, seconded by Commissioner Ford to ratify the property tax increase reflected in the FY2010 Hays County Budget. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

26471 APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY2010 AND LEVY THE TAXES [T3-1465]

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve an Order Adopting the Tax Rate for FY2010 and Levy the Taxes. Commissioner Ford, Commissioner Barton, Commissioner Ingalsbe, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

ORDER ADOPTING AN AD VALOREM TAX RATE FOR FISCAL YEAR 2010 FOR HAYS COUNTY

THE STATE OF TEXAS
COUNTY OF HAYS

ON this 16th day of September, 2009, the Commissioners' Court of Hays County, Texas, pursuant to Chapter 26 of the Texas Property Tx Code, hereby adopts this order setting the fiscal year 2010 ad valorem tax rate as follows: All figures are in pennies per $100 taxable property valuation.

General Maintenance and Operations	33.55 cents
General Debt	8.26 cents
Road and Bridge M&O	5.11 cents
TOTAL AD VALOREM TAX RATE FOR FISCAL YEAR 2010	46.92 cents

Court was adjourned.

I, LINDA C. FRITSCHE, 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 16, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF SEPTEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mike Schlimgen of Solid Rock Church gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26472 ADOPT A PROCLAMATION PROCLAIMING SEPTEMBER 23, 2009 AS NATIONAL JOB CORPS DAY

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation proclaiming September 23, 2009 as National Job Corps Day. All voting "Aye". MOTION PASSED

PRESENTATION BY ADAN MUNOZ, DIRECTOR OF THE TEXAS COMMISSION ON JAIL STANDARDS [T1-72]

Adan Munoz, Director of the Texas Commission on Jail Standards, spoke of inspection performed on September 15-16, 2009. Areas of non-compliance were in the kitchen (floor tiles that are cracked or missing and kitchen ceiling is cracked and worn away), no two-way voice communication at all times in holding cells 1 & 2 at the Justice Center, and there is mold and mildew on the walls of the walk-in coolers/freezers due to the deterioration of the cooler walls from rust. There are also problems in the inmate living areas – walls, partitions, showers, and vents are rusted; indoor recreation areas have concrete that either have cracks or holes in the walls; lavatories that did not provide sufficient pressure; toilet that would not flush; and visible signs that the roof is leaking due to the roof damage throughout the facility. Mr. Munoz spoke of steps to be taken at this point. If no substantial action is taken then TCJS can take action and mandate removal of inmates. Deputy Brad Robinson spoke of treating the rust and difficulty in getting parts to work on intercom system. Brenda Jenkins (Broaddus & Associates) spoke of working with staff at the jail to look at the various issues – the plan is to go ahead and do the work that needs to take place right away. There is a plan moving forward at this time.

26473 APPROVE PAYMENTS OF COUNTY INVOICES

Pg 28 – change Mt. Gainor Road to Oak Branch acct#42-697-5611 ($436,834.46) and check on Commissioner Pct. 1 cell phone bill = $96.38 (duplicate invoice?) Pg 11. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $3,821,278.89 as submitted by the County Auditor with changes. All voting "Aye". MOTION PASSED**

26474 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 15TH & 16TH 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of September 15 & 16, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26475 APPROVE IFB #2009-B20 SPECIFICATIONS FOR EMULSION OILS FOR THE HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve IFB #2009-B20 Specifications for emulsion oils for the Hays County Road Department and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26476 APPROVE SPECIFICATIONS FOR RFP #2009-P14 ENGINEERING SERVICES/TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM/PHASE 2 AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for RFP #2009-P14 Engineering Services/Texas Community Development Block Grant Program/ Phase 2 and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

26477 APPROVE SPECIFICATIONS FOR RFP #2009-P15 MANAGEMENT SERVICES/TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM/ PHASE 2 AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for RFP #2009-P15 Management Services/Texas Community Development Block Grant Program/Phase 2 and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

26478 ADOPT A 'RESOLUTION AUTHORIZING COUNTY GRANT' CERTIFYING THAT A GRANT HAS BEEN MADE TO COMBINED COMMUNITY ACTION, INC. THAT PROVIDES MEALS TO HOMEBOUND PERSONS IN THE COUNTY FOR THE AMOUNT OF $7,410.00

A motion was made by Commissioner Barton, seconded by Commissioner Ford to adopt a Resolution Authorizing County Grant certifying that a grant has been made to Combined Community Action, Inc. that provides meals to Homebound persons in the County for the amount of $7,410.00. All voting "Aye". MOTION PASSED

26479 APPROVE THE 2010 SHERIFF AND CONSTABLES' FEES AS REQUIRED BY LOCAL GOVERNMENT CODE SECTION 118.131

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the 2010 Sheriff and Constables' fees as required by Local Government Code Section 118.131. All voting "Aye". MOTION PASSED The court requested notification next year for consideration of increase in fees.

26480 APPROVE RENEWAL OF BID #2008-B16R "HAULING OF SOLID WASTE" FOR THE TRANSFER STATION FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of bid #2008-B16R "Hauling of Solid Waste" for the Transfer Station for one (1) additional year as provided in the original bid. All voting "Aye". MOTION PASSED

26481 RATIFY THE COUNTY JUDGE'S EXECUTION OF THE 4TH AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN HAYS COUNTY, THE HILL COUNTRY CONSERVANCY AND THE CITY OF AUSTIN FOR THE DAHLSTROM RANCH PROJECT

A motion was made by Commissioner Barton, seconded by Commissioner Ford to ratify the County Judge's execution of the 4th Amended and Restated Memorandum of Understanding (MOU) between Hays County, The Hill Country Conservancy and the City of Austin for the Dahlstrom Ranch Project. All voting "Aye". MOTION PASSED

26482 CALL FOR A PUBLIC HEARING ON OCTOBER 6, 2009 TO ESTABLISH TRAFFIC REGULATIONS AT ALL SCHOOL ZONE LOCATIONS ON COUNTY-MAINTAINED ROADS [T1-772]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to call for a public hearing on October 6, 2009 to establish traffic regulations at all school zone locations on county-maintained roads. All voting "Aye". MOTION PASSED

26483 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR ALTERNATIVE DISPUTE RESOLUTION SERVICES WITH CENTRAL TEXAS ALTERNATIVE DISPUTE RESOLUTION, INC [T1-783]

Anna Bartowski spoke of responsibilities of the DRC regarding CPS issues. Discussed termination terms: termination at any time for any reason or no reason provided there is mutual written consent by both parties. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute an Agreement for Alternative Dispute Resolution Services with Central Texas Alternative Dispute Resolution, Inc. provided that we amend the termination clause to include "at any time for any reason or no reason provided there is mutual written consent by both parties" Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

26484 IMPLEMENT POSITION CHANGES IN THE SHERIFF'S OFFICE [T1-1003]

The Sheriff is recommending: delete the following positions – Captain, Lieutenant, and Deputy and add the following positions – Lieutenant, Detective, Sergeant – Traffic. This action would have a total savings of $14,183. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to implement position changes in the Sheriff's Office effective immediately. All voting "Aye". MOTION PASSED**

26485 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT CONTRACT AWARD OF $250,000 FROM THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR PHASE II OF THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT [T1-1019]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Grant Contract Award of $250,000 from the Texas Department of Rural Affairs for Phase II of the Cedar Oak Mesa Water System Improvement Project. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING AUTHORIZING COMMISSIONER BARTON TO EXECUTE A CONTRACT WITH TATE AUSTIN HAHN RELATED TO PCT 2 AND BOND ROADS [T1-1047]

Discussed signage to give public notice of road closures on upcoming road improvements. RPTP Director Jerry Borcherding advised that he will speak to HDR regarding this issue. There is a public outreach clause in the HDR contract.

DISCUSSION REGARDING HAYS COUNTY ROAD PROJECTS SELECTED TO RECEIVE FUNDING THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (KNOWN AS THE FEDERAL STIMULUS PACKAGE) [T1-1425]

Commissioner Barton spoke of need for dedicated staff to see if there is funding available through the American Recovery and Reinvestment Act (known as the Federal Stimulus Package). Lisa Wright, RPTP Senior Planner, could coordinate with CAMPO and give periodic reports to the Commissioners' Court.

26486 APPROVE PURCHASE OF A COMPUTER, MONITOR AND CARE PACK SERVICES, IN THE AMOUNT OF $1,125.48 FOR THE TAX COLLECTORS OFFICE, AND AMEND THE BUDGET ACCORDINGLY [T1-1720]

$1,125.48 will fund an HPCompaq Business Desktop, ViewSonic Monitor, and HP Care Pack Services (4 year) for the tax office. The budget amendment transfers $1,125.48 from line item #01-415-5021 to #01-456-5712. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve purchase of a computer, monitor and care package, in the amount of $1,125.48 for the Tax Collectors Office, and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26487 EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF ROSANNA RAMIREZ, CLERICAL CLERK, COUNTY CLERK OFFICE WITH ACTION IN OPEN COURT [T1-1748]

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 11:20 a.m. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to have the county official records to properly reflect that Rosanna Ramirez, who is currently employed in the County Clerk's office, has experienced a continuation of employment with Hays County beginning on her hire date of January 29, 1990, subject to execution by Hays County and Mrs. Ramirez of accompanying documents presented by legal counsel. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #20 Re: *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.**

Clerk's Note: Agenda Item #21 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was pulled.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 22, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29TH DAY OF SEPTEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Robin Steele of Promiseland Church gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26488 ADOPT NATIONAL NIGHT OUT 2009 PROCLAMATION

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt National Night Out 2009 Proclamation. All voting "Aye". MOTION PASSED

26489 PRESENTATION FROM DENNIS THOMAS WITH CENTRAL TEXAS RESOURCE CONSERVATION AND DEVELOPMENT (CTRC&D) REGARDING THAT ORGANIZATIONS WORK AND THEIR SUPPORT OF A TIRE RECYCLING EVENT SCHEDULED FOR SATURDAY, OCTOBER 24, 2009 AT THE PCT. 4 YARD AND RECYCLING CENTER AND ACCEPT FUNDS FOR SUPPORT OF THAT EVENT

Dennis Thomas, Executive Director of CTRC&D, spoke of services provided and $6400 grant obtained from TCEQ. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept funds in the amount of $6,400 from the CTRC&D to support Tire Recycling Event. All voting "Aye". MOTION PASSED**

PUBLIC COMMENT
Constable James Kohler made public comment.

26490 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $801,560.86 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26491 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 22, 2009

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

26492 APPROVE INSTITUTIONAL OSSF PERMIT FOR BALDEMAR ESPINOZA, LOCATED AT 2802 A GOFORTH ROAD, KYLE, TX 78640, PCT. 1

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Institutional OSSF Permit for Baldemar Espinoza, located at 2802 A Goforth Road, Kyle, TX 78640, Pct 1. All voting "Aye". MOTION PASSED

26493 APPROVE THE OFFICIAL BOND OF ANNA MARTINEZ BOLING AS JUDGE, COUNTY COURT AT LAW #1

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the Official Bond of Anna Martinez Boling as Judge, County Court at Law #1. All voting "Aye". MOTION PASSED

26494 APPROVE GRIEVANCE COMMITTEE SELECTION PURSUANT TO LOCAL GOVERNMENT CODE 152.015

Judge Sumter randomly selected the following for service on the Grievance Committee: Mary Broun Decker, Lisa Gayle Elliott, Grant Rogers Carroll, Rebecca Medina Mejia, Gloria Gonzales, Juan Simon Elicerio, Paula G. Gamez, Selena Stavley Meyers, Kerry Lee Rash, Theresa Schwartz, Harold D. Miller, Sue Von Rosenberg, Ronald Wayne Johnson, Juanita Flint Greene, Jimmy Dawane White. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Grievance committee selection pursuant to Local Government Code 152.015. All voting "Aye". MOTION PASSED**

26495 RATIFY EXECUTION OF AMERICAN RECOVERY & REINVESTMENT ACT – RECIPIENT AFFIDAVIT

A motion was made by Commissioner Barton, seconded by Commissioner Ford to ratify execution of American Recovery & Reinvestment Act – Recipient Affidavit. All voting "Aye". MOTION PASSED

26496 APPROVE HEALTH SERVICE AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION, INC. OF HAYS, CALDWELL AND BLANCO COUNTIES

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

26497 APPROVE COMMERCIAL OSSF PERMIT FOR MIKE MORGAN, TO SERVE THE MEMORY LANE EVENT CENTER, 403 K.C MEMORY LANE, DRIPPING SPRINGS, TX PCT.4

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commercial OSSF Permit for Mike Morgan, to serve the Memory Lane Event Center, 403 K.C. Memory Lane, Dripping Springs, TX Pct 4. All voting "Aye". MOTION PASSED

26498 HOLD A PUBLIC HEARING REGARDING RENAMING OF A PRIVATE ROAD IN THE HERMOSA PALOMA OVERLOOK SUBDIVISION FROM ITS CURRENT NAME, HERMOSA PALOMA OVERLOOK TO HERMOSA PALOMA [T1-292]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve renaming of a private road in the Hermosa Paloma Overlook Subdivision from its current name, Hermosa Paloma Overlook to Hermosa Paloma. All voting "Aye". MOTION PASSED**

26499 CALL FOR A PUBLIC HEARING ON OCTOBER 13, 2009 TO ESTABLISH TRAFFIC REGULATIONS (SCHOOL ZONE) ON CENTER POINT ROAD [T1-306]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to call for a public hearing on October 13, 2009 to establish traffic regulations (School Zone) on Center Point Road. All voting "Aye". MOTION PASSED

RE-SUBDIVISION OF LOT 6, LEGEND OAKS SECTION 2 [09-4-24 – 3 LOTS] **PUBLIC HEARING HELD – NO ACTION TAKEN** [T1-311]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Nancy Weaver spoke in opposition to the resubdivision. Written letters of opposition were submitted by Dr. Mark Minton (owner of Lot 4) and Donald Broussard (owner of Lot 5). Subdivision Coordinator Clint Garza spoke of the existing roadway (caliche road that was dedicated to the public) – currently meets county standards, rules and regulations.

26500 REPLAT OF LOT 9, MOUNTAIN OAKS SUBDIVISION. [09-4-28 – 4 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON OCTOBER 27, 2009** [T1-592]

Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve preliminary plan and call for a public hearing on October 27, 2009 for Replat of Lot 9 Mountain Oaks Subdivision. All voting "Aye". MOTION PASSED**

26501 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 AND ACTION [T1-627]

Brenda Jenkins (Broaddus & Associates) presented a Law Enforcement Center Jail Facility Evaluation [outline, scope of work and estimated fees]. Estimated total costs = $218,100 (includes document collection & review, visual assessments and testing review, directed testing and measurement, site review and evaluation, and building systems/evaluation/recommendations). Special Counsel Mark Kennedy advised that consultant fees cannot be paid out of settlement fees. The roofing bid is ready for award. There are three different types of roofs being considered. Mark Kennedy suggested postponement of action today. He will provide members of the court with more details regarding the bids. [T1-1451] **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the task force that has been appointed by Judge Sumter, consisting of Judge Sumter, Commissioner Conley, two members of the Sheriff's Department, Special Counsel, and Brenda Jenkins of Broaddus, to authorize the expenditure, not to exceed $10,000, if deemed necessary, to move forward with consulting services on the roof and the structural integrity of the building. All voting "Aye". MOTION PASSED.** Brenda Jenkins spoke of short listing the firms for the government center.

26502 FILL THE AGRICULTURE AND NATURAL RESOURCES AGENT POSITION IN THE HAYS COUNTY EXTENSION OFFICE [T1-1539]

Cheryl Mapston, AgriLife Extension District Extension Administrator introduced new agent Kasey Mock. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to fill the Agriculture and Natural Resources Agent Position in the Hays County Extension Office with Kasey Mock. Effective October 15, 2009. All voting "Aye". MOTION PASSED**

DISCUSSION RE: AUTHORIZE COMMISSIONER FORD AND JERRY BORCHERDING TO ENTER NEGOTIATIONS WITH FREESE & NICHOLS TO ADDRESS A CHRONIC DRAINAGE PROBLEM ON NUTTY BROWN ROAD [T1-1696]

Jimmy Skipton made public comment. Commissioner Ford spoke of problem with drainage on Nutty Brown Road and need to determine where the water is coming from and how to resolve the flooding issue. Funding ($12,000) needs to be identified before this item is brought back to the court for consideration.

26503 AUTHORIZE LEGAL COUNSEL TO ENGAGE KELLY, HART, AND HALLMAN LLP TO ASSIST IN THE PREPARATION OF AN AG OPINION REQUEST [T1-2277]

Jimmy Skipton made public comment. The Hays County Water Conservation Working Group has been pursuing new ways to incentivize the use of Rainwater Collection Systems. The Group wants to thoroughly explore the possibilities of giveaways, rebates, incentives, tax credits, partnership with other GO's or NGO's, etc. Special Counsel Mark Kennedy spoke of advantage to using Kelly Hart & Hallman to request an opinion from the Attorney Generals office. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Legal Counsel to engage Kelly, Hart, and Hallman LLP to assist in the preparation of an AG Opinion Request for an amount not to exceed $4,000. All voting "Aye". MOTION PASSED**

26504 ACCEPT THE RECOMMENDATIONS OF THE INSURANCE COMMITTEE REGARDING MEDICAL AND DENTAL BENEFITS [T1-3060]

Insurance Consultant Scott Yarbrough spoke of RFP process. Proposals for group medical and dental plan was submitted by Aetna, CIGNA, Humana, UHC and TAC(Blue Cross/Blue Shield). Based on a 12/12 contract, the 2010 Humana proposal reflects a 48% decrease in Fixed Costs. Overall, this results in a 22.64% decrease in Total Maximum Liability from the proposed renewal with the current carrier. The only benefit structure change the committee recommends at this time is changing the co-pay levels for Rx from the current $10/$20/$40 to $10/$20/$45. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept the recommendation of the Insurance Committee to go with Humana regarding medical and dental benefits with a three tier prescription drug co-pay of $10/$20/$45. All voting "Aye". MOTION PASSED**

26505 APPROVE WORK AUTHORIZATION NO.5 WITH KLOTZ ASSOCIATES, INC. FOR PROFESSIONAL SERVICES RELATED TO REGIONAL DRAINAGE ISSUES IN EAST SUMMIT SUBDIVISION [T2-154]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Work Authorization No. 5 with Klotz Associates, Inc for Professional Services related to regional drainage issues in East Summit Subdivision. All voting "Aye". MOTION PASSED

26506 APPROVE WORK AUTHORIZATION NO. 6 WITH KLOTZ ASSOCIATES, INC. FOR PROFESSIONAL SERVICES RELATED TO DRAINAGE IMPROVEMENTS IN THE LEISURE WOODS SUBDIVISION [T2-160]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Work Authorization No. 6 with Klotz Associates, Inc. for Professional Services related to drainage improvements in the Leisure Woods Subdivision. All voting "Aye". MOTION PASSED

26507 ADOPT THE $5.00 ARCHIVE FEE PURSUANT TO SM1685 AND GOVERNMENT CODE SECTION 51.305 EFFECTIVE OCTOBER 1, 2009 [T2-239]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt the $5.00 Archive Fee Pursuant to SM1685 and Government Code Section 51.305 effective October 1, 2009. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton and Commissioner Conley not present to vote. MOTION PASSED

26508 ADOPT A RESOLUTION NOMINATING LUANNE CARAWAY AS A CANDIDATE FOR THE CENTRAL APPRAISAL DISTRICT BOARD [T

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Resolution nominating Luanne Caraway as a Candidate for the Central Appraisal District Board. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton and Commissioner Conley not present to vote. MOTION PASSED

26509 APPROVE THE APPLICATION FOR PHASE 3 OF H1N1 RESPONSE BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (HCPHD) AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS), AND TO AUTHORIZE THE COUNTY JUDGE TO NEGOTIATE AND EXECUTE ALL CONTRACTS ASSOCIATED WITH THIS H1N1 GRANT. THE ADDITIONAL FUNDING AMOUNT WILL BE UP TO $320,481.00 [T2-328]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve the Application for Phase 3 of H1N1 response between Hays County Personal Health Department (HCPHD) and the Texas Department of State Health Services (TDSHS), and to authorize the County Judge to negotiate and execute all contracts associated with this H1N1 Grant. The additional funding amount will be up to $320,481.00. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton and Commissioner Conley not present to vote. MOTION PASSED

26510 AUTHORIZE ACCEPTANCE OF A GRANT AWARD FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR RECOVERY ACT – JUSTICE ASSISTANCE FOR LOCAL SOLICITATION – JUSTICE ASSISTANCE GRANT (JAG) FORMULA FUNDING AS CO-APPLICANT WITH THE CITY OF SAN MARCOS, IN THE PARTNERSHIP AMOUNT OF $60,681.00 [T2-348]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize acceptance of a Grant Award from the U.S. Department of Justice, Bureau of Justice Assistance for Recovery Act – Justice Assistance for Local Solicitation – Justice Assistance Grant (JAG) Formula funding as Co-Applicant with the City of San Marcos, in the partnership amount of $60,681.00 and request County Judge or Grants Office to submit the letter. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26511 AUTHORIZE ACCEPTANCE OF A GRANT AWARD FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR RECOVERY ACT – JUSTICE ASSISTANCE GRANT (JAG) FORMULA FUNDING AS CO-APPLICANT WITH THE CITY OF SAN MARCOS, IN THE PARTNERSHIP AMOUNT OF $14,761.00 [T2-396]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize acceptance of a Grant Award from the U.S. Department of Justice, Bureau of Justice Assistance for Recovery Act – Justice Assistance Grant (JAG) Formula Funding as Co-Applicant with the City of San Marcos, in the partnership amount of $14,761.00. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26512 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO THE CONTRACT WITH DU-MOR ENTERPRISES FOR CONSTRUCTION RELATED TO THE CEDAR OAK MESA WATER LINE IMPROVEMENT PROJECT, IN THE AMOUNT OF AN ADDITIONAL $19,730.00 [T2-449]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Change Order #1 to the Contract with Du-Mor Enterprises for Construction related to the Cedar Oak Mesa Water Line Improvement Project, in the amount of an additional $19,730.00. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

UPDATE AND DISCUSSION ON DRAINAGE BASIN/FLOOD PROTECTION PLANNING STUDIES AND PENDING PARTNERSHIPS BY HALFF ASSOCIATES. [T2-481]

Wes Birdwell (Halff & Associates) gave a powerpoint presentation regarding phases and grant funding. Hays County Drainage Master Plan: Phase IA – Colorado River Basin/Onion Creek Watershed (2009-2011) with local study partners: City of Dripping Springs, City of Buda, Village of Bear Creek, and City of Hays – study area is Onion Creek Watershed, Bear Creek Watershed, and Little Bear Creek Watershed. Phase IB – Colorado River Basin/Barton and Pedernales Watersheds (2010-2011 with local study partners: City of Austin, Travis County, and City of Bee Cave – study area is Barton Creek Watershed and Pedernales River Watershed. Phase II – Guadalupe/Blanco River Basin (2011-2013) with local study partners: City of Kyle, City of Mountain City, City of Niederwald, City of San Marcos, Township of Uhland, Village of Wimberley, City of Woodcreek, Plum Creek Water Conservation District, and York Creek Water Conservation District – study area is Blanco River Watershed, Cottonwood Creek Watershed, Cypress Creek Watershed, Little Blanco River Watershed, Plum Creek Watershed, Purgatory Creek Watershed, Sink Creek Watershed, Willow Springs Creek Watershed, and York Creek Watershed. Pending agreements are with the U. S. Army Corps of Engineers, Lower Colorado River Authority, and others. County budgeted $130,000.

26513 APPROVE THE NEW RESIDENTIAL CONSTRUCTION NOTICE FORM REQUIRED UNDER SUBCHAPTER F OF CHAPTER 233 OF THE LOCAL GOVERNMENT CODE RELATING TO INSPECTION OF RESIDENTIAL CONSTRUCTION IN THE UNINCORPORATED AREA(S) OF HAYS COUNTY [T2-998]

Senior Planner Lisa Wright explained the process for submitting a Notice of New Residential Construction which will be made a part of the Application for a Development Permit. She spoke of notification efforts to the public, etc. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve the New Residential Construction Notice Form required under Subchapter F of Chapter 233 of the Local Government code relating to Inspection of Residential Construction in the Unincorporated Area(s) of Hays County. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

26514 WAIVE SEPTIC DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY [T2-1132]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to waive Septic Development Fees for the Wimberley Valley Habitat for Humanity. All voting "Aye". MOTION PASSED

26515 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A HAYS COUNTY PURCHASE CONTRACT TO JULIAN PEREZ AND MARTINA CURA FOR ROW ACQUISITION ON MCCARTY LANE [T2-1157]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Hays County Purchase Contract to Julian Perez and Martina Cura for ROW Acquisition on McCarty Lane in the amount of $20,650.00. All voting "Aye". MOTION PASSED

26516 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS & NEWNAM, INC. (LAN) [T2-1210]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a contract for Engineering Services Supplemental Agreement No. 2 to the Professional Services Agreement with Lockwood, Andrews & Newnam, Inc. (LAN). All voting "Aye". MOTION PASSED

26517 AUTHORIZE PAYMENT ON MCCARTY LANE INVOICES THAT HAVE RUN OVER THE BUDGETED AMOUNT [T2-1343]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize payment on McCarty Lane invoices that have run over the budgeted amount to the funded out of 2001 Road Bond Project funds or the 2009 Road Department budget. All voting "Aye". MOTION PASSED

26518 APPROVE A SALARY VARIANCE FOR ROSANNA RAMIREZ [T2-1415]

County Clerk Linda Fritsche requested a salary variance for Administrative Assistant I Rosanna Ramirez to the 25th percentile = $24,684. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve a salary variance for Rosanna Ramirez in the County Clerk's Office effective October 1, 2009. All voting "Aye". MOTION PASSED**

26519 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AUTOMATICALLY RENEWING JOINT ELECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS [T2-1431]

Special Counsel Mark Kennedy spoke of changes that were made to the agreement. The most recent change was that the polling places did not need to be included in the agreement because they will be in the election order. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an automatically renewing Joint Election Agreement between Hays County and the City of San Marcos. All voting "Aye". MOTION PASSED**

26520 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO [T2-1818]

The Court convened into closed executive session at 2:10 p.m. and reconvened into open meeting at 2:20 p.m. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to accept the Letter of Credit as substituted or amended by Coldwater Development Ltd or an affiliate or thereof and if not substituted by 3:00 pm on Friday October 2, 2009 then authorize the County Judge to submit a draw letter to PlainsCapital Bank for the full amount of the Fiscal Surety that was posted the Ranches at Hamilton Pool. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE PURCHASE OF CONSERVATION EASEMENTS BY HAYS COUNTY, THE HILL COUNTRY CONSERVANCY, AND THE CITY OF AUSTIN ON THE DAHLSTROM RANCH IN PRECINCT 2 [T2-1818]

The Court convened into closed executive session at 2:25 p.m. and reconvened into open meeting at 3:10 p.m. No action taken.

Clerk's Note: Agenda Item #37 RE: *DISCUSSION AND POSSIBLE ACTION TO EXECUTE A RESOLUTION DECLARING A BURN BAN IN HAYS COUNTY EFFECTIVE IMMEDIATELY* **was PULLED.**

Clerk's Note: Agenda Item #39 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 29, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2nd DAY OF OCTOBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COUNTY JUDGE ELIZABETH "LIZ" SUMTER ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ingalsbe called the meeting to order.

PRESENTATION BY TOP RANKED DESIGN/BUILD FIRMS FOR THE HAYS COUNTY GOVERNMENT CENTER

Brenda Jenkins (Broaddus) introduced team members for **Balfour Beatty Construction and HDR**. A powerpoint presentation was given. Mark Bradley (Balfour Beatty Construction Officer in Charge) spoke of other projects they have designed in Texas. Jeff Bradley (HDR) spoke of their Texas project experience – 45 years in Texas. Tommy Campbell (Design/Build Director) spoke of the Ellis County project. Curt Parde (AIA,LEED, Principal in Charge) spoke. Rob West (AIA, Project Designer/Master Planner) spoke of government complex site design and he provided drawings and a model of the proposed center. Curt Parde spoke of sustainability (site design, water efficiency and energy efficiency). Tommy Campbell spoke of cost certainty – their estimate is based on this design and validated with current pricing. They are transparent with an open book approach with input from the county – proposing a November 2011 move in. Tommy Campbell spoke of meet & greets to make sure local contractors, etc. know what is going on and have subcontracting opportunities. Doug Jones (Division President) and Heidi Higgason (Vice President & Managing Principal) thanked the court for the opportunity to make this presentation.

John Marshal (VP for S&P) introduced team members for **Satterfield & Pontikes Construction Inc. and HOK**. John Marshal spoke of their experience in building courthouses. Spoke of 20 years Texas design builder, top 10 green builder in Texas, numerous county justice projects, safe builder, industry leader in building information modeling delivery [BIM], and collaborative practical project delivery [PPD] process. Bill Prindle (HOK) spoke of HOK being the largest architectural/engineering firm in the US, #1 green design firm, Texas regional justice center, consistent recognition for design excellence, unmatched experience in this exact type of project, leader in new technology implementation, designed more county courthouses than others combined. Linda Bernauer and Steven Janeway spoke of design methods. Duncan Broyd spoke of his work on courthouses. He spoke of courthouse mock-ups. Steven Janeway spoke of vision session exercises. S&P will get local people (subcontractors) involved in the construction of the project as well as input regarding design from county officials and staff that will occupy the building. Charlie Fote spoke of estimating and cost control. He spoke of Texas A & M Health Science Center project. Tom Rodriguez spoke of quality control and commissioning. Amy King (Service Manager) spoke of warranty and service support. Pete Holland spoke of pricing [total anticipated cost is $59,333,526 + contingency of 5% = $3,122,817 with total maximum budget is $62,456,343]. They were recently selected to design the local Armed Forces Reserve Center. Proposes occupancy of the building by December 2011. Brenda Jenkins spoke of looking at the critical criteria in the RFP and the pricing. Broaddus will be following up by contacting the three firms to make sure that pricing provided is comparable with each other.

Skanska, Kirksey, Gruzen Samton Architects Scott Cannon, Skanska Sr. VP, and Scott Wilkinson (Kirksey) introduced their Team. Scott Cannon spoke of understanding your goals (cost effective solution, flexible and expandable facility and reflect Hays County history and future). Randall Walker spoke of their expertise, program analysis (30% courtroom sets & 70% offices), design goals. William Singer spoke of courtroom identity, courtroom design issues, courtroom building blocks, courtroom planning, technology, and the collaborative process (includes courtroom mock-up). He spoke of rethinking the public experience. Randall Walker spoke of workplace culture, diversity in the workplace, technology dynamic, privacy and collaboration, capital expenditures, and employee satisfaction. Bob Inaba spoke of two concepts (Concept A is a campus design with courtyards and Concept B is a singular building). Julie Hendricks spoke of sustainable design. Green strategies: natural daylight and healthy indoor air quality - daylight and energy modeling is used. Dennis Young spoke of preconstruction (cost certainty and communication). Concept A = $59,323,740 Concept B = $58,748,590 (includes 10% contingency). There is a $4 million variance in skin components. They maximize local and HUB subcontractors participation. Scott Cannon spoke of a proposed completion dated of November 18, 2011. Mark Hibner spoke of his experience in building justice facilities and he spoke of quality control and execution. Ted Oberg spoke of quality during construction process (field mobility tablets, creation of mock-ups, and daily progress inspections). Scott Cannon stated that they are trustworthy and transparent.

Commissioner Ingalsbe spoke of better pricing at this point. Committee needs to get back together and come back with a recommendation on October 13th. She asked for input from the other Commissioners regarding these firms. Commissioner Conley spoke of research he has done regarding these firms – he prefers going with a Texas firm. Commissioner Ford spoke of having toured the Bell County facility and was impressed with that facility. Commissioner Barton spoke of pros & cons of Balfour Beatty/HDR, Satterfield & Pontikes/HOK, and Skanska/Kirksey.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 2, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF OCTOBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

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

Commissioner Barton led the court in a moment of recognition and reflection and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26521 ADOPT A PROCLAMATION SUPPORTING MENTAL ILLNESS AWARENESS WEEK OCTOBER 4TH THROUGH THE 10TH [T1-367]

Ed Kooney and Martie Harvey spoke in support of Scheib Mental Health Center and thanked Hays County and City of San Marcos for their support of the programs. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to adopt a Proclamation Supporting Mental Illness Awareness Week October 4th – 10th. All present voting "Aye". MOTION PASSED**

PRESENTATION ON THE FOREIGN TRADE ZONE OF CENTRAL TEXAS, INC [T1-30]

Amy Madison, Executive Director of the San Marcos Economic Development-San Marcos Area Chamber of Commerce, appeared before the court. Nesia Warner, Manager-Customs and International Trade (Ernst & Young) gave a powerpoint presentation regarding foreign trade zones. The Foreign Trade Zone of Central Texas Inc. is a non-profit corporation established by the cities and chambers of commerce in Georgetown, Round Rock, Austin, and San Marcos to administer the foreign trade zone serving the central Texas area. They are inviting Hays County to participate in a new initiative just announced by the U. S. Dept. of Commerce which will make foreign trade zone designation easier and faster. Williamson County and Caldwell County have already agreed to participate. Amy Madison advised that she is a member of the board and seats will be added to that board in the future. There is a tax exemption on inventory in a foreign trade zone which has been imported or will be exported.

26522 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payments of county invoices in the amount of $870,070.06 as submitted by the County Auditor. Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26523 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 29, 2009

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Commissioner Court Minutes of September 29, 2009 as presented by the County Clerk. Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26524 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve utility permit #02032 issued to LCRA on North Canyonwood Drive; permit #02033 issued to LCRA on Longwood Lane; permit #02034 issued to PEC on Opal Lane as submitted by the County Road Department. Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26525 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT ONE (1) TO THE GRANT CONTRACT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE KARST INVERTEBRATE DISTRIBUTION AND CAVE DEVELOPMENT STUDY, EXTENDING THE CONTRACT TERMINATION DATE TO AUGUST 31, 2010

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute Amendment One (1) to the Grant Contract with the Texas Parks and Wildlife Department for the Karst Invertebrate Distribution and Cave Development Study, extending the Contract Termination Date to August 31, 2010. Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26526 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT ALL SCHOOL ZONE LOCATIONS ON COUNTY MAINTAINED ROADS [T1-488]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borcherding, RPTP Director, gave staff recommendation for approval. Hays County Road school zone locations: Pct. 1 – Dacy Lane @ Science Hall Elementary, Pct. 2 – BeBee Road @ Science Hall Elementary, Pct. 2 – Old Goforth Road @ Tom Green Elementary, Pct. 2 – Rohde Road @ Camino Real Elementary, Pct. 2 – Dacy Lane @ Chapa Middle School, Pct. 3 – Green Acres Drive @ Scudder Elementary, and Pct. 4 – Belterra Drive @ Rooster Springs Elementary. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations at all school zone locations on County Maintained Roads (Prohibit Cell Phone Use). All present voting "Aye". MOTION PASSED**

26527 FALCONWOOD SUBDIVISION, VACATE AND REPLAT OF LOTS 86 AND 87 [09-3-30 – 1 LOT] **WAIVE PRELIMINARY PLAN AND PUBLIC HEARING & APPROVE FINAL PLAT** [T1-600]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. A **motion was made by Commissioner Conley, seconded by Judge Sumter to waive preliminary plan and public hearing and approve final plat on Replat of Lots 86 & 87 in the Falconwood Subdivision. All present voting "Aye". MOTION PASSED**

26528 PINNACLE RIDGE ESTATES, REPLAT OF LOT 6 & 7 [09-3-29 – 1 LOT] **WAIVE PRELIMINARY PLAN AND PUBLIC HEARING & APPROVE FINAL PLAT** [T1-627]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive preliminary plan and public hearing and approve final plat on Replat of Lots 6 & 7 Pinnacle Ridge Estates. All present voting "Aye". MOTION PASSED**

26529 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO CONTRACT TO LEASE FACILITY FOR ANNUAL OPEN ENROLLMENT MEETINGS FOR HAYS COUNTY EMPLOYEES [T1-649]

Human Resources Director Dee Dee Baen spoke of need to rent Wimberley Community Center and Dunbar Center for annual open enrollment meetings for county employees. Commissioner Ford suggested using the Dripping Springs Precinct offices for this meeting. Court agreed to use the Dripping Springs Building instead of the Wimberley Community Center. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to enter in Contract to Lease facility for Annual Open Enrollment meetings for Hays County Employees. All present voting "Aye". MOTION PASSED**

26530 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR $67,100 [T1-710]

Grants Administrator Jeff Hauff explained the grant. **A motion was made by Commissioner Barton, 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 $67,100. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #12 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A UTILITY COORDINATION SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC* **was Pulled.**

26531 ACTION REGARDING THE RECYCLING OF COMPUTER EQUIPMENT [T1-730]

IT Director Jeff Magill spoke of disposing of old inventory. **A motion was made by Commissioner Barton, seconded by Commissioner Ford based on staff recommendation we certify the list provided of equipment as valueless to county and authorize the distribution to Goodwill Industries with a letter to follow that they are recycling in compliance with state law. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #14 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING ROOF REPAIR OF HAYS COUNTY CORRECTIONS BUILDING INCLUDING BUT NOT LIMITED TO REVIEW OF SPECIFICATION FOR PHENOLIC REMEDIATION AND ROOF REPAIR* **was PULLED.**

Clerk's Note: Agenda Item #15 RE: *WORKSHOP ON THE NEW HAYS COUNTY WEB SITE THAT IS IN DEVELOPMENT* **was PULLED.**

Clerk's Note: Agenda Item #16 RE: *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* **was PULLED.**

Clerk's Note: Agenda Item #17 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **was PULLED**

Clerk's Note: Agenda Item #18 RE: DISCUSSION AND *POSSIBLE ACTION TO EXECUTE A RESOLUTION DECLARING A BURN BAN IN HAYS COUNTY EFFECTIVE IMMEDIATELY* **was PULLED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 6, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF OCTOBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26532 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 17 – 23, 2009 AS "RED RIBBON WEEK" IN HAYS COUNTY [T40]

Sarah Cohen invited the court and public to various events being held to celebrate Red Ribbon Week. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a Proclamation declaring the week of October 17-23, 2009 as "Red Ribbon Week" in Hays County. All voting "Aye". MOTION PASSED**

26533 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested addition of two invoices: $2,236.85 payable to The Majors Law Firm for work related to the Hays County Bail Bond Board and $217,800 payable to Independence Title for additional property on Wonderworld Drive. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,840,870.08 as submitted by the County Auditor with addition of $220,036.85 as requested. All voting "Aye". MOTION PASSED**

26534 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 2ND & 6TH, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of October 2nd & 6th, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26535 RATIFY COUNTY JUDGE'S AUTHORITY TO EXECUTE THE CONTRACT BETWEEN THE PERSONAL HEALTH DEPARTMENT (PHD) AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR FUNDING FOR PHASE 1 AND 2 OF H1N1 RESPONSE. THE FUNDING AMOUNT WILL BE UP TO $145,449.00

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to ratify County Judge's Authority to execute the Contract between the Personal Health Department (PHD) and the Texas Department of State Health Services (DSHS) for funding for Phase 1 and 2 of H1N1 Response. The funding amount will be up to $145,449.00. All voting "Aye". MOTION PASSED

26536 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve utility permit #02035 issued to PEC on Turnerville Road; permit #02036 issued to PEC on Oak Wood Loop; permit #02037 issued to LCRA on Sawyer Ranch Road; permit #02038 issued to LCRA on Dardin Hill Road; permit #02039 issued to Time Warner Cable on Sunny Ridge as presented by the County Road Department. All voting "Aye". MOTION PASSED

26537 ACCEPT REPORT FROM RPTP IDENTIFYING ADMINISTRATIVE APPROVALS FOR OSSFS ISSUED DURING THE MONTH OF SEPTEMBER, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept report from RPTP identifying administrative approvals for OSSF's issued during the month of September 2009. All voting "Aye". MOTION PASSED

26538 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (SCHOOL ZONE) ON CENTER POINT ROAD [T1-163]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation for approval. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to establish traffic regulations (School Zone) of 20 MPH speed limit and restricted cell phone use on Center Point Road at the Master's School. All voting "Aye". MOTION PASSED**

26539 CALL FOR A PUBLIC HEARING ON NOVEMBER 10, 2009 TO CONSIDER THE PROPOSED IMPROVEMENT TO OWL HOLLOW ROAD [T1-179]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on November 10, 2009 to consider the proposed improvement to Owl Hollow Road. All voting "Aye". MOTION PASSED

26540 RE-SUBDIVISION OF LOT 6, LEGEND OAKS, SECTION 2 [09-4-24 – 3 LOTS] **APPROVE FINAL PLAT** [T-184]

Donald Broussard and Robert Parks made public comment. Subdivision Coordinator Clint Garza spoke of additional plat notes and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of resubdivision of Lot 6 Legend Oaks Section 2. All voting "Aye". MOTION PASSED**

26541 APPROVE THE PURCHASE OF TWO TRAFFIC COUNT/TRAFFIC STUDY DEVICES FOR THE ROAD & BRIDGE DEPT. FROM TIMEMARK, INC. INSTEAD OF TWO BUDGETED RADAR SIGNS WITH AN AMOUNT NOT TO EXCEED $1,831.00 [T1-309]

RPTP Director Jerry Borcherding spoke of savings of $5,743 by purchasing the traffic county/traffic study devices versus radar signs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the purchase of two traffic county/traffic study devices for the Road & Bridge Dept. from Timemark, Inc. instead of two budgeted radar signs with an amount not to exceed $1,831.00. All voting "Aye". MOTION PASSED**

26542 APPROVE THE AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (HCPHD) AND CENTRAL TEXAS MEDICAL CENTER (CTMC) [T1-348]

HCPHD Director Priscilla Hargraves spoke of this agreement allowing the HCPHD to refer clients from the TB control program to CTMC for diagnostic chest X-rays. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the Agreement between Hays County Personal Health Department (HCPHD) and Central Texas Medical Center (CTMC). All voting "Aye". MOTION PASSED**

26543 ADOPT THE FY2010 HOLIDAY CALENDAR [T1-931]

Judge Sumter spoke of proposed holidays for calendar year 2010. Commissioner Ingalsbe spoke of adding Columbus Day. Discussed adding Monday December 27th to Christmas holiday. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt the FY2010 Holiday Calendar with addition of Monday December 27,2010. All voting "Aye". MOTION PASSED**

26544 AUTHORIZE HAYS COUNTY JUSTICE OF THE PEACE COURTS TO USE THE TEXAS ONLINE EFILING SYSTEM THROUGH THE COUNTY'S EXISTING CONTRACT WITH BEARINGPOINT [T1-446]

J.P. Pct. 2 Beth Smith spoke of justices of the peace wanting to use Texas Online system for electronic filing. The District Clerk's office has had a contract with Bearing Point to use this system. Special Counsel Mark Kennedy spoke of a new contract that will be considered next week for the District Clerk. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Hays County Justice of the Peace Courts to use the Texas On-Line EFiling System through the County's existing Contract with BearingPoint effective immediately. All voting "Aye". MOTION PASSED**

26545 SELECT A DESIGN/BUILD FIRM FOR THE CONSTRUCTION OF THE NEW HAYS COUNTY GOVERNMENT CENTER [T1-991]

Brenda Jenkins (Broaddus & Associates) spoke of three scenarios: #1 = 233,600 sq ft @ $89.5m #2 = 181,300 sq ft @ $73.8m #3 = 141,000sf @ $59.6m. She discussed the program management timeline. Commissioner Ingalsbe spoke of projected savings from existing facility cost. District Attorney Sheri Tibbe (member of the Building Committee) explained the problems with the current facility and spoke in support of the new government center. County Auditor Bill Herzog (member of the Building Committee) spoke of this being the best time to move forward on this facility financially. RPTP Director Jerry Borcherding (member of the Building Committee) spoke of time spent by the committee and he urged the court to proceed. Bill Herzog gave figures for funding – budgeted funds are sufficient to make payments. Constable Pct. 1 David Peterson spoke in support of the government center. Special Counsel Mark Kennedy (member of the Building Committee) spoke of feeling confident about the funding costs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to select Balfour Beatty as the design/build firm for the construction of the new Hays County Government Center and to authorize Commissioner Ingalsbe and Broaddus & Associates to negotiate a contract to be brought back to the court for consideration. All voting "Aye". MOTION PASSED**

26546 AUTHORIZE UP TO $1500.00 TO REPAIR THE INTERCOM SYSTEM IN THE HOLDING CELLS LOCATED IN THE JUSTICE CENTER [T1-559]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize up to $1,500.00 to repair the intercom system in the holding cells located in the Justice Center to be funded out of contingencies. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #16 RE*: AUTHORIZE CIVIL DIVISION OF HAYS COUNTY DISTRICT ATTORNEY'S OFFICE TO FILE AN OFFICIAL RESPONSE IN RELATION TO REQUEST FOR ATTORNEY GENERAL'S OPINION #RQ-0822-GA RELATING TO THE ABILITY OF TYPE A GENERAL LAW MUNICIPALITIES TO IMPOSE AND ENFORCE NONPOINT SOURCE POLLUTION (NPS) ORDINANCES WITHIN THE ETJ* **was PULLED** [T3-37]

26547 TO AUTHORIZE THE COUNTY JUDGE TO REQUEST THAT HAYS COUNTY BE INCLUDED WITHIN THE SERVICE AREA OF THE FOREIGN-TRADE ZONE NUMBER 183 [T1-608]

A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to request that Hays County be included within the service area of the Foreign-Trade Zone Number 183. All voting "Aye". MOTION PASSED

26548 AUTHORIZE COMMISSIONER FORD AND JERRY BORCHERDING TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS THAT WILL ADDRESS THE IMPROVEMENT OF A CHRONIC DRAINAGE PROBLEM ON NUTTY BROWN ROAD [T1-630 & T3-46]

Jimmy Skipton made public comment. Commissioner Ford spoke of scope of work to be performed to determine source of flooding. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Commissioner Ford and Jerry Borcherding to finalize and negotiate a Professional Services Agreement with Freese & Nichols that will address the improvement of a chronic drainage problem on Nutty Brown Road and furthermore authorize the County Judge to execute the agreement, subject to approval by Special Counsel, not to exceed $10,000; and approve budget amendment to move $10,000 from R&B Dept. materials line item into consultants line item. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

26549 AUTHORIZE MARK KENNEDY TO ENGAGE OUTSIDE COUNSEL TO ASSIST IN COMPLETION OF REAL ESTATE TRANSACTIONS IN ASSOCIATION WITH THE MCGREGOR ROAD BRIDGE PROJECT [T1-742]

Special Counsel Mark Kennedy spoke in support of engaging outside counsel from Dripping Springs - Nelson Davidson, attorney and closing agent for Independent Title, has agreed to work with the county. To be paid out of R&B Right-of-Way legal funds. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Mark Kennedy to engage outside Counsel to assist in completion of Real Estate Transactions in association with McGregor Road Bridge Project. All voting "Aye". MOTION PASSED**

26550 APPROVE RESOLUTION AND AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS, REGIONAL SOLID WASTE GRANTS PROGRAM FOR UP TO $30,000 FOR A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT IN PRECINCT 4 [T1-831]

Grants Administrator Jeff Hauff explained the grant. This grant would fund a one-day event at the Driftwood citizens collection center for the collection of residential household hazardous waste items. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Resolution and authorize the County Judge to submit a Grant Application to the Capital Area Council of Governments, Regional Solid Waste Grants Program for up to $30,000 for a Household Hazardous Waste Collection Event in Precinct 4. All voting "Aye". MOTION PASSED**

26551 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR ENGINEERING SERVICES ON THE OLD BASTROP HIGHWAY/CR 266 ROAD BOND PROJECT [T3-16]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Professional Services Agreement with Huitt-Zollars, Inc. for engineering services on the Old Bastrop Highway/CR 266 Road Bond Project. All voting "Aye". MOTION PASSED

26552 AMEND THE FEE SCHEDULE FOR PRIVATE PAY CLIENTS OF THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC [T1-372]

Priscilla Hargraves spoke of serving a number of private pay clients in the Women's Health Clinic and need to increase charges because of increase for lab work and changes in recommendations for "best practices" for maternity and family planning care. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve an amended fee schedule for private pay clients of the Hays County Personal Health Department Women's Health Clinic as presented. All voting "Aye". MOTION PASSED**

26553 ROOF REPAIR TO HAYS COUNTY CORRECTIONS BUILDING INCLUDING BUT NOT LIMITED TO REVIEW OF SPECIFICATION FOR PHENOLIC REMEDIATION AND ROOF REPAIR [T2-315]

Six Contractors submitted bids for roof repair at the Hays County Corrections Building (Law Enforcement Center). Phil Buterbaugh, Sr. Project Manager for Broaddus & Associates, explained the bid results. Special Counsel Mark Kennedy spoke of the bid results. County Auditor Bill Herzog spoke of funds that were budgeted. Sheriff's Department Col. Brad Robinson spoke. [T2-1215] **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize Broaddus & Associates to move forward with a short-term plan in the amount of $1,455,388, then come back with all gaps filled with all the roofing contractors by next week and move forward with a long-term plan in the amount of $246,400, and bring back numbers of amount to be paid with the understanding that these numbers are flexible and apt to change because of plumbing/catering and money to be paid out of the building fund and to include Broaddus be authorized to make the decision of the $7,000 and ask Tyler Technologies to work with Bill Herzog before making a commitment. All voting "Aye". MOTION PASSED**

PRESENTATION OF CAPTAIN JACK – THE STORY OF JOHN C HAYS DOCUMENTARY BY KATE JOHNSON, CHAIR, HISTORICAL COMMISSION [T1-1997]

Hays County Historical Commission Chair Kate Johnson provided a showing of the documentary of the Story of John C. Hays and presented each member of the court with a photo of Jack C. Hays and a copy of the documentary film.

PRESENTATION BY THE BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT ON THE STATUS OF THE BARTON SPRINGS AQUIFER [T1-2844]

Robin Gary, Public Information and Education Coordinator for the Barton Spring Edwards Aquifer Conservation District, gave a powerpoint presentation regarding groundwater management areas, groundwater conservation districts, and an overview of the Barton Springs Edwards Aquifer Conservation District. Their mission is to preserve and protect the aquifers. Robin Gary spoke of governance of the district and the aquifer dynamics. She advised that up to 85% of the recharge occurs within the creeks and rivers and management is very important. The largest recharge features are along Onion Creek. We are in critical stage drought at this time. The districts regulate 100 permittees. They are asking people to use less than 3,000 per gallon per person per month. The Barton Springs Edwards Aquifer Conservation District website at www.bseacd.org. John Dupnik, Hays Trinity Groundwater Conservation District, spoke. Brenda Jenkins, Broaddus & Associates, spoke.

2008 ROAD BOND WORKSHOP WITH POSSIBLE ACTION [T2-1470]

Diane Wassenich made public comment regarding Sink Creek and Lime Kiln Road – urged the court to do something that does not widen the roadway – increasing development over the recharge zone will damage the environment. [T2-2250] Jeff Curren (HDR) gave a powerpoint presentation regarding the 2008 Priority Road Program. Project 1 – US 290 from RM12 to McGregor Lane (continuous left turn lane and improve shoulders) Project 2 – RM 12 @ Sports Park Drive (left turn lane on RM12 and other intersection improvements) Project 3A – RM1826 @ Nutty Brown Road (left turn lane on RM1826 and other intersection improvements) Project 3B RM1826 @ Crystal Hills Drive (left turn lane on RM1826 and improvement to roadway approach and low water crossing on Crystal Hills Drive) Project 3C – RM1826 @ Darden Hill Road (left turn lane on RM1826 and other intersection improvements) Project 3D – RM 1826 @ RM 967 (left turn lane on RM967 and other intersection improvements) Project 4 – RM2325 from Fischer Store Road/CR181 to Carney Lane (safety improvements) Project 5 – RM12 @ Old Kyle Road/Wimberley Square (turn lanes, planters, and drainage improvements) Project 6 – RM12 @ RM32 (realignment to improve intersection geometry, dedicated right and left turn lanes) Project 7 – RM12 Parkway Development (preservation of r-o-w along RM12 corridor from San Marcos to Wimberley for the development of a divided parkway roadway section) Project 8 – RM12 @ Hugo Road/CR214 (left turn lane on RM12 and other intersection improvements) Project 9 – RM12 @ Sink Creek (replacement of box culvert with a bridge) Project 10 – RM12 @ Wonderworld Drive/FM3407 (left turn lane on RM12 and right turn lane on FM3407) Project 11 – Old Bastrop Hwy/CR266 from Centerpoint to Francis Harris Road (widen lanes and add shoulders, preserve ROW for future upgrades) Project 12A – SH21 @ High Road/CR127 (left turn lane and widen shoulders on SH21 and improvements to High Road/CR127 approaching pavement) Project 12b – SH21 @ FM2001 (left turn lane and widen shoulders on SH21 and other intersection improvements) Project 12c – SH21 @ Rohde Road/CR126 (reconstruct Rohde Road/CR126 approach to improve geometry and channelization) Project 13 – Dacy Lane/CR205 from Bebee Road/CR122 to Windy Hill Road/CR131 (engineering, environmental studies and ROW preservation) Project 14 – Lime Kiln Road @ Sink Creek (feasibility analysis and environmental studies for replacement of low water crossing over Sink Creek) Project 15 – Post Road/CR140 @ Blanco River (replacement of low water crossing over the Blanco River) Project 16 – Lakewood Drive @ FM1626 (improvement low water crossing on Lakewood Drive) Project 17 – RM 967 @ Ruby Ranch Road (left turn lane on RM\967 and other intersection improvements. Discussed Scope of Work with some flexibility (within 10% over total project cost or 20% under project cost). Dan Wegmiller, Bond Counsel, spoke of funding.

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 [T2-1325]

[See resolutions #26545 & #26553 for action regarding the Government Center and County Jail] Brenda Jenkins, Broaddus & Associates, spoke of progress regarding the RPTP/Resources Protection Transportation & Planning Department facility. Total project cost is $3 million with additional 12,400 sq ft of space - $1.691 million was budgeted.

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR [T2-1600]

Mike Weaver (Prime Strategies) spoke of Pass Through Finance Program. US 290 West (Trautwein Road to Nutty Brown Road) program estimate is $8,230,040 with anticipated substantial completion by December 2009. IH-35 Phase 1 (northbound frontage road between Kyle Crossing/CR210 and Kyle Parkway/FM1626) program estimate is $8,872,609 with anticipated completion by December 2010 (groundbreaking Oct. 21, 2009). IH-35 at FM 2001 (IH35 northbound frontage road to existing FM2001) program estimate is $1,028,755 with project letting in October 2009. He spoke of potential project savings on all these programs. IH-35 Phase 2A – RM 150 (IH35 northbound frontage road at RM150 crossing to existing RM150) program estimate = $8,220,820. IH-35 Phase 2B program estimate = $15,289,447. FM110 (McCarty Lane to SH123 – 1 mile) program estimate = $19,834,396. FM1626 A (Brodie Lane to FM 967) program estimate = $43,248,414. FM 1626 B (FM 967 to FM 2770) program estimate = $39,806,315. Total Pass Through Financing Program estimated budget summary = $167,030,796 with potential program savings of $10,109,353 based on 2009 project lettings only and additional funding sources contribution of $23,600,000.

Clerk's Note: Agenda Item #29 RE: *DISCUSSION AND POSSIBLE ACTION TO EXECUTE A RESOLUTION DECLARING A BURN BAN IN HAYS COUNTY EFFECTIVE IMMEDIATELY* **was PULLED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 13, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF OCTOBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COUNTY JUDGE ELIZABETH "LIZ" SUMTER ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Commissioner Ingalsbe presided over the meeting and called the meeting to order.

26554 ADOPT A PROCLAMATION DECLARING OCTOBER 25, 2009 AS LIVESTRONG CHALLENGE DAY IN HAYS COUNTY

A motion was made by Commissioner Ford, seconded by Commissioner Conley to adopt a Proclamation declaring October 25, 2009 as LiveSTRONG Challenge Day in Hays County. All present voting "Aye". MOTION PASSED

PUBLIC COMMENT
Todd Purcell, Dripping Springs Mayor, made public comment regarding Harrison Ranch Park project in Dripping Springs and Wildwest Fest being held this weekend. Mark Key made public comment regarding Nutty Brown Road.

26555 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $987,758.60 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

26556 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 13, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of October 13, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

26557 APPROVE RENEWAL OF BID #2008-B15 ANNUAL DUMPSTERS FOR HAYS COUNTY WITH TEXAS DISPOSAL SERVICES FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of Bid #2008-B15 Annual Dumpsters for Hays County with Texas Disposal Services for one (1) additional year as provided in the original bid. All present voting "Aye". MOTION PASSED

26558 MUSTANG VALLEY SUBDIVISION SECTION 4 [09-3-33 – 24 LOTS] **APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY IN THE AMOUNT OF $393,406.34 FOR STREET AND DRAINAGE IMPROVEMENTS** [T1-339]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat and accept construction fiscal surety in the amount of $393,406.34 for street and drainage improvements for Mustang Valley Subdivision Section 4. All present voting "Aye". MOTION PASSED**

26559 **HOLD A PUBLIC HEARING REGARDING APPROVAL OF THE PLAN FOR THE PRESERVATION AND RESTORATION OF THE DISTRICT COURT RECORDS ARCHIVE, PURSUANT TO CHAPTER 51 OF THE TEXAS GOVERNMENT CODE** [T1-358]

Commissioner Ingalsbe declared the public hearing open. No public input was received and the public hearing was closed. Cecelia Adair Hays County District Clerk explained the preservation plan. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the plan for the preservation and restoration of the District Court Records Archive, Pursuant to Chapter 51 of the Texas Government Code. All present voting "Aye". MOTION PASSED**

26560 **ACCEPT A GRANT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE BULLETPROOF VEST PARTNERSHIP (BVP) IN THE AMOUNT OF $6,137.00** [T1-463]

Grants Administrator Jeff Hauff explained the grant which will provide 50% funding for 17 bulletproof vests. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept a Grant Award from the Bureau of Justice Assistance (BJA) for the Bulletproof Vest Partnership (BVP) in the amount of $6,137.00. All present voting "Aye". MOTION PASSED**

26561 **AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A SUB-GRANT AWARD CONTRACT FROM THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT, HOMELAND SECURITY GRANT PROGRAM FOR $2,575.00** [T1-470]

Grants Administrator Jeff Hauff explained the grant which will provide vests to identify assigned shelter management team and command staff in housing individuals during times when local sheltering is necessary. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to accept and execute a Sub-Grant Award Contract from the Governor's Division of Emergency Management, Homeland Security Grant Program for $2,575.00. All present voting "Aye". MOTION PASSED**

26562 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE NEW CUSTOMER AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR), TEXAS NICUSA, LLC (VENDOR), AND HAYS COUNTY** [T1-504]

District Clerk Cecelia Adair advised that the State changed vendors for this service, therefore, a new agreement needs to be executed. She spoke of need to change a word in Exhibit A fee schedule: from "monthly" payment to "daily". **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute the new customer Agreement between the Texas Department of Information Resources (DIR), Texas NICUSA, LLC (Vendor), and Hays County with change as requested. All present voting "Aye". MOTION PASSED**

26563 **APPOINT COMMISSIONER WILL CONLEY AS THE COMMISSIONERS' COURT REPRESENTATIVE OF THE EMERGENCY SERVICES COMMITTEE TO ADDRESS 911 ISSUES** [T1-578]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to appoint Commissioner Will Conley as the Commissioners' Court Representative of the Emergency Services Committee to address 911 issues. All present voting "Aye". MOTION PASSED

26564 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH LAND DESIGN PARTNERS TO PREPARE A WATER POLLUTION ABATEMENT PLAN FOR THE SPRING LAKE PRESERVE PROJECT, IN THE AMOUNT OF $3,575.00** [T1-598]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an additional Services Agreement with Land Design Partners to prepare a water pollution abatement plan for the Spring Lake Preserve Project, in the amount of $3,575.00. All present voting "Aye". MOTION PASSED

26565 **REQUEST CIVIL DIVISION OF HAYS COUNTY DISTRICT ATTORNEY'S OFFICE TO PREPARE AN OFFICIAL RESPONSE FROM THE COMMISSIONERS COURT IN RELATION TO REQUEST FOR ATTORNEY GENERAL'S OPINION #RQ-0822-GA RELATING TO THE ABILITY OF TYPE A GENERAL LAW MUNICIPALITIES TO IMPOSE AND ENFORCE NONPOINT SOURCE POLLUTION (NPS) ORDINANCES WITHIN THE ETJ** [T1-625]

Public comment was made by Eric Eskelund, Mayor of Woodcreek. Special Counsel/Assistant District Attorney Mark Zuniga spoke. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to request Civil Division of Hays County District Attorney's Office to prepare an Official Response from the Commissioners Court in relation to request for Attorney General's Opinion #RQ-0822-GA relating to the ability of Type A General Law Municipalities to impose and enforce Nonpoint Source Pollution (NPS) Ordinances within the ETJ. All present voting "Aye". MOTION PASSED**

26566 **WAIVE THE FEES FOR THE ROTARY CLUB OF SAN MARCOS EVENT THAT WILL BE HELD IN THE HAYS COUNTY CIVIC CENTER ON OCTOBER 22, 2009** [T1-847]

The Rotary Club of San Marcos will be holding the Early Act First Knight Tournament for 1300 school children, teachers and community observers (a 2 hour event). **A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive the fees for the Rotary Club of San Marcos event that will be held in the Hays County Civic Center on October 22, 2009. All voting "Aye". MOTION PASSED**

26567 **EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, RELATED TO A POSSIBLE OFFER OF ECONOMIC DEVELOPMENT INCENTIVES TO GRIFOLS, INC. FOR THE DEVELOPMENT OF A BIOMEDICAL FACILITY IN HAYS COUNTY** [T1-908]

Court convened into closed executive session at 10:15 a.m. and reconvened into open meeting at 10:35 a.m. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Chapter 381 Economic Development Incentive Agreement with Grifols, Inc. for the development of a Biomedical Facility in Hays County. All present voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO DISCUSS EMPLOYMENT, EVALUATION AND/OR DUTIES OF ALL INDIVIDUAL DEPARTMENT HEADS

Court convened into closed executive session at 10:45 a.m. and reconvened into open meeting at 3:45 p.m. No action taken.

Clerk's Agenda Item #16 RE: *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**

Clerk's Agenda Item #17 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

Clerk's Agenda Item #18 Re: *DISCUSSION AND POSSIBLE ACTION TO EXECUTE A RESOLUTION DECLARING A BURN BAN IN HAYS COUNTY EFFECTIVE IMMEDIATELY* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 20, 2009.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF NOVEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

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

26568 APPROVE PAYMENT OF COUNTY INVOICES

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

26569 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 20, 2009

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

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

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

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

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

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

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

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

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

26574 APPROVE CANCELLATION OF DECEMBER 1, 2009 COMMISSIONERS COURT MEETING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to establish a Local Data Advisory Board consisting of the Sheriff/Designee, Attorney for District Courts/Designee, Attorney for County Courts/Designee, District Clerk/Designee, County Clerk/Designee, Police Chief of the municipality with the greatest population located in the county(San Marcos)/Designee, IT/Designee, Pursuant to HB2730 and designate District Attorney Sherri Tibbe as the Chair, for the first meeting, to come up with an improvement plan and furthermore the court requests that the plan be brought back to the court by the first week in May 2010 and the improvement plan submitted to DPS by June 1, 2009. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ROAD BOND CONSTRUCTION SIGNAGE [T1-3415]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Barton spoke of additional work that needs to be performed (archeological work, borings, etc.). It is still under the estimated project cost. No action taken.

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

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

26595 APPOINT JAMES AKERS TO THE COMMUNITY ACTION, INC. OF HAYS, CALDWELL, AND BLANCO COUNTIES BOARD [T2-1196]

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

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

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

26596 ACCEPT THE CITY OF SAN MARCOS TO AMEND HAYS COUNTY'S AGREEMENT FOR ASSESSMENT AND COLLECTION SERVICES WITH MCCREARY, VESELKA, BRAGG, AND ALLEN [T1-867]

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

26597 APPROVE $2600.00 FOR A COUNTYWIDE SHREDDING PROGRAM [T2-1393]

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

HAYS COUNTY WEBSITE UPDATE AND DEVELOPMENT [T2-1554]

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

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

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

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

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

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

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

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

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

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 3, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF NOVEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

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

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

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

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

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

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

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

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

26601 APPROVE PAYMENTS OF COUNTY INVOICES

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

26602 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 3, 2009

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

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

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

26604 APPROVE DONATED FUNDS IN THE AMOUNT OF $575.00 TO THE HAYS COUNTY SHERIFF'S OFFICE TO BE DEPOSITED INTO LINE ITEM 052-618-00.5222 (CRIME PREVENTION PROGRAM) AND AMEND THE BUDGET ACCORDINGLY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26618 APPROVE AN $800.00 SHREDDING EXPENDITURE FOR TEXAS RECYCLING DAY

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

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

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

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

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

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

26619 DISCUSSION OF ISSUES AND ACTION TAKEN RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-713]

Special Counsel Mark Kennedy spoke of possible appeal process regarding jail repairs (Title 37 Chapter 297 of the Administrative Code). Brenda Jenkins (Broaddus & Associates) spoke of already having notified contractors and getting them to look at the project on Monday. Suggested issuing RFQ's, with a 15 day review, and entering into negotiation with the top person. Brenda Jenkins spoke of alternative solutions. The roof should be completed in three weeks (by mid December) and the kitchen project would not be completed until March (5 months). Court discussed meeting that was held with the Jail Standards Commission and ongoing work to make repairs and cleanup the kitchen. Brenda Jenkins spoke of short-term plan including environmental assessment. Commissioner Conley suggested a more thorough evaluation of our options for feeding of staff and prisoners. Terry Julian (retired from Jail Standards Commission) spoke in favor of seeking an appeal. Commissioner Conley suggested having a San Marcos Health Inspector inspect the jail. Jimmy Skipton [T1-1589] made public comment. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to instruct Special Counsel to begin process of filing an appeal with Texas Jail Commission and for the Sheriff's Office and Broaddus to continue moving forward with improvements to the roof, kitchen and other areas of the jail and to ask the City of San Marcos to inspect the Jail as soon as possible. All voting "Aye". MOTION PASSED**
[T2-536] Brenda Jenkins (Broaddus & Associates) spoke of RFP's for jail improvements and gave an update on progress regarding the government center. Special Counsel Mark Kennedy spoke of contract/agreement
[T2-816] **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the provision that was added to the Design Build Contract for the Government Center and to 5th Wall Construction for the roof at the Jail titled Dispute Resolution. All voting "Aye". MOTION PASSED.**

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

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

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

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

Court was adjourned.

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

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF NOVEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING MEMBERS WERE NOT PRESENT: JEFFERSON W. BARTON, COMMISSIONER, PCT. 2, WILL CONLEY, COMMISSIONER, PCT. 3 KAREN FORD, COMMISSIONER, PCT. 4; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

26620 CANVASS ELECTION RESULTS FOR CONSTITUTIONAL AMENDMENT ELECTION HELD NOVEMBER 3, 2009

Joyce Cowan Elections Administrator gave a brief overview of the election. **A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to canvass Election Results for Constitutional Amendment Election held November 3, 2009. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 16, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF NOVEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26621 ADOPT A PROCLAMATION SUPPORTING SAN MARCOS HIGH SCHOOL STUDENT GOVERNMENT DAY AND RECOGNIZING DECEMBER 11, 2009 AS STUDENT GOVERNMENT DAY IN SAN MARCOS [T1-94]

Commissioner Ingalsbe introduced students that were selected by their peers to shadow various county officials on Government Day in San Marcos: County Judge Parisa Tajalli, Commissioner Pct. 1 Kristine Staggs, Commissioner Pct. 2 Julie Munoz, Commissioner Pct. 3 Edward Davilla, Commissioner Pct. 4 Jacob Flores, J.P. 1-1 Anna Pates, J.P. 1-2 E. J. Alva, Constable Pct. 1 Martha Roman, Sheriff Pamela Stover, CoCrt@Law#1 Judge Marcus D. Cruz, and CoCrt@Law#2 Judge Alex Selvera. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation supporting San Marcos High School Student Government Day and recognizing December 11, 2009 as Student Government Day in San Marcos. All voting "Aye". MOTION PASSED**

26622 ADOPT A PROCLAMATION DECLARING NOVEMBER 17, 2009 AS WIMBERLEY LIONS CLUB DAY [T1-31]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring November 17, 2009 as Wimberley Lions Club Day. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton and Commissioner Conley not present to vote. MOTION PASSED

26623 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payments of county invoices in the amount of $163,597.75 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26624 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 10, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of November 10, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26625 APPROVE AN OVERTIME REIMBURSEMENT AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION RELATED TO CENTRAL TEXAS JOINT TERRORISM TASK FORCE PARTICIPATION, IN AN AMOUNT OF UP TO $16,903.25 FOR FY2010 AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve an overtime Reimbursement Agreement with the Federal Bureau of Investigation related to Central Texas Joint Terrorism Task Force participation, in an amount of up to $16,903.25 for FY2010 and amend the budget accordingly. All voting "Aye". MOTION PASSED

26626 APPROVE OUT OF STATE TRAVEL FOR CHARLES CHAPMAN RN, EMERGENCY PREPAREDNESS COORDINATOR TO ATTEND "PANDEMIC INFLUENZA PLANNING AND PREPAREDNESS AND WMD HANDS-ON-TRAINING" COURSE OF INSTRUCTION PROVIDED BY THE CENTER FOR DOMESTIC PREPAREDNESS, ANNISTON, AL 36205

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve out of state travel for Charles Chapman RN, Emergency Coordinator to attend "Pandemic Influenza Planning and Preparedness and WMD Hands-on-Training" Course of instruction provided by the Center for Domestic Preparedness, Anniston, AL 36205. All voting "Aye". MOTION PASSED

26627 APPROVE COMMERCIAL OSSF PERMIT FOR ASSYRIA ENTERPRISES LOCATED 100 S. CANYONWOOD, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commercial OSSF Permit for Assyria Enterprises located 100 S. Canyonwood, Dripping Springs, in Precinct 4. All voting "Aye". MOTION PASSED

26628 APPROVE THE TRANSFER OF FUNDS IN THE AMOUNT OF $542.86 FROM LINE ITEM 001-618-00.5206 TO 001-618-00.5719 FOR THE PURCHASE OF A REPLACEMENT CAMERA AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the transfer of funds in the amount of $542.86 from line item 001-618-00.5206 to 001-618-00.5719 for the purchase of a replacement camera and amend the budget accordingly. All voting "Aye". MOTION PASSED

26629 APPROVE REPLACEMENT OF ICE MAKER AT THE JUVENILE DETENTION CENTER NOT TO EXCEED $3,551.00 AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve replacement of ice maker at the Juvenile Detention Center not to exceed $3,551.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED

26630 APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE RFP# 2010-P03 REGARDING PHONE SYSTEMS FOR HAYS COUNTY OFFICES [T1-754]

Broaddus & Associates gave a powerpoint presentation regarding a countywide phone system. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve specifications and authorize Purchasing to advertise RFP#2010-P03 regarding phone systems for Hays County offices. All voting "Aye". MOTION PASSED.**

26631 APPROVE BUDGET AMENDMENT 10-03

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve budget amendment 10-03 as recommended by the County Auditor. All voting "Aye". MOTION PASSED

26632 RENEWAL OF EMERGENCY NOTIFICATION SYSTEM WITH CAPCOG AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER OF AGREEMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of Emergency Notification System with CAPCOG and authorize the County Judge to execute a Letter of Agreement. All voting "Aye". MOTION PASSED

PUBLIC COMMENT
Jimmy Skipton made public comment regarding OSSF rules.

Clerk's Note: Agenda Item #13 RE: *REMOVE A SECTION OF GOFORTH RD, CR 157 NEAR THE INTERSECTION OF MATHIAS LANE, CR 123 FROM COUNTY MAINTENANCE AND RETURN ROW TO ADJACENT PROPERTY OWNERS* **was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

26633 ACCEPT NOMINATIONS FOR THE VETERAN'S TASK FORCE FOR HAYS COUNTY [T1-454]

Judge Sumter nominated Jude Prather & Mary Ann Maycen. Commissioner Ingalsbe nominated Macario Mike Mendoza. **A motion was made by Judge Sumter, seconded by Commissioner Ford to accept nominations of Jude Prather, Mary Ann Maycen, and Mike Mendoza for the Veteran's Task Force for Hays County. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #15 RE*: HIRE NAISMITH ENGINEERING, INC. TO SUBMIT TO TCEQ AND FEMA VARIOUS DOCUMENTS AND RESEARCH DATA NEEDED TO OBTAIN AGENCY APPROVAL OF NEWLY ADOPTED DEVELOPMENT STANDARDS* **was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

26634 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #4 TO THE CONTRACT WITH WESTAR CONSTRUCTION, INC. FOR A DEDUCTION AMOUNT OF $16,000 FOR THE FIVE MILE DAM PARK CONSTRUCTION PROJECT [T1-513]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute Change Order #4 to the Contract with Westar Construction, Inc. for a deduction amount of $16,000 for the Five Mile Dam Park Construction Project. All voting "Aye". MOTION PASSED

DISCUSSION RE: RESOLUTION BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS APPROVING AND AUTHORIZING PUBLICATION OF INTENTION TO ISSUE ONE OR MORE SERIES OF CERTIFICATION OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12 AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH [T1-1898]

Bond Counsel Dan Wegmiller spoke of need to postpone action at this time. Suggested coming back in January for consideration. No action taken.

26635 ALTER THE INSULATION SPECIFICATIONS FOR THE SHERIFF'S OFFICE ROOFTOP PROJECT, RESULTING IN A HIGHER 'R" VALUE AND ADDITIONAL PROJECT COSTS [T1-2001]

A motion was made by Judge Sumter, seconded by Commissioner Ford to alter the insulation specifications for the Sheriff's Office Rooftop Project, resulting in a higher "R" Value and additional project costs NTE $76,000 [bring it up to an R Value of 30]. All voting "Aye". MOTION PASSED

26636 AUTHORIZE THE COUNTY JUDGE TO FILE A LETTER WITH THE COMMISSION ON JAIL STANDARDS, PURSUANT TO 37 TAC 297.10, EXPRESSING DISAGREEMENT WITH THE COMMISSION'S REMEDIAL ORDER ISSUED ON OR ABOUT NOVEMBER 5, 2009 AND REQUESTING APPEARANCE BEFORE THE COMMISSION [T1-2259]

Special Counsel Mark Kennedy spoke of food service inspections (county & city officials) that resulted in a score of 82. Commissioner Conley spoke of inspections – there is no sanitary issue at the jail. Mark Kennedy stated that the inspectors felt like there were no safety issues and he is waiting for a written report. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to file a Letter with the Commission's Remedial Order issued on or about November 5, 2009 and requesting appearance before the Commission. All voting "Aye". MOTION PASSED**

26637 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RESOLUTION REGARDING APPLICATION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, STATE ENERGY CONSERVATION OFFICE FOR ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FUNDING [T1-703]

Grants Administrator Jeff Hauff explained the grant. Funding may be utilized to develop and implement projects to improve energy efficiency and reduce energy use and fossil fuel emissions, including activities such as building energy audits and retrofits, installation of distributed energy technologies, installation of energy efficient traffic signals and street lighting, and installation of renewable energy technologies on government buildings.
A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute a Resolution regarding application to the Texas Comptroller of Public Accounts, State Energy Conservation Office for Energy Efficiency and Conservation Block Grant (EECBG) Funding. All voting "Aye". MOTION PASSED

26638 AUTHORIZE EXECUTION OF A CONTRACT WITH TATEAUSTINHAHN, SELECTED FROM THE COUNTY'S PRE-CERTIFIED LIST OF TRANSPORTATION/BOND PROFESSIONAL SERVICE FIRMS, TO PROVIDE PUBLIC OUTREACH, INFORMATION AND PUBLIC PARTICIPATION ON VARIOUS ROAD AND BOND PROJECTS IN PCT. 2 AND POSSIBLY ELSEWHERE IN HAYS COUNTY [T 1-2995]

Commissioner Barton explained the contract. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commissioner Barton, along with Special Counsel Mark Kennedy and County Auditor Bill Herzog, to finalize and execute a Contract, NTE $50,000, with TateAustinHahn, selected from the County's Pre-Certified list of Transportation/Bond Professional Service Firms, to provide public outreach information and public participation on various road and bond projects in Pct 2 and possibly elsewhere in Hays County. All voting "Aye". MOTION PASSED**

26639 APPROVE DESIGN SUPPLEMENTAL AGREEMENT NO. 1 FOR PROFESSIONAL SERVICES WITH URS CORPORATION FOR WORK ON THE INTERSTATE 35 PASS THROUGH AGREEMENT (INTERSTATE 35-FM 150 EAST PHASE), AND TO AUTHORIZE THE EXECUTION OF SAID AGREEMENT [T1-3332]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Design Supplemental Agreement No. 1 for Professional Services with URS Corporation for work on the Interstate 35 Pass Through Agreement (Interstate 35 – FM 15 East Phase) and to authorize the execution of said Agreement. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING VETTER PARK, JOHNSON PARK AT FIVE MILE DAM AND COUNTY POLICY FOR PARK CLOSINGS [T1-580]

Discussion was had regarding closing of Vetter & Johnson Parks due to construction that is currently taking place. Jerry Pinnix spoke of health and safety concerns. Both parks should be re-opened by March 2010.

26640 AUTHORIZE COMMISSIONER FORD TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH KENNEDY CONSULTING, INC. FOR PROFESSIONAL ENGINEERING SERVICES AT RR12 AND THE INTERSECTION OF SPORTS PARK DRIVE, A PRIORITY ROAD BOND PROJECT [T1-3466]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize Commissioner Ford to execute a Professional Services Agreement (PSA) with Kennedy Consulting, Inc. for Professional Engineering Services at RR12 and the intersection of Sports Park Drive, a priority road bond project in an amount not to exceed $125,000. All voting "Aye". MOTION PASSED

DISCUSSION OF GOVERNMENT CENTER SECURITY NEEDS [T1-1220]

Sheriff Tommy Ratliff spoke of reviewing security issues at the government center. He spoke of number of people needed to provide security (minimum of 15 Officers). He suggested hiring an outside entity to provide some of the security services. There are currently 9 security officers at the Justice Center plus bailiffs for each Court. Brenda Jenkins (Broaddus & Associates) spoke of future meetings to determine needs.

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 [T2-1220]

This item was opened and discussed along with agenda item #25 RE: Government Center Security needs.

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS [T2-67]

Court convened into closed executive session at 1:30 p.m. and reconvened into open meeting at 4:30 p.m. No action taken.

Clerk's Note: Agenda Item #28 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED. No discussion and No action taken.**

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 17, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF NOVEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH THE FOLLOWING MEMBER NOT PRESENT: ELIZABETH "LIZ" SUMTER COUNTY JUDGE; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Commissioner Ingalsbe called the meeting to order.

26641 PRESENTATION BY SEAN COMPTON, TBG PARTNERS, AND A REPRESENTATIVE FROM THE LADYBIRD JOHNSON WILDFLOWER CENTER REGARDING NATIVE PLANT RE-VEGETATION ON HAYS COUNTY AND TXDOT ROWS. PRESENTATION MAY INCLUDE A DISCUSSION OF A LANDSCAPE PARTNERSHIP BETWEEN HAYS COUNTY AND TXDOT ON CURRENT BOND PROJECTS WITH ACTION

Sean Compton and Emily Manderson of TBG Partners gave a powerpoint presentation regarding re-vegetation. Initial cost is more to get it started, but less maintenance in the long run. Some of the community benefits are: minimizing negative effects on biotic communities; reduced chemical requirements(through the use of native plants); reduced driver fatigue; managing wildlife habitat and connecting wildlife corridors; increasing landscape maintenance efficiency (saves time and money); BMP's stabilize soil, prevent erosion and protect roadway structures; community education and partnerships; ecosystem benefits such as filtering runoff and carbon sequestration; integrating corridor into the regional landscape. This would stabilize the soil. This is a pilot project that would apply sustainable practices to Hays County roadsides that are cost effective and tested to reduce long term maintenance; improve the safety and ecological performance, and restore a natural vernacular to the landscape. **A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the Court to move forward with amending the Prime Strategies Contract and the Pass Through Project at US HWY 290 to include TBG Partners and their partnership/collaboration with the Wildlife Center to address that stretch as a pilot project with native plant re-vegetation and pursuing a partnership with TXDOT for installation and maintenance. All present voting "Aye". MOTION PASSED**

PUBLIC COMMENTS
Gary Conner gave a public comment. Court recognized Tax Assessor/Collector Luanne Caraway for being named Tax Assessor/Collector of the Year.

26642 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve payments of county invoices in the amount of $413,629.37 for FY08-09 and in the amount of $332,965.79 for FY09-10 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

26643 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 16 AND 17, 2009

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Commissioner Court Minutes of November 16 and 17, 2009 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

26644 APPROVE UTILITY PERMIT

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve utility permit #02040 on Quail Run issued to the City of San Marcos as submitted by the Road Department. All present voting "Aye". MOTION PASSED

26645 APPROVE THE JUNE 2009 AMENDED, JULY & AUGUST 2009 TREASURER'S REPORT AND INVESTMENTS REPORTS

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve the June 2009 Amended July & August 2009 Treasurer's Report and Investments Reports. All present voting "Aye". MOTION PASSED

26646 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO HAYS COUNTY'S CONTRACT WITH BROADDUS AND ASSOCIATES FOR CONSULTING SERVICES RELATED TO CREATING AND MANAGING RFP 2010-P03 COUNTY WIDE COMMUNICATIONS INSTALLATION AND SERVICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to execute an Amendment to Hays County's Contract with Broaddus and Associates for consulting services related to creating and managing RFP 2010-P03 County Wide Communications Installation and Services. All present voting "Aye". MOTION PASSED

26647 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON MCCARTY LANE EAST/CR 233 [T1-2521]

Commissioner Ingalsbe opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to establish traffic regulations of 35 MPH speed limit on McCarty Lane East/CR 233. All present voting "Aye". MOTION PASSED**

26648 RE-PLAT OF LOT 9, MOUNTAIN OAKS SUBDIVISION – [09-4-28 4 LOTS] **HOLD PUBLIC HEARING & APPROVE FINAL PLAT** [T1-2516]

Commissioner Ingalsbe opened the public hearing. No public input was received. Public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Ford seconded by Commissioner Conley to approve final plat on Replat of Lot 9 Mountain Oaks Subdivision. All present voting "Aye". MOTION PASSED**

26649 ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE OF THE CONSTRUCTION BOND FOR HIGH POINTE SUBDIVISION, PHASE 4, SECTION 1A AND SECTION 1B [T2-380]

RPTP Director Jerry Borcherding gave staff recommendation. High Pointe is a private subdivision, no maintenance bond is required. **A motion was made by Commissioner Ford seconded by Commissioner Barton to accept road construction drainage improvements and Release of Construction Bond for High Pointe Subdivision, Phase 4 Section 1A and Section 1B. All present voting "Aye". MOTION PASSED**

26650 APPROVE A $500.00 DONATION TO CO-SPONSOR LUNCH FOR THE SAN MARCOS HIGH SCHOOL STUDENT GOVERNMENT DAY [T2-388]

A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to approve a $500.00 donation to co-sponsor lunch for the San Marcos High School Student Government Day to be funded out of contingencies. All present voting "Aye". MOTION PASSED

26651 APPROVE THE PERSONAL HEALTH DEPARTMENT (PHD) HIRING PART TIME/TEMPORARY LVN'S AT $20.00 PER HOUR T1-643

Personal Health Director Priscilla Hargraves spoke of paying for this out of the H1N1 Phase 3 Grant. **A motion was made by Commissioner Ford seconded by Commissioner Barton to approve the Personal Health Department (PHD) hiring Part Time/Temporary LVN's at $20.00 per hour. All present voting "Aye". MOTION PASSED**

26652 APPOINT BRYAN HANNAH (PCT. 1 REPRESENTATIVE) TO THE VETERAN'S TASK FORCE FOR HAYS COUNTY [T2-408]

A motion was made by Commissioner Ford seconded by Commissioner Conley to appoint Bryan Hannah (Pct. 1 Representative) to the Veteran's Task Force for Hays County. All present voting "Aye". MOTION PASSED

26653 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LOOMIS PARTNERS, INC. IN AN AMOUNT NOT TO EXCEED $4000.00 FOR ENDANGERED SPECIES STUDIES RELATED TO THE WINTERS MILL/BLUE HOLE LOOP TRAIL PROJECT AND AMEND THE BUDGET ACCORDINGLY [T2-680]

A motion was made by Commissioner Conley seconded by Commissioner Barton to authorize the County Judge to execute a Contract with Loomis Partners Inc. in an amount not to exceed $4,000.00 for endangered species studies related to the Winters Mill/Blue Hole Loop Trail Project and amend the Budget accordingly. All present voting "Aye". MOTION PASSED

26654 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH CH2M HILL FOR PROFESSIONAL ENGINEERING SERVICES AT RM 1826 AND THE INTERSECTION OF CRYSTAL HILL DRIVE AND THE INTERSECTION OF RM 1826 AND NUTTY BROWN ROAD, PRIORITY BOND PROJECTS [T1-2358]

A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement (PSA) with CH2M Hill for Professional Engineering Services at RM 1826 and the intersection of Crystal Hill Drive and the intersection of RM 1826 and Nutty Brown Road, Priority Bond Projects. All present voting "Aye". MOTION PASSED

26655 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH ROGERS DESIGN SERVICES FOR PROFESSIONAL ENGINEERING SERVICES AT RM 1826 AND THE INTERSECTION OF DARDEN HILL ROAD (CR 163), AND RM 1826 AND THE INTERSECTION OF RM 967, PRIORITY ROAD BOND PROJECTS [T1-2501]

A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement (PSA) with Rogers Design Services for Professional Engineering Services at RM 1826 and the intersection of Darden Hill Road (CR 163), and RM 1826 and the intersection of RM 967, Priority Road Bond Projects. All present voting "Aye". MOTION PASSED

26656 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HALFF ASSOCIATES, INC. TO PREPARE A GRANT APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FURTHER FLOOD PROTECTION PLANNING STUDIES IN NORTHERN HAYS COUNTY AND PROVIDE NECESSARY COORDINATION ACTIVITIES ASSOCIATED WITH FLOOD STUDIES [T1-2627]

Grants Director Jeff Hauff spoke. **A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Contract with Halff Associates, Inc. to prepare a Grant Application to the Texas Water Development Board for further Flood Protection Planning Studies in Northern Hays County and provide necessary coordination activities associated with flood studies in an amount not to exceed $10,000. All present voting "Aye". MOTION PASSED**

26657 MOVE FORWARD WITH PUTTING OUT AN RFP FOR AN ENTITY TO REPRESENT THE COUNTY'S INTERESTS IN REAL ESTATE NEGOTIATIONS AND TRANSACTIONS IN RELATION TO THIS CALL FOR PROJECT AND AVAILABILITY TO ASK FOR AN RFP AFTER THAT OR MOVE INTO NEGOTIATIONS WITH ONE OF THE RESPONDERS [T1-2731]

Grants Director Jeff Hauff spoke. **A motion was made by Commissioner Ford seconded by Commissioner Barton to authorize staff to move forward with putting out an RFQ for an entity to represent Hays County and real estate negotiations in relation to this call for project and availability to ask for an RFP after that or move into negotiations with one of the responders. All present voting "Aye". MOTION PASSED**

26658 APPROVE PCT. 4 APPOINTMENTS TO THE VETERAN'S TASK FORCE, HIRE DR. JIM BELL FROM TSU TO MODERATE DISCUSSIONS, AND BRING INFORMATION AND RECOMMENDATIONS BACK TO THE COURT [T2-419]

A motion was made by Commissioner Ford seconded by Commissioner Conley to approve Precinct 4 appointments to the Hays County Veteran's Task Force Joan Nesvold, and Gary Hale. All present voting "Aye". MOTION PASSED A motion was made by Commissioner Conley seconded by Commissioner Barton to hire Dr. Jim Bell from TSU to moderate discussions with the Task Force and to bring information and recommendations back to the Court in an amount not to exceed $2,000 to be funded from countywide consulting line item. All present voting "Aye". MOTION PASSED

26659 APPOINT ROBERT ELDER OF BUDA AND DAVID WILSON OF KYLE AS PCT. 2 REPRESENTATIVES TO THE VETERAN SERVICES TASK FORCE [T2-422]

A motion was made by Commissioner Ford seconded by Commissioner Conley to appoint Robert Elder of Buda and David Wilson of Kyle as Pct 2 Representatives to the Veteran Services Task Force. All present voting "Aye". MOTION PASSED

26660 APPOINT RON RIGGINS TO THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD [T2-721]

A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to appoint Ron Riggins to the Hays County Parks and Open Space Advisory Board to replace Lee Perry. All present voting "Aye". MOTION PASSED

26661 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT BETWEEN HAYS COUNTY AND BURY & PARTNERS FOR SURVEY AND REPLAT OF THE GOVERNMENT CENTER PROJECT PROPERTY ON STAGECOACH TRAIL IN SAN MARCOS, TEXAS [T1-1641]

Bob Hinkle of Broaddus & Associates spoke. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to authorize the County Judge to execute a Contract between Hays County and Bury & Partners for survey and replat of the Government Center Project Property on Stagecoach Trail in San Marcos, Texas contingent to negotiations and what has been presented by Counsel. All present voting "Aye". MOTION PASSED**

26662 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR A CHECK PROCESSING SYSTEM BETWEEN HAYS COUNTY AND SAGE CAPITAL BANK [T1-614]

Tax Assessor/Collector Luanne Caraway spoke. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Contract for a Check Processing System between Hays County and Sage Capital Bank. All present voting "Aye". MOTION PASSED**

26663 ADOPT A RESOLUTION TO URGE THE TEXAS DEPARTMENT OF TRANSPORTATION TO REVIEW AND APPROVE PLANS AND ENVIRONMENTAL DOCUMENTS FOR FM 1626 (NORTHERN SEGMENT) IN A TIMELY MANNER SO THAT THE PROJECT MAY PROCEED TO CONSTRUCTION AS SOON AS POSSIBLE [T1-713]

Commissioner Barton gave an overview. Jeff Watson of HNTB spoke and displayed a map of FM 1626. Hays County is requesting the following change to the FM 1626 TxDOT Schematic: from RM 967 to end of Balcones Bank property line: lowering design speed to 45 mph; revising the roadway typical section to a 5-lane section with concrete curb & gutter(consisting of 15' outside lane, 12 ' inside lanes and a continuous 14' 2-way left turn lane; adding a right turn lane from SB FM 1626 onto WB RM 967; adding an 8' wide sidewalk along SB FM 1626; adding storm sewer system; revising the proposed right of way to vary from 180' (min) to 200' (max): From the end of Balcones Bank property line to the Jerry's Lane/Westway Drive intersection: lowering design speed to 45 mph; revising the roadway typical section to a 2537' curb & gutter section with a raised center median(consisting of 15' outside lanes, 12' inside lanes and a raised center median of varying widths (4'-16'); adding a left turn and right turn lanes at Maybrook Dr; adding a left turn and aright turn lanes at CR 143 (West Way/Jerry's Lane); adding an 8' wide sidewalk along SB FM 1626; adding storm sewer system; revising the proposed right of way to vary from 180' (min) to 200' (max): From the Jerry's Lane/Westway Drive intersection to the end of project at 600 feet south of the Brodie Lane intersection: no proposed change to the design speed of 60 mph per TxDOT schematic; no proposed change to the 5-lane rural section per TxDOT schematic; adding grading for a future 8' sidewalk up to the Manchaca Youth Optimist Baseball Complex; widened the proposed Little Bear Creek Bridge to accommodate an 8' wide sidewalk; adding a 550' long transition section to tie back to the existing pavement just south of the Bear Creek Bridge; revising the proposed right of way to vary from 180' (min to 250' (max). **A motion was made by Commissioner Barton seconded by Commissioner Conley to adopt a Resolution in support of FM 1626 urging expeditious review on the part of TXDOT and other partners and asking TXDOT to move quickly. All present voting "Aye". MOTION PASSED. A motion was made by Commissioner Barton seconded by Ingalsbe to adopt a Resolution that consists of neighborhood friendly designs and incorporates the recommendations that were heard by the community on the Pct 2 web-site and in the presentation today. All present voting "Aye". MOTION PASSED**

26664 AMEND THE BUDGET RELATED TO TRANSACTIONAL COSTS ON THE DAHLSTROM RANCH PARKS AND OPEN SPACE PROJECT [T2-750]

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize Special Counsel Mark Kennedy to convey to Hill Country Conservancy our willingness to contribute another $64,000 that totals $100,000 for the additional closing costs and to incorporate into his negotiations for the final contract and MOU on the Dahlstrom Ranch Parks and Open Space Project in and furthermore the money would come out of Parks Bond Funds. All present voting "Aye". MOTION PASSED

26665 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LANGFORD COMMUNITY MANAGEMENT SERVICES FOR $30,000 FOR PROJECT MANAGEMENT RELATED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT, PHASE II [T2-946]

A motion was made by Commissioner Conley seconded by Commissioner Ford to authorize the County Judge to execute a Contract with Langford Community Management Services for $30,000 for Project Management related to the Community Development Block Grant for the Cedar Oak Mesa Water System Improvement Project, Phase II. All present voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE, TO DELIBERATE THE RESPONSIBILITIES AND/OR DUTIES OF THE POSITIONS OF SENIOR PLANNER AND SUBDIVISION COORDINATOR IN RESOURCE PROTECTION, TRANSPORTATION AND PLANNING [T1-2583]

Court convened into closed executive session at 1:40 p.m. and reconvened into open meeting at 3:00 p.m. **No action taken.**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION RELATED TO THE HAYS COUNTY CORRECTIONS FACILITY. [T1-2570]

Court convened into closed executive session at 11:24 a.m. and reconvened into open meeting at 12:40 p.m. **No action taken.**

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS [T1-2595]

Court convened into closed executive session at 3:20 p.m. and reconvened into open meeting at 4:02 p.m. **No action taken.**

26666 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 WITH ACTION [T1-1641]

This item was discussed in concurrence with agenda item # 21 Commissioner Court Minutes Resolution #26641 **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to adopt as a policy of the Commissioners Court the Memorandum that has been presented in court by Broaddus & Associates and item #2 under Criteria to read as follows: Procurement procedures compliant with Hays County Purchasing Department. All present voting "Aye". MOTION PASSED** Commissioner Conley spoke of cleaning of air ducts in the Jail while we are in the process of replacing heating/air conditioning. [T1-2182] **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to hire Broaddus & Associates to move forward and acquire quotes to have the air ducts cleaned at the Jail and authorize Broaddus & Associates to move forward to hire an environmental company and cleaning company to clean and disinfect the kitchen at the Jail. All present voting "Aye". MOTION PASSED**

Clerks Note: Agenda item #30 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 24, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF DECEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford led the court in a moment of silence in memory of former Sheriff Allen Bridges and gave the invocation. Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26667 APPROVE PAYMENTS OF COUNTY INVOICES

Bill Herzog County Auditor presented a list of voided checks. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices in the amount of $152,929.19 for week ending December 1, 2009 and in the amount of $805,612.43 for week ending December 8, 2009 as submitted by the County Auditor. All voting "Aye". MOTION PASSED**

26668 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 24, 2009

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of November 24, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26669 APPROVE THE SEPTEMBER 2009 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the September 2009 Treasurer's Report and Investment Report as presented by the County Treasurer. All voting "Aye". MOTION PASSED

26670 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize Information Technology to dispose of computer equipment as worthless and send to Goodwill for recycling. All voting "Aye". MOTION PASSED

26671 APPROVE AWARD OF BID#2010-B02 (1)USED SINGLE AXLE DIESEL CAB-CHASSIS FOR THE RPTP DEPARTMENT TO FREIGHTLINER OF AUSTIN AND AUTHORIZE THE COUNTY JUDGE TO SIGN CONTRACT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve award of Bid #2010-B02 (1) used single axle diesel cab-chassis for the RPTP Department to Freightliner of Austin and authorize the County Judge to sign Contract. All voting "Aye". MOTION PASSED

26672 APPROVE ROAD BOND CONSTRUCTION SIGN [T1-80]

Communications Specialist Laureen Chernow presented the proposed signage. Will contain a changeable insert for listing partnerships in the project (ie Texas Dept. of Transportation). **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve design of Road Bond Construction Sign. All voting "Aye". MOTION PASSED**

26673 RECEIVE THE RESULTS OF THE ROCKY RANCH I ELECTION FOR ROADWAY IMPROVEMENTS UNDER CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE; AND TO ORDER THE APPROPRIATE ACTION PURSUANT TO THOSE RESULTS [T1-200]

County Clerk Linda Fritsche presented results of the balloting: 28 In Favor and 4 Not in Favor resulting in a favorable result. RPTP Director Jerry Borcherding spoke of rebuilding the road, drainage improvements, and resurfacing roadway. Commissioner Ford spoke of one property owner that voted against this issue whose property also lies on Hilliard Road. It was suggested this property owner may be exempted from financial participation after review of the primary access to their property. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to receive the results of the Rocky Ranch I Election for roadway improvements under Chapter 253 of the Texas Transportation Code; and to order the appropriate action pursuant to those results. All voting "Aye". MOTION PASSED**

26674 CALL FOR A PUBLIC HEARING ON DECEMBER 22, 2009 TO INCREASE SCHOOL ZONE SPEED LIMIT FOR THE MASTER'S SCHOOL ON CENTERPOINT RD, CR 234 [T1-267]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to call for a public hearing on December 22, 2009 to increase school zone speed limit for the Master's School on Centerpoint Rd., CR 234. All voting "Aye". MOTION PASSED

LOS ALTOS HILLS SUBDIVISION [08-2-61 203 LOTS] **CONSIDER A VARIANCE FROM SECTION 5.8 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS** [T1-2117]

Subdivision Coordinator Clint Garza spoke of one year deadline to file a final plat – developer is asking for one additional year from December 15th. Steve Ramsey (Baker-Aicklen & Assoc) spoke. Commissioner Barton advised that this variance is only for an extension of time to file the plat not to any county standards. Discussion was had regarding water and wastewater issues. Court would like to see an agreement with the Property Owners Association regarding a long-term maintenance commitment. Clint Garza advised that this could be included on the plat as a plat note. Court agreed that an extension could be granted next week if the developer will agree to provide meaningful performance measures that would address storm water controls. No action was taken.

Clerk's Note: Agenda Item #10 RE: *APPROVE CONTRACT WITH CLAYTONLEVYLITTLE FOR THE RFQ#2009-P07 HISTORIC PRESERVATION ARCHITECT FOR RESTORATION OF THE OLD HAYS COUNTY JAIL AND AUTHORIZE THE COUNTY JUDGE TO SIGN CONTRACT* **was PULLED – NO ACTION TAKEN**

26675 APPROVE THE FUNDING AGREEMENT AND THE TEXAS STATE HISTORICAL COMMISSION FOR RESTORATION OF THE OLD HAYS COUNTY JAIL [T1-3177]

Linda Coker appeared on behalf of the Hays County Historical Commission. **A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the Funding Agreement and the Texas State Historical Commission for restoration of the Old Hays County Jail. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #12 RE: *CONSIDER CASTING VOTES BY RESOLUTION FOR DIRECTOR POSITIONS ON THE BOARD OF THE HAYS CENTRAL APPRAISAL DISTRICT* **was PULLED – NO ACTION TAKEN** [T1-3045]

26676 APPROVE CHANGE ORDER #1 FOR THE JUVENILE DETENTION GED BUILDING AND AMEND THE BUDGET ACCORDINGLY [T1-320]

Juvenile Detention Center Director Brett Littlejohn explained the change order. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve Change Order #1 for the Juvenile Detention GED Building and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26677 AMEND THE JUVENILE PROBATION BUDGET TO ACCEPT INSURANCE CLAIM FOR WRECKED VEHICLE AND TO BUDGET PURCHASE OF REPLACEMENT VEHICLE FOR GED PROGRAM [T1-340]

A motion was made by Commissioner Barton, seconded by Judge Sumter to amend the Juvenile Probation budget to accept Insurance Claim for wrecked vehicle and to budget purchase of replacement vehicle for GED Program. All voting "Aye". MOTION PASSED

26678 ACCEPT A BID FROM CURRENT ELECTRIC, INC. TO FURNISH AND INSTALL 25 PAIR CABLE FROM MAIN COMMUNICATIONS ROOM TO CONFERENCE ROOM OF THE NEW GED BUILDING AND FURNISH AND INSTALL TWO CATEGORY 5 CABLES FROM 66 BLOCK TO NINE 2-PORT RJ45 JACKS AND AMEND THE BUDGET ACCORDINGLY [T1- 357]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept a bid from Current Electric, Inc. to furnish and install 25 pair cable from main communications room to conference room of the new GED Building and furnish and install two category 5 cables from 66 block to nine 2-port RJ45 jacks and amend the budget accordingly. All voting "Aye". MOTION PASSED

26679 ALLOW THE PURCHASE OF DIAGNOSTIC EQUIPMENT FOR THE SHERIFF'S OFFICE AND AMEND THE BUDGET ACCORDINGLY [T1-282]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to allow the purchase of Diagnostic Equipment for the Sheriff's Office and amend the budget accordingly. All voting "Aye". MOTION PASSED

26680 APPROVE OUT-OF-STATE TRAVEL FOR A MEMBER OF THE HAYS COUNTY SHERIFF'S DEPARTMENT TO ATTEND TRAINING AT THE HIGH TECH CRIME INSTITUTE [T1-289]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve out-of-state travel for a member of the Hays County Sheriff's Department to attend training at the High Tech Crime Institute. All voting "Aye". MOTION PASSED

26681 AMEND FUNDING CONTRACTS WITH LIBRARIES IN HAYS COUNTY TO ALLOW FOR REGIONAL SERVICE OF CITIZENS FROM BEYOND THE COUNTY'S BORDERS [T1-369]

Commissioner Barton spoke of need to change contracts that would allow citizens outside of Hays County to utilize library services. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize and request that legal Counsel Mark Kennedy amend funding contracts with libraries in Hays County to allow for Regional Service of citizens from beyond the County's borders and also to take care of other incidental legal issues to improve the contracts and to furthermore authorize the County Judge to execute the revised contracts. All voting "Aye". MOTION PASSED**

26682 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SECOND AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY, THE CITY OF AUSTIN, AND THE HILL COUNTRY CONSERVANCY, REGARDING THE DAHLSTROM RANCH OPEN SPACE PROJECT [T1- 424]

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute the Second Amended and Restated Memorandum of Understanding between Hays County, the City of Austin, and the Hill Country Conservancy, regarding the Dahlstrom Ranch Open Space Project. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ACCRUED COMPENSATORY AND/OR OVERTIME BY DEPUTY CONSTABLES, PARTICULARLY MARK HANNA, A DEPUTY CONSTABLE UNDER PCT. 2 CONSTABLE JAMES KOHLER [T1-468]

Constable Pct. 2 James Kohler spoke of workload in his precinct. Court spoke of need to address time management issue. Court will consider in April 2010.

26683 AUTHORIZE COUNTY JUDGE TO APPROVE AN AMENDMENT TO THE CONTRACT WITH PRIME STRATEGIES, INC. TO INCORPORATE THE PSA WITH TBG PARTNERS FOR THE ROADSIDE REVEGETATION OF US 290 WEST – TRAUTWEIN TO NUTTY BROWN [T1-1515]

Commissioner Ford requested an amendment to the contract and approve Task#1= $6,280 Jimmy Skipton gave public comment. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to approve an Amendment to the Contract with Prime Strategies, Inc. to incorporate the PSA with TBG Partners for the roadside revegetation of US 290 West – Trautwein to Nutty Brown in an amount not to exceed $6,280 as we go to the next stage. All voting "Aye". MOTION PASSED**

26684 AMEND THE COURTHOUSE SECURITY BUDGET AND MOVE FUNDS FROM 107-612-00.5301 OPERATING EXPENSE TO 107-612-00.5551 CONTINUING EDUCATION IN ORDER TO PROCESS INVOICE FOR CS STAFF FIREARM TRAINING [T1-1119]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to amend the Courthouse Security Budget and move funds from 107-612-00.5301 Operating Expense to 107-612-00.5551 Continuing Education in order to process invoi8ce for CS Staff Firearm Training. All voting "Aye". MOTION PASSED

26685 APPROVE ADDITIONAL FILING FEE FOR CASES FILED IN THE COUNTY COURT AT LAW TO BE USED TO DIGITIZE AND PRESERVE COURT RECORDS TO BE EFFECTIVE JANUARY 1, 2010 [T1-1148]

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve additional filing fee of $10.00 for cases filed in the County Court at Law to be used to digitize and preserve Court Records to be effective January 1, 2010. All voting "Aye". MOTION PASSED

26686 ALLOW THE ROAD AND BRIDGE DEPARTMENT TO ASSIST THE HAYS-CALDWELL WOMEN'S CENTER IN CONSTRUCTION OF A DRIVEWAY AND A SMALL PARKING LOT [T1-1275]

RPTP Director Jerry Borcherding estimates that this project would not exceed $15,000 in road materials. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to allow the Road and Bridge Department to assist the Hays-Caldwell Women's Center in construction of a driveway and a small parking lot. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #25 RE: *WORKSHOP ON RECORDS PRESERVATION ISSUES. POSSIBLE ACTION MAY FOLLOW* **was PULLED.**

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

Court convened into closed executive session at 12:00 p.m. and reconvened into open meeting at 1:45 p.m. No action taken.

Clerk's Note: Agenda Item #27 RE: *EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT REGARDING PROJECT LEED* **was PULLED.**

26687 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 WITH ACTION [T1-790]

Law Enforcement Facility update (jail kitchen improvements) was given by Phillip Buterbaugh of Broaddus & Associates. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to accept the recommendation of the selection committee and authorize and enter into negotiations for contract with JE Dunn. All voting "Aye". MOTION PASSED** Bob Hinkle of Broaddus & Associates gave a status report in regards to progress on schematic designs for the Government Center.

Clerk's Note: Agenda Item #29 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **was PULLED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 8, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF DECEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION BY THE SCHEIB CHRISTMAS CHORUS

Judge Sumter introduced the Scheib Christmas Chorus and they sang several Christmas songs for the court.

PRESENTATION OF SAFETY LEADERSHIP CERTIFICATES

Safety Specialist Abel Velasquez presented Safety Leadership Certificates to Ron Knott, Daniel Villegas, Skip Casteel, Charles Chapman, Darrell Austin, and William Crites.

26688 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payments of county invoices in the amount of $1,386,792.20 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26689 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 8, 2009

Commissioner Ford spoke of sentence in the minutes (Resolution # 26773) that was incomplete and she requested the following be added: "*on Hilliard Road. It was suggested that this property owner may be exempted from financial participation after review of the primary access to their property*." **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioner Court Minute of December 8, 2009 as presented by the County Clerk with amendment to Resolution #26773 as recommended by Commissioner Ford. All voting "Aye". MOTION PASSED**

26690 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF NOVEMBER, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept report to Commissioners Court identifying Administrative approvals issued during the month of November 2009. All voting "Aye". MOTION PASSED

26691 APPROVE COMMERCIAL OSSF PERMIT FOR EDWARD TADDIA FOR AN AUTOMOTIVE REPAIR SHOP LOCATED AT 100 CANYONWOOD, DRIPPING SPRINGS IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commercial OSSF Permit for Edward Taddia for an automotive repair shop located at 100 Canyonwood, Dripping Springs in Precinct 4. All voting "Aye". MOTION PASSED

26692 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve utility permit #02042 issued to PEC on Pico Court; permit #02041 issued to LCRA on Hays Country Acres Road as submitted by the County Road Department. All voting "Aye". MOTION PASSED

26693 APPROVE CANCELLATION OF DECEMBER 29, 2009 COMMISSIONERS COURT MEETING

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve cancellation of December 29, 2009 Commissioners Court meeting. All voting "Aye". MOTION PASSED

26694 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT #3 TO THE GRANT PROJECT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE SAN MARCOS SPRINGS CONSERVATION PARK, EXTENDING THE AGREEMENT DATE TO JANUARY 31, 2011

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute amendment #3 to the Grant Project Agreement with the Texas Parks and Wildlife Department for the San Marcos Springs Conservation Park, extending the Agreement date to January 31, 2011. All voting "Aye". MOTION PASSED

26695 APPROVE AWARD OF BID#2010-B03 TRACTOR WITH SIDE MOUNTED MOWER FOR THE RPTP DEPARTMENT TO DIETZ TRACTOR COMPANY AND AUTHORIZE THE JUDGE TO SIGN CONTRACT

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve award of bid #2010-B03 tractor with side mounted mower for the RPTP Department to Dietz Tractor Company and authorize the Judge to sign a Contract. All voting "Aye". MOTION PASSED

26696 CALL FOR A PUBLIC HEARING ON JANUARY 12, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION [T1-257]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on January 12, 2010 to establish traffic regulations in Belterra Subdivision. All voting "Aye". MOTION PASSED

26697 REMOVE A SECTION OF GOFORTH RD, CR 157 NEAR THE INTERSECTION OF MATHIAS LANE, CR 123 FROM COUNTY MAINTENANCE AND RETURN ROW TO ADJACENT PROPERTY OWNERS [T1-270]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to remove a section of Goforth Road, CR 157 near the intersection of Mathias Lane, CR 123 from County Maintenance and return ROW to adjacent property owners. All voting "Aye". MOTION PASSED

26698 LOS ALTOS HILLS SUBDIVISION [08-2-61 – 203 LOTS] **APPROVE A VARIANCE FROM SECTION 5.8 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS** [T1-321]

Subdivision Coordinator Clint Garza gave staff recommendation. Developer is requesting a one year extension to the approved preliminary plan. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve a variance from Section 5.8 of the Hays County Development Regulations extending the period of plat for applicant based upon applicants committed willingness to follow through with a development agreement that will follow through with five points enumerated in the letter by Steven Ramsey of Baker-Aicklen & Associates and the 5 points to be achieved before final plat is approved. All voting "Aye". MOTION PASSED**

26699 SHADOW CREEK SUBDIVISION, PHASE 4, SECTION 1 [09-2-34 – 66 LOTS] **APPROVE FINAL PLAT** [T1-420]

Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of Shadow Creek Subdivision Phase 4 Section 1. All voting "Aye". MOTION PASSED**

26700 SHADOW CREEK SUBDIVISION, PHASE 4, SECTION 2 [09-2-35 – 60 LOTS] **APPROVE FINAL PLAT** [T1-441]

Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of Shadow Creek Subdivision Phase 4 Section 2. All voting "Aye". MOTION PASSED**

26701 CAST VOTES BY RESOLUTION FOR DIRECTOR POSITIONS ON THE BOARD OF THE HAYS CENTRAL APPRAISAL DISTRICT [T1-900]

Tax Assessor-Collector Luanne Caraway spoke of votes that have already been cast. Hays County is entitled to 1536 votes. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to cast 1536 votes for Luanne Caraway by Resolution for Director position on the Board of the Hays Central Appraisal District. All voting "Aye". MOTION PASSED**

26702 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HEJL, LEE & ASSOCIATES, INC., IN THE AMOUNT OF $32,000.00, FOR ENGINEERING SERVICES ASSOCIATED WITH THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT, PHASE II [T1-581]

Grants Administrator Jeff Hauff spoke of various phases of the project and he gave staff recommendation for approval of the contract. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute a Contract with Hejl, Lee & Associates Inc., in the amount of $32,000.00 for engineering services associated with the Cedar Oak Mesa Water System Improvement Project Phase II. All voting "Aye". MOTION PASSED**

26703 APPROVE RFQ #2010-P05 FOR REDISTRICTING OF COMMISSIONER PRECINCTS AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS [T1-956]

Discussion was had regarding creating a committee to make recommendations to the court [Joyce Cowan, Steve Floyd, Commissioner Ingalsbe and Commissioner Conley]. Need to correct date and time on Notice to Firms page [RFQ will be opened ~~December~~ January 7, 2010 no ~~later~~ earlier than 2:00 p.m. in the Hays County Purchasing Office]. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve RFQ #2010-P05 for redistricting of Commissioner Precincts and authorize purchasing to solicit for bids. All voting "Aye". MOTION PASSED A motion was made by Judge Sumter, seconded by Commissioner Barton to create a committee of Joyce Cowan, Steve Floyd, Commissioner Ingalsbe, and Commissioner Conley to review and make recommendation to the court. All voting "Aye". MOTION PASSED**

26704 APPROVE CONTRACT WITH CLAYTONLEVYLITTLE FOR THE RFQ#2009-P07 HISTORIC PRESERVATION ARCHITECT FOR RESTORATION OF THE OLD HAYS COUNTY JAIL AND AUTHORIZE THE COUNTY JUDGE TO SIGN CONTRACT[T1-2641]

Special Counsel Mark Kennedy spoke of contract changes that were made. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Contract with ClaytonLevyLittle for the RFQ #2009-P07 Historic Preservation Architect for restoration of the Old Hays County and authorize the County Judge to sign Contract. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING AN OPEN RECORDS POLICY AND GUIDELINES FOR PROPOSALS SUBMITTED TO HAYS COUNTY AS PART OF THE COUNTY'S OPEN SPACE AND HABITAT CONSERVATION "CALL FOR PROJECTS [T1-1111]

Commissioner Barton spoke of request for information regarding proposals that have been submitted. Grants Administrator Jeff Hauff spoke of expectation of some form of confidentiality by applicants. Special Counsel Mark Kennedy spoke of open meetings act. Commissioner Conley spoke in support of open records policy. Commissioner Ford and Commissioner Ingalsbe spoke of confidentiality issues. Mark Kennedy spoke of disclosing only the proposal accepted by the county. This item will come back to the court for consideration.

26705 PURCHASE OFFICE FURNITURE BY THE DEVELOPMENT SERVICES DIVISION OF THE RESOURCE PROTECTION, TRANSPORTATION, AND PLANNING (RPTP) DEPARTMENT [T1-814]

RPTP Director Jerry Borcherding spoke of need for furniture for the new development services division. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to purchase office furniture by the development services division of the Resource Protection, Transportation, and Planning (RPTP) Department to be paid out of RPTP Building Fund in an amount not to exceed $1,362.40. All voting "Aye". MOTION PASSED**

26706 ACCEPT THE DEDICATION OF THE NEWLY ALIGNED PORTION OF OAK BRANCH DRIVE; TO ABANDON A PORTION OF EXISTING OAK BRANCH DRIVE PURSUANT TO CHAPTER 251 OF TRANSPORTATION CODE; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A QUIT CLAIM DEED THAT CLARIFIES TITLE AFTER ABANDONMENT [T1-661]

Special Counsel Mark Kennedy presented a resolution and order closing, abandoning and vacating a portion of Oak Branch Drive. He spoke of appraisal that was done and need for authority to operate within the budget that was previously allocated. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to adopt Resolution and Order abandoning/vacating a portion of existing Oak Branch Drive in Precinct 4 – conditional upon receipt of closing of property and authorize the County Judge to execute a Quit Claim Deed that clarifies title after abandonment. All voting "Aye". MOTION PASSED**

26707 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO: (A) THE HAYS COUNTY CORRECTIONS FACILITY; (B) DAMAGE TO PERSON(S) CAUSED BY COUNTY ROAD CONSTRUCTION; AND (C) HAYS COUNTY'S ARCHITECTURAL SERVICES CONTRACT WITH PBS&J [T1-2612]

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 2:50 p.m. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize special counsel to settle certain claims at his discretion involving actual damages up to a financial amount not to exceed $5,000. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE EVALUATION OF DEPARTMENT HEADS [T1-2596]

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 2:50 p.m. No action was taken.

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS. POSSIBLE ACTION MAY FOLLOW [T1-463]

Brenda Jenkins (Broaddus & Associates) spoke of responses to RFQ's for RPTP facility. Phil Buterbaugh gave a progress report regarding the law enforcement center. Brenda Jenkins spoke of security issues that will be presented regarding the government center next week.

Clerk's Note: Agenda Item #26 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED. No discussion and no action taken.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 15, 2009.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF DECEMBER A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENT
Mark Key made public comment regarding Hays Trinity Groundwater Conservation District. Ray Whisenant invited the court to the Texas Groundwater Association Annual convention on Jan 27-29, 2010 at the San Marcos Convention Center (Embassy Suite).

26708 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested addition of payments to Cintas and Chase Equipment Lease (pay off early). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payments of County Invoices in the amount of $1,210,877.20 as submitted by the County Auditor and additional payments requested. All voting "Aye". MOTION PASSED**

26709 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 15, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Commissioner Court Minutes of December 15, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26710 APPROVE CANCELLATION OF JANUARY 5, 2010 COMMISSIONERS COURT MEETING

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve cancellation of January 5, 2010 Commissioners Court Meeting. All voting "Aye". MOTION PASSED

26711 APPROVE AWARD OF BID #2010-B04 NEW 2000 GAL WATER TANK TO BE MOUNTED TO CAB-CHASSIS FOR THE RPTP DEPARTMENT TO KLEIN PRODUCTS, INC

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve award of bid #2010-B04 new 2000 gal water tank to be mounted to cab-chassis for the RPTP Department to Klein Products, Inc. All voting "Aye". MOTION PASSED

26712 APPROVE REAPPOINTMENT OF MEMBERS OF THE BOARD OF THE HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 8

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Reappointment of members of the Board of the Hays County Emergency Services District No. 8 of Joe Segovia and Carol Greaves for terms of office through 2011; Scott Stevens, Jim Weatherford, and Paul Kaskie for terms office through 2010. All voting "Aye". MOTION PASSED

26713 APPROVE RE-APPOINTMENT OF COMMISSIONER WILL CONLEY TO THE LONE STAR RAIL BOARD FOR A TWO YEAR TERM BEGINNING FEBRUARY 2010 TO FEBRUARY 2012

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve re-appointment of Commissioner Will Conley to the Lone Rail Board for a two year term beginning February 2010 to February 2012. All voting "Aye". MOTION PASSED

26714 APPROVE BUDGET AMENDMENTS FOR JOINT INTERLOCAL AGREEMENTS WITH THE CITY OF SAN MARCOS FOR TWO JAG GRANTS TO PURCHASE TECHNOLOGY AND SURVEILLANCE EQUIPMENT FOR THE SHERIFF'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendments for Joint Interlocal Agreements with the City of San Marcos for San Marcos for two JAG Grants to purchase Technology and Surveillance Equipment for the Sheriff's Office. All voting "Aye". MOTION PASSED

26715 APPROVE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF AGREEMENT (MOA) BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THE HAYS CALDWELL COUNCIL ON ALCOHOL AND DRUG ABUSE (HCCADA)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve County Judge to execute a Memorandum of Agreement (MOA) between Hays County Personal Health Department and the Hays Caldwell Council on Alcohol and Drug Abuse (HCCADA). All voting "Aye". MOTION PASSED

26716 PUBLIC HEARING AND ACTION TO INCREASE THE SCHOOL ZONE SPEED LIMIT FOR THE MASTER'S SCHOOL ON CENTERPOINT RD, CR 234 FROM 20 MPH TO 30 MPH [T1-110]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation to increase the speed limit on Centerpoint Road from 20 MPH to 30 MPH. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to increase the school zone speed limit for the Master's School on Centerpoint Rd., CR 234 from 20 mph to 30 mph. All voting "Aye". MOTION PASSED**

26717 CALL FOR A PUBLIC HEARING ON JANUARY 12, 2010 TO ESTABLISH A BIKE LANE ON BELTERRA DRIVE [T1-122]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on January 12, 2010 to establish a bike lane on Belterra Drive. All voting "Aye". MOTION PASSED

26718 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR RIM ROCK SUBDIVISION PHASE 1, SECTION 3 [T1-128]

RPTP Director Jerry Borcherding gave staff recommendation for release and acceptance. **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 3. All voting "Aye". MOTION PASSED**

26719 RE-SUBDIVISION OF A 10.13 ACRE PORTION OF LAND, RIVER OAKS OF WIMBERLEY, UNIT 1, SECTION 2 [08-3-58 3 LOTS] APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON JANUARY 27, 2010 [T1-155]

Subdivision Coordinator Clint Garza explained the development and gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve preliminary plan and call for a public hearing on January 27, 2010 for Re-Subdivision of a 10.13 acre portion of land River Oaks of Wimberley Unit 1, Section 2. All voting "Aye". MOTION PASSED**

26720 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #2 TO INCREASE THE CONTRACT AMOUNT WITH DU-MOR ENTERPRISES BY $1,500.00 FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT, PHASE I [T1-179]

Grants Administrator Jeff Hauff gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute Change Order #2 to increase the Contract amount with Du-Mor Enterprises by $1,500.00 for the Cedar Oak Mesa Water System Improvement Project, Phase I. All voting "Aye". MOTION PASSED**

26721 AUTHORIZE ADDITIONAL COUNTY FUNDING FOR THE WINTER'S MILL/BLUE HOLE LOOP BIKE/PEDESTRIAN TRAIL PROJECT, IN THE AMOUNT OF $183,000.00, AND AMEND THE BUDGET ACCORDINGLY [T1-199]

Commissioner Conley spoke of this project. He suggested funding as follows: $139,213 from Parks Bond Interest money, $42,000 from Pct. 3 Building Line Item, and $1,788 from Road Dept. materials line item #5351. **A motion was made by Commissioner Conley, seconded by Judge Sumter, to authorize additional County funding for the Winter's Mill/Blue Hole Loop Bike/Pedestrian Trail Project, in the amount of $183,000.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26722 APPROVE A RESOLUTION OF HAYS COUNTY SUPPORTING REGIONAL SOLUTIONS TO WATER CHALLENGES IN HAYS COUNTY AND ADJOINING COUNTIES [T1-465]

Doug Wierman (Hays Trinity Groundwater Conservation District President) spoke. Commissioner Barton suggested changes to the proposed resolution. Commissioner Conley spoke. Mark Key made public comment against a multi-county district. After a brief break, the language in the last paragraph of the proposed resolution was changed. Commissioner Ford and Commissioner Barton requested additional changes to the resolution. **A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the amended Resolution requesting TCEQ to support effective groundwater management authority and regulation for all portions of the Trinity within the Hill Country PIGMA; including western Hays County , western Comal County and southwestern Travis County; supporting regional solutions to water challenges in Hays County and the adjoining counties; and that TCEQ, in cooperation with local stakeholders and legislators, work to implement a solution that will address local needs within a regional context while maintaining locally elected boards, including the options and alternatives discussed in the TCEQ director's draft report. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

26723 WAIVE THE $278.00 FEE FOR A CLASS B FLOOD HAZARD AREA PERMIT FOR THE CONSTRUCTION OF A 1280 SQ. FT. RESTROOM BUILDING AT CAMP BEN MCCULLOCH, 18301 FM 1826, DRIFTWOOD, TX [T1-430]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to waive the $278.00 fee for a Class B Flood Hazard Area Permit for the Construction of a 1280 sq. ft. restroom building at Camp Ben McCulloch (18301 FM 1826, Driftwood). All voting "Aye". MOTION PASSED

26724 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH JEFFREY S. WARD AND ASSOCIATES TO PREPARE A GRANT APPLICATION TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT, HAZARD MITIGATION GRANT PROGRAM (HMGP), FOR FUNDING TO UPDATE THE COUNTY'S HAZARD MITIGATION PLAN [T1-372]

Grants Administrator Jeff Hauff gave staff recommendation for approval – to be funded out of grants office budget line item #001-670-00.5448. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute a Contract with Jeffrey S. Ward and Associates to prepare a Grant Application to the Governor's Division of Emergency Management, Hazard Mitigation Grant Program (HMGP), for funding to update the County's Hazard Mitigation Plan. All voting "Aye". MOTION PASSED**

26725 AUTHORIZE PAYMENT OF APPRAISAL COSTS IN THE AMOUNT OF $1,250.00 AND TRANSACTION AND CLOSING COSTS NOT TO EXCEED $2,750.00 FOR WORK RELATED TO THE OAK BRANCH DRIVE REALIGNMENT IN PRECINCT 4

[T2-1366] **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize payment of appraisal costs in the amount of $1,250.00 and transaction and closing costs not to exceed $2,750.00 for work related to the Oak Branch Drive realignment in Precinct 4 to be paid out of Road Dept. right-of-way line item. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

26726 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GENERAL AND NO LITIGATION CERTIFICATE OF HAYS COUNTY WITH CAPITAL AREA HOUSING FINANCE CORPORATION [T2-1406]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a General and No Litigation Certificate of Hays County with Capital Area Housing Finance Corporation based on fact that "we are not in litigation at this time". All voting "Aye". MOTION PASSED

26727 ACCEPT THE DEDICATION OF ROADWAY AND RIGHT OF WAY THAT WILL SERVE AS THE NEW CR-118; TO ABANDON A PORTION OF EXISTING CR-118; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A QUIT CLAIM DEED FOR THE PORTION OF CR-118 THAT IS ABANDONED [T2-250]

Public comment was made by Mike Boswell. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept the Dedication of Roadway and Right of Way that will serve as the new CR 118; to adopt resolution abandoning a portion of existing CR 118; and to authorize the County Judge to execute a Quit Claim Deed for the portion of CR 118 that is abandoned. All voting "Aye". MOTION PASSED**

26728 APPROVE AND ADOPT A PREVAILING WAGE RATES SCHEDULE FOR HAYS COUNTY CAPITAL IMPROVEMENTS PROJECTS [T1-1360]

[T1-3028] Terry Whitman (Broaddus & Associates) spoke of information obtained regarding prevailing wage in the area. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve and adopt a prevailing wage rates schedule for Hays County Capital Improvements Projects. All voting "Aye". MOTION PASSED**

26729 APPOINT E. DUWAIN WHITIS, JR, TO HAYS COUNTY EMERGENCY SERVICES DISTRICT NUMBER 2, TO REPLACE SHEILA K. CHANDLER, AND TO SERVE A TERM OF OFFICE THROUGH 2011 [T2-1496]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to appoint E. Duwain Whitis, Jr, to Hays County Emergency Services District Number 2, to replace Sheila K. Chandler, and to serve a term of Office through 2011. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

Agenda Item #23 RE: *AWARD BID TO A DESIGN-BUILD FIRM FOR THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING FACILITY ADDITION; AND TO AUTHORIZE COUNSEL AND BROADDUS AND ASSOCIATES TO NEGOTIATE THE CONTRACT* **was PULLED. No discussion and no action taken**

26730 APPROVE RFQ#2010-P06 FOR PROFESSIONAL SERVICES INVOLVING REAL ESTATE NEGOTIATIONS AND TRANSACTIONS IN RELATION TO POTENTIAL COMMITMENT OF THE REMAINING 2008 PARKS AND OPEN SPACE BOND FUNDS [T2-449]

Commissioner Ford spoke of need for a real estate partner and the RFQ lays out the scope of work, etc. Commissioner Barton recommended changes to the RFQ. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve RFQ #2010-P06 with additional language and edits made by Commissioner Barton (see file) for Professional Services involving Real Estate negotiations and transactions in relation to potential commitment of the remaining 2008 Parks and Open Space Bond Funds with Auditor, Special Counsel, Commissioner Ford and Commissioner Conley to serve on the committee. All voting "Aye". MOTION PASSED**

26731 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE DAHLSTROM FAMILY FOR THE LEASE OF APPROXIMATELY 360 ACRES THAT WILL SERVE AS A PUBLIC ACCESS OPEN-SPACE PROJECT [T2-1865]

Special Counsel Mark Kennedy spoke of changes made to the MOU. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a Memorandum of Understanding between Hays County and the Dahlstrom Family for the Lease of approximately 360 acres that will serve as a public access Open-Space Project for Hays County and that said MOU be provided to the court by Mark Kennedy based on today's discussion and amendments. All voting "Aye". MOTION PASSED**

26732 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE 6TH AMENDMENT TO THE AGREEMENT FOR PURCHASE AND SALE OF CONSERVATION EASEMENTS BETWEEN THE DAHLSTROM FAMILY, HAYS COUNTY, THE HILL COUNTRY CONSERVANCY AND THE CITY OF AUSTIN FOR THE DAHLSTROM RANCH PROJECT; AND TO AUTHORIZE LEGAL COUNSEL TO EXECUTE CLOSING DOCUMENTS [T2-1659]

Commissioner Barton spoke of negotiations with the Dahlstrom's. Special Counsel Mark Kennedy spoke of Sixth Amendment to Agreement for purchase and sale of conservation easements – Dahlstrom Ranch. The court convened into closed executive session at 1:55 p.m. and reconvened into open meeting at 2:40 p.m. and again convened into closed session at 3:10 p.m. and reconvened into open meeting at 3:30 p.m. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the 6th Amendment to the Agreement for Purchase and Sale of Conservation Easements between the Dahlstrom Family, Hays County, the Hill Country Conservancy and the City of Austin for the Dahlstrom Ranch Project; to authorize Legal Counsel Mark Kennedy or the County Judge to execute closing documents (3 conservation easements, settlement statement and minor closing documents) before the end of this year; and to furthermore authorize and instruct the County Auditor to issue payment at closing in the amount of $4.9 million out of Park Bond Funds. All voting "Aye". MOTION PASSED**

26733 APPROVE THE DELETION OF FOUR POSITIONS - SENIOR PLANNER, SUBDIVISION COORDINATOR, ENVIRONMENTAL HEALTH SPECIALIST CHIEF AND PROGRAM MANAGER ENVIRONMENTAL HEALTH NO LATER THAN FEBRUARY 28, 2010 AND THE CREATION OF FOUR POSITIONS - DEPUTY DIRECTOR DEVELOPMENT SERVICES, MANAGER DEVELOPMENT SERVICES, FLOOD PLAIN ADMINISTRATOR, AND ENVIRONMENTAL HEALTH SPECIALIST II EFFECTIVE DECEMBER 22, 2009 IN THE RESOURCE, PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT [T2-1507]

Judge Sumter spoke of eliminating four positions and creating four new positions. RPTP Director Jerry Borcherding spoke of salary ranges – salaries have not been set at this time. County Auditor Bill Herzog advised that no additional money will be required. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the deletion of four positions – Senior Planner, Subdivision Coordinator, Environmental Health Specialist Chief and Program Manager Environmental Health not later than February 28, 2010 and the creation of four positions – Deputy Director Development Services, Manager Development Service, Flood Plain Administrator, and Environmental Health Specialist II effective December 22, 2009 in the Resource Protection, Transportation and Planning Department. All voting "Aye". MOTION PASSED**

26734 PURCHASE USED FURNITURE FROM THE WIRELESS STORE FOR FOUR DESK UNITS IN THE AMOUNT OF $1600.00 [T2-1457]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to purchase used furniture from the Wireless Store for four desk units in the amount of $1,600.00; $1,200 from line item #001-645-00.5741 and $400 from line item #001-645-00.5711. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26735 **DISCUSSION AND ACTION 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 WITH ACTION REGARDING THE GOVERNMENT CENTER** [T1-1360]

Bob Hinkle (Broaddus & Associates) spoke of meeting with departments and design team and items that need to be addressed. Tommy Campbell spoke and Kirk Pardee (HDR) presented the schematic design for the Government Center. District Judge Steele spoke of courtroom needs. Brenda Jenkins (Broaddus & Associates) spoke of need to approve the schematic design (major milestone in the contract) in order to proceed with the project. [T1-2830] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the schematic design for the government center as presented today. All voting "Aye". MOTION PASSED.**

Brenda Jenkins spoke of delay in recommendation for firm for RPTP facility. Terry Whitman (Broaddus & Associates) spoke of RFP for telephone system and broadband services countywide – 2 addendums have been issued on the original RFP – wants to receive responses to broadband on by January 5, 2010 and leave the wireless portion open until January 26, 2010 to gather additional information from billings disseminate it to the respondents then have them issue a final response. No action is required. Bob Hinkle spoke of proposed authority to execute project decisions and project budget modification authorization to be considered. Judge Sumter requested change in Criteria #3. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve proposed authority to execute project decisions and project budget modification authorization related to the Government Center, RTPT building and the Jail renovation projects. All voting "Aye". MOTION PASSED**

Jail roof and kitchen renovation update was given. Special Counsel Mark Kennedy spoke of cancelled court meetings and need for mobile kitchen. [T2-200] **A motion was made by Judge Sumter, seconded by Commissioner Barton to allow preconstruction services at $12,000 to move forward with mobile kitchen around mid month in January 2010 and authorize those funds. All voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED. No discussion and no action taken.**

Clerk's Note: Agenda Item #31 RE: *EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO HAYS COUNTY'S ARCHITECTURAL SERVICES CONTRACT WITH PBS&J* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 22, 2009.

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

STATE OF TEXAS *
COUNTY OF HAYS *

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

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

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

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

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

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

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

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

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

26738 APPROVE PAYMENTS OF COUNTY INVOICES

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

26739 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 22, 2009

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Court was adjourned.

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

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH DAY OF JANUARY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26770 ADOPT A PROCLAMATION DECLARING CANCER AWARENESS MONTH FOR APRIL 2010

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation declaring Cancer Awareness Month for April 2010. All voting "Aye". MOTION PASSED

PRESENTATION BY LUANNE CARAWAY, TAX ASSESSOR ABOUT PROPERTY TAX REVENUE COLLECTIONS

Tax Assessor-Collector Luanne Caraway spoke of Hays County and other entities showing an increase in tax collection compared to last year figures. In July 2009 county collection was at 98%.

26771 ADOPT A PROCLAMATION DECLARING JANUARY 19, 2010 AS ALERRT DAY

Former Sheriff Don Montague and former San Marcos Police Officer Terry Nichols spoke of growth of the ALERRT program. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to adopt a Proclamation declaring January 19, 2010 as ALERRT Day. All voting "Aye". MOTION PASSED**

26772 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of $1,074,608.26 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26773 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 12, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioner Court Minutes of January 12, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26774 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve utility permit #801 on Bunton Lane issued to PEC; permit #802 on Wayside Drive issued to Verizon; permit #803 on Old Red Ranch Road issued to PEC as submitted by the County Road Department. All voting "Aye". MOTION PASSED

26775 ACCEPT TJPC COMMITMENT REDUCTION PROGRAM GRANT FUNDING AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept TJPC Commitment Reduction Program Grant Funding and amend the budget accordingly. All voting "Aye". MOTION PASSED

26776 AMEND BUDGET FOR THE TJPC ICBP GRANT IN ORDER TO PURCHASE EQUIPMENT FOR THE GED PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Barton to amend budget for the TJPC ICBP Grant in order to purchase equipment for the GED Program. All voting "Aye". MOTION PASSED

26777 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

Goodwill has expressed an interest in receiving the computer equipment from the County. IT has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment as worthless (pursuant to LGC 263.152 – Disposition (3) and send to Goodwill for recycling. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize Information Technology to dispose of computer equipment. All voting "Aye". MOTION PASSED**

26778 APPROVE A RESOLUTION TO HAVE HAYS COUNTY CONSTRUCT, IMPROVE, OR REPAIR ROADS UNDER AN INTERLOCAL CONTRACT WITH THE CITY OF MOUNTAIN CITY, TEXAS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a Resolution to have Hays County construct, improve, or repair roads under in an Interlocal Contract with the City of Mountain City, Texas. All voting "Aye". MOTION PASSED

26779 ACCEPT ROAD AND DRAINAGE IMPROVEMENTS IN SAVANNAH RIDGE SUBDIVISION, SECTION ONE AND ACCEPT SAME INTO THE COUNTY ROAD MAINTENANCE SYSTEM

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept road and drainage improvements in Savannah Ridge Subdivision, Section One and accept same into the County Road Maintenance System. All voting "Aye". MOTION PASSED

26780 APPROVE THE NAMING OF A PRIVATE DRIVE IN THE HAYS COUNTRY OAKS SUBDIVISION [T1-480]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the naming of a Private Drive in the Hays Country Oaks Subdivision as "Zach's Path". All voting "Aye". MOTION PASSED

26781 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDERS #1 & #2 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. IN THE TOTAL AMOUNT OF $33,300.00 FOR THE FIVE MILE DAM PARK PHASE 2 (BUILDING) PROJECT [T1-2272]

Grants Administrator Jeff Hauff spoke of three separate projects that are ongoing. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute Change Orders #1 & # 2 to the Construction Contract with Harris Road company, Inc. in the total amount of $44,300.00 for the Five Mile Dam park Phase 2 (Building) Project. All voting "Aye". MOTION PASSED**

26782 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDERS #1 - #3 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. IN THE AMOUNT OF $24,752.50 FOR THE FIVE MILE DAM PARK PHASE 2 (SITE) PROJECT [T1-2340]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute Change Orders #1 - #3 to the Construction Contract with Harris Road Company, Inc. in the amount of $24,752.50 for the Five Mile Dam Park Phase 2 (site) Project. All voting "Aye". MOTION PASSED

26783 AUTHORIZE PAYMENT OF $500.00 TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR AN EXCEPTION REQUEST REVIEW FOR THE WATER POLLUTION ABATEMENT PLAN, UNDER THE EDWARDS AQUIFER PROTECTION PROGRAM, FOR THE SPRING LAKE PRESERVE PROJECT, AND TO AUTHORIZE THE GRANTS ADMINISTRATOR TO SIGN DOCUMENTS ASSOCIATED WITH THIS REVIEW [T1-1943]

Grants Administrator Jeff Hauff spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize payment of $500.00 to the Texas Commission on Environmental Quality for an exception request review for the Water Pollution Abatement Plan, under the Edwards Aquifer Protection Program, for the Spring Lake Preserve Project, and to authorize the Grants Administrator to sign documents associated with this review. All voting "Aye". MOTION PASSED**

26784 PROVIDE AN ADMINISTRATIVE VARIANCE TO SUBCHAPTER 5 OF CHAPTER 701 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND DIRECTING STAFF TO SUBMIT A LIST OF POSSIBLE AMENDMENTS TO THE COURT FOR FUTURE CONSIDERATION [T1-2356]

A motion was made by Commissioner Conley, seconded by Judge Sumter to provide an Administrative Variance to Subchapter 5 of Chapter 701 of the Hays County Development Regulations and directing staff to submit a list of possible amendments to the Court for future consideration. All voting "Aye". MOTION PASSED

26785 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD, FLOOD PROTECTION PLANNING PROGRAM FOR UP TO $175,000.00 AND TO SIGN ALL DOCUMENTS ASSOCIATED WITH THIS APPLICATION [T1-1986]

Grants Administrator Jeff Hauff spoke of this project (flood protection planning study associated with waterways in northern Hays County that drain into the Colorado River and addresses both the Pedernales and Barton Creek drainage basins). $130,000 has been budgeted, therefore an additional $45,000 is needed. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Resolution authorizing the County Judge to submit a Grant Application to the Texas Water Development Board, Flood Protection Planning Program for up to $175,000 and to sign all documents associated with this Application. All voting "Aye". MOTION PASSED**

26786 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS, TEXAS RELATED TO THE GOVERNMENT CENTER PROJECT ON STAGECOACH TRAIL IN SAN MARCOS [T1-1371]

Special Counsel Mark Kennedy spoke of proposed changes in the contract that have not yet been approved by the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Development Agreement between Hays County and the City of San Marcos, Texas related to the Government Center Project on Stagecoach Trail in San Marcos. All voting "Aye". MOTION PASSED**

26787 APPROVE THE MEMORANDUM OF UNDERSTANDING IN AND BETWEEN THE CITY OF SAN MARCOS, TEXAS STATE UNIVERSITY AND HAYS COUNTY [T1-492]

Eric Mendelman, Program Manager-River Systems Institute/Texas State University, spoke. Commissioner Conley and Commissioner Ford spoke of co-funding/cooperative effort between all three entities (Hays County, City of San Marcos, and Texas State University). **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve the Memorandum of Understanding in and between the City of San Marcos, Texas State University and Hays County. All voting "Aye". MOTION PASSED**

26788 APPROVE OUT OF STATE TRAVEL FOR A REPRESENTATIVE OF THE SHERIFF'S DEPARTMENT [T1-1305]

Out of State travel request was made for Erica Carpenter to attend a Navigator Training session in regards to communication and dispatch in Orlando Florida. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve out of state travel for a representative of the Sheriff's Department. All voting "Aye". MOTION PASSED**

26789 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER OF INTENT BETWEEN J.E. DUNN CONSTRUCTION AND HAYS COUNTY FOR CONSTRUCTION RELATED TO CAPITAL IMPROVEMENTS IN THE HAYS COUNTY CORRECTIONS FACILITY [T1-835]

Phil Butterbaugh (Broaddus & Assoc.) spoke. Special Counsel Mark Kennedy spoke of costs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Letter of Intent between J.E. Dunn Construction and Hays County for construction related to Capital Improvements in the Hays County Corrections Facility in an amount not to exceed $200,000.00. All voting "Aye". MOTION PASSED**

WORKSHOP ON SUBJECT OF RECORDS MANAGEMENT – INCLUDING BUT NOT LIMITED TO LEGAL REQUIREMENTS, BEST MANAGEMENT PRACTICES, COSTS & FUNDING AND COMPLIANCE ISSUES. POSSIBLE ACTION MAY FOLLOW [T1-2693]

Arann Sheperd from the Texas State Library & Archives Commission gave a powerpoint presentation regarding "Basic Records Management". Steven Broberg, Travis County Records Management Department, spoke of his experience in records management and he explained the program in Travis County. He suggested that the county hire a Records Manager (duties would be to manage the records, archives, & law library). A study is needed of records that have been scanned and those that need to be scanned. Commissioner Conley left at this time. Judge Sumter spoke of need to put together a records management task force.

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

Court convened into closed executive session at 11:45 a.m. and reconvened into open meeting at 12:45 p.m. and then again the Court convened into closed executive session at 3:36 p.m. and reconvened into open meeting at 5:07 p.m. No action taken.

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 19, 2010.

Linda C Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26TH DAY OF JANUARY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Constable David Peterson gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Commissioner Conley spoke of memorial services and funeral for Paul Pena (recently deceased veteran of Hays County). Judge Sumter called the meeting to order

PRESENTATION OF RETIREMENT GIFT TO TOM TVRDIK [T1-62]

Judge Sumter gave her appreciation for the services provided by retiring Veterans Service Officer Tom Tvrdik. Tom Tvrdik gave his appreciation to the Commissioners Court and stated that he has enjoyed serving the citizens of Hays County. The Court presented him with a retirement plaque.

26790 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payments of county invoices in the amount of $781,973.84 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26791 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 19, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of January 19, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26792 APPROVE PURCHASING A FILING CABINET INSTEAD OF A DESK FOR TREASURER'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchasing a filing cabinet instead of a desk for Treasurer's Office and amend the budget accordingly. All voting "Aye". MOTION PASSED

26793 APPROVE ADDITIONAL FUNDS FOR EQUIPMENT FOR DPS RADAR AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve additional funds for equipment for DPS Radar and amend the budget accordingly. All voting "Aye". MOTION PASSED

26794 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE GRANT AWARD FROM THE TEXAS JUDICIAL COUNCIL TASK FORCE ON INDIGENT DEFENSE FOR $68,346

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to accept and execute Grant Award from the Texas Judicial Council Task Force on Indigent Defense for $68,346.00. All voting "Aye". MOTION PASSED

26795 POLO CLUB CENTER SUBDIVISION [09-4-32 – 6 LOTS] **APPROVE PRELIMINARY PLAN**

[T1-145] Programs Manager Garza gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for Polo Club Center Subdivision. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton abstained due to his association with Doucet & Associates. MOTION PASSED**

Clerk's Note: Agenda Item #8 RE: *RE-SUBDIVISION OF A 10.13 ACRE PORTION OF LAND, RIVER OAKS OF WIMBERLEY, UNIT 1, SECTION 2 [08-3-58 – 3 LOTS] APPROVE FINAL PLAT* **was PULLED.**

26796 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL (GRANT) CONTRACT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR FUNDING TO CONDUCT A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT IN NORTHERN HAYS COUNTY, IN THE AMOUNT OF $27,000, AND AMEND THE BUDGET ACCORDINGLY [T1-195]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal (Grant) Contract with the Capital Area Council of Governments (CAPCOG) for funding to conduct a household hazardous waste collection event in Northern Hays County, in the amount of $27,000, and amend the budget accordingly. All voting "Aye". MOTION PASSED

26797 DESIGNATE A TASK FORCE ON RECORDS MANAGEMENT FOR HAYS COUNTY IN ORDER TO STUDY SITUATION, NEEDS AND BRING RECOMMENDATIONS TO THE COURT [T1-236]

Commissioner Ford spoke of workshop held last week and she recommended a Task Force be created. Judge Sumter spoke of possible charges for the task force. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to designate a Task Force on Records Management for Hays County to include District Clerk Cecelia Adair, County Clerk Linda Fritsche, Tax Assessor Collector Luanne Caraway, a JP designee, County Treasurer Michele Tuttle, Sheriff Tommy Ratliff (or his designee), and Commissioner Karen Ford; to study situation, needs and bring recommendations to the court. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING THE COUNTY JAIL FACILITY REPAIR PROGRESS AND PRESENTATION TO THE TEXAS COMMISSION ON JAIL STANDARDS ON FEBRUARY 4, 2010

[T1-2759] Special Counsel Mark Kennedy gave a progress report on repairs being made at the jail facility.

26798 ACCEPT RECOMMENDATIONS FROM THE REAL ESTATE RFQ REVIEW TEAM AND TO AUTHORIZE THE COUNTY TO GO INTO CONTRACT NEGOTIATIONS WITH NATURE CONSERVANCY [T1-443]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept recommendations from the Real Estate RFQ review team and authorize the County to go into contract negotiations with Nature Conservancy. All voting "Aye". MOTION PASSED

26799 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE DAHLSTROM FAMILY FOR THE LEASE OF APPROXIMATELY 360 ACRES THAT WILL SERVE AS A PUBLIC ACCESS OPEN-SPACE PROJECT [T1-503]

Special Counsel Mark Kennedy spoke of changes to the MOU. Commissioner Ford voiced her concerns. Discussion was had regarding ongoing negotiations. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Understanding between Hays County and the Dahlstrom Family for the Lease of approximately 360 acres (known as the Howe Pasture) that will serve as a Public Access Open-Space Project. All voting "Aye". MOTION PASSED**

26800 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR DESIGN/BUILD SERVICES RELATED TO EXPANSION OF THE RPTP FACILITY ON YARRINGTON ROAD [T-2627]

Cody Newsom from Broaddus & Associates spoke of preconstruction services ($82,500). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute a Contract for Design/Build Services related to expansion of the RPTP Facility on Yarrington Road with a notice to proceed with preconstruction services in an amount of $82,500. All voting "Aye". MOTION PASSED**

26801 CHANGE THE PERSONNEL POSITION IN THE HAYS COUNTY SHERIFF'S DEPARTMENT THAT IS FUNDED BY THE ALERRT PROGRAM AND ACCEPT THE SUB AWARDS FROM TEXAS STATE UNIVERSITY AND AMEND THE BUDGET ACCORDINGLY [T1-333]

Deputy Sheriff Mike Davenport spoke of change in the position. Don Montague spoke of ALERRT Program budget – there is no cost to the County. Shari Miller spoke of ALERRT calling this position "Director of Training" – Sgt. Grade is the right salary grade. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to change the personnel position in the Hays County Sheriff's Department that is funded by the ALERRT Program to "Director of Training" at a Sgt. Salary grade and accept the Sub Awards from Texas State University and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26802 APPROVE A CHANGE ORDER TO THE CONTRACT FOR THE ROOF REPLACEMENT OR GO OUT FOR BID FOR ADDITIONS AT THE LAW ENFORCEMENT CENTER [T1-931]

Phil Buterbaugh (Broaddus & Associates) spoke of items on the change order. Jimmy Skipton made public comment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve a Change Order to the Contract for the roof replacement or go out for bid for additions at the Law Enforcement Center in an amount not to exceed $68,120. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING DEPARTMENTAL REORGANIZATION FOR THE DEVELOPMENT SERVICES DIVISION OF THE RESOURCE PROTECTION, TRANSPORTATION, AND PLANNING (RPTP) DEPARTMENT AND THE PROPOSED RELATED JOB DESCRIPTION [T1-3399]

RPTP Director Jerry Borcherding explained the reorganization. Lisa Wright spoke of developmental services and road department services and she explained the various positions involved in the reorganization. Judge Sumter spoke of management structure proposed. Commissioner Conley requested additional time to receive more information regarding the various positions. Commissioner Ford spoke of having Human Resources look at the job positions closely. Court requested more time to look at the job description.

26803 PASS A RESOLUTION BY COMMISSIONERS COURT OF HAYS COUNTY, TEXAS APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ONE OR MORE SERIES OF CERTIFICATES OF OBLIGATIONS; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH [T1-2515]

Jeff Kuhn (Fulbright & Jaworski) spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to pass a Resolution by Commissioners Court of Hays County, Texas approving and authorizing publication of Notice of Intention to issue one or more series of Certificates of Obligations; complying with the requirements contained in Securities and Exchange Commission Rule 15C2-12; and resolving other matters in connection therewith – post issuance at $72 million with the understanding that as we get information it will be subject to change. All voting "Aye". MOTION PASSED**

DISCUSSION ABOUT FUTURE DEBT, ITS IMPACTS AND POSSIBLE STRATEGIES TO DEAL WITH ITS BUDGET IMPACTS [T1-1136]

Judge Sumter advised that CO's for Dacy Lane have already been sold and is already budgeted and our pass-through roads will be budgeted in 2013. Bond Counsel Dan Wegmiller presented a spread sheet showing a summary of preliminary capital improvement program scenarios. He spoke of various scenarios regarding the government center. Bob Hinkle (Broaddus & Associates) spoke of government building figures. Dan Wegmiller spoke of process for pricing an issue and ability to adjust the amount at the last minute. Commissioner Ingalsbe spoke of the Court building into the budget five years ago an amount that would insure that we would be able to make the payment of a $72 million issuance. Discussion was had regarding the current economy, interest rates, property values, tax rate, etc. [T1-2266] Ed Pope voiced his concern about the budget. Jimmy Skipton spoke in support of the government center and he appreciated the discussions today.

PRESENTATION REGARDING COLLECTIVE BARGAINING BY LOWELL DENTON FROM DENTON, NAVARRO, ROCHA, AND BURNELL, PC, ATTORNEYS AT LAW. POSSIBLE ACTION MAY FOLLOW [T2-444]

Attorneys Lowell Denton and Elizabeth Provencio gave a presentation regarding collective bargaining which covered the nature of the process, purpose, bargaining approaches, developing a bargaining culture, examples of issues and articles, preparing for the process, preparation, past experience, and game plan.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

[T2-1272]
Court convened into closed executive session at 3:55 p.m. and reconvened into open meeting at 4:30 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING [T2-1260]

Court convened into closed executive session at 2:40 p.m. and reconvened into open meeting at 3:45 p.m. No action taken.

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS. POSSIBLE ACTION MAY FOLLOW [T1-2917]

Bob Hinkle, Broaddus & Associates, provided a calendar for the Government Center project and spoke of the courtroom mockup that will be held on Thursday January 29th. Discussion was had regarding contractors and subcontractors meetings. Bob Hinkle spoke of Square Footage Audit and Operational Task Outline Draft.

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 26, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2ND DAY OF FEBRUARY 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENT
Alan Cameron made public comment regarding tribute to Captain Paul Pena.

26804 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $870,348.84 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26805 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 26, 2010

Commissioner Ford requested changes to the minutes on Resolution #26797 to add "a JP designee" and #26798 to include the court recommended "to negotiate a contract with the Nature Conservancy". **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of January 26, 2010 as presented by the County Clerk with requested changes. All voting "Aye". MOTION PASSED**

26806 APPROVE RENEWAL AGREEMENT BETWEEN HAYS CISD AND THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE FOR THE USE OF THE DISTRICT'S FACILITIES IN CASE OF A PUBLIC HEALTH EMERGENCY

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Renewal Agreement between Hays CISD and the Hays County Personal Health Department to provide for the use of the District's Facilities in case of a public health emergency. All voting "Aye". MOTION PASSED

26807 APPROVE AN AGREEMENT BETWEEN THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER NURSING SCHOOL AND THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve an Agreement between the University of Texas Health Science Center Nursing School and the Hays County Personal Health Department. All voting "Aye". MOTION PASSED

26808 RESUBDIVISION OF A 10.13 ACRE PORTION OF LAND, RIVER OAKS OF WIMBERLEY, UNIT 1, SECTION 2 [08-3-58 – 3 LOTS] **CALL FOR PUBLIC HEARING ON FEBRUARY 23, 2010** [T1-88]

Programs Manager Clint Garza gave staff recommendation to call for public hearing on February 23, 2010. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on February 23, 2010 for a resubdivision of a 10.13 acre portion of land, River Oaks of Wimberley Unit 1 Section 2. All voting "Aye". MOTION PASSED**

26809 POLO CLUB CENTER SUBDIVISION LOT 1 [10-4-1 – 1 LOT] **APPROVE FINAL PLAT**

[T1-124] Programs Manager Clint Garza gave staff recommendation for final plat approval. Commissioner Barton recused himself from voting on this item due to his interest in the firm representing the development. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of the Polo Club Center Subdivision Lot 1. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton abstained. MOTION PASSED**

26810 ACCEPT THE ANNUAL RACIAL PROFILE REPORT FROM CONSTABLE AYRES PRECINCT 3 [T1-142]

Constable Darrell Ayres spoke of changes to the racial profiling law this year. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept the Annual Racial Profile Report from Constable Ayres Precinct 3. All voting "Aye". MOTION PASSED**

26811 APPOINT A SMALL CITY REPRESENTATIVE TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION [T1-372]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Bob Flocke as the small city representative and Ron Fletcher as the alternate representative to the Capital Area Metropolitan Planning Organization. All voting "Aye". MOTION PASSED

26812 APPOINT A COMMISSIONER TO THE BOARD OF THE CALDWELL/HAYS COUNTY EMERGENCY SERVICES DISTRICT NUMBER 1 [T1-397]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to appoint Richard Beaman to replace William A. Neneley as Commissioner on the Board of the Caldwell/Hays County Emergency Services District Number 1 – term to expire December 31, 2012. All voting "Aye". MOTION PASSED

26813 PAY $1600 TO KATHLEEN MOONEY FOR A WATERLINE EASEMENT AT THE GREEN ACRES BRIDGE PROJECT SITE [T1-470]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to pay $1,600 to Kathleen Mooney for a Waterline Easement at the Green Acres Bridge Project Site contingent upon legal requirements. All voting "Aye". MOTION PASSED

26814 AFFIRM A CHARGE FROM THE COMMISSIONERS COURT TO THE TASK FORCE ON RECORDS MANAGEMENT FOR HAYS COUNTY [T1-570]

Commissioner Ford stated that she has asked Lisa Wright to join the Task Force because of prior experience she has regarding records management issues. The charge for the Task Force will be as follows: 1) Review all county office's preservation requirements; 2) Review each department's compliance with the State Library rules and obtain copies of preservation plans; 3) Consult as needed with experts in the field regarding proper procedures for preserving county records.; 4) Study costs associated with records preservation and funding sources; 5) Make recommendations regarding the need for a records management officer and/or department; 6) Make recommendations regarding the scope of a county records department; 7) Make recommendations regarding Long-Term records management plan for the County, including viable formats; 8) Look at number of duplicative hard-copy convenience documents throughout County and address reduction strategies and/or electronic access points. The Task Force shall submit copies of its final report and recommendations as soon as possible, but no later than May 31, 2010. This date has been chosen so that the work of the Task Force can be considered when the Commissioner's Court begins budget workshops. Copies of the final report should be sent to the County Judge and all the Commissioners. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to affirm a charge from the Commissioners Court to the Task Force on Records Management for Hays County. All voting "Aye". MOTION PASSED**

26815 DISCUSSION AND ACTION REGARDING THE SITUATIONAL NEEDS OF THE INTERIM VETERANS SERVICE OFFICER INCLUDING TRANSPORTATION, EQUIPMENT AND PERSONNEL [T1-606]

Mike Mendoza, Interim Veterans Service officer, spoke of needs for the veterans service office. Currently veterans are being transported daily (5 days per week) to the veteran's hospital – 3 days by contract driver and 2 days by VA Officer. Mr. Mendoza would like to not have the Veterans Service Officer drive veterans to the hospital but to be available to assist veterans in the office and to make presentations countywide. Human Resources Director Dee Dee Baen spoke of contract driver position being open at this time. Court would like to continue operation of this office "as is" until a report and recommendations are received from the Veterans Task Force. CARTS may be an option for transporting veterans.

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve purchase of a shredder for the Veterans Service Office in an amount not to exceed $250. All voting "Aye". MOTION PASSED

[T1-1718] **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to immediately post driver position as a temporary position. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26816 ALLOW COMMISSIONER INGALSBE TO NEGOTIATE AN AGREEMENT WITH THE CITY OF SAN MARCOS REGARDING THE EMERGENCY REPAIR OF RAILROAD CROSSINGS ON MCCARTY LANE, POSEY ROAD, AND CENTERPOINT ROAD AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AGREEMENT [T1-1482]

Commissioner Ingalsbe spoke of meeting with the railroad company and the City of San Marcos - county will supply material and City will provide equipment and labor. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to allow Commissioner Ingalsbe to negotiate an Agreement with the City of San Marcos regarding the Emergency repair of Railroad Crossings on McCarty Lane, Posey Road, and Centerpoint Road and authorize the County Judge to execute the Agreement in an amount not to exceed $25,000 out of the Road Department budget. All voting "Aye". MOTION PASSED**

DISCUSSION TO REQUEST FOR PURCHASE OF THE CITY OF WIMBERLEY'S USED CITY MARSHALL'S FULLY EQUIPPED 2008 CHEVY TAHOE FOR $16,000.00 AND AMEND THE BUDGET ACCORDINGLY

[T1-243] Constable Ayres spoke of possible vehicle replacement (2009 Dodge Durango) that was involved in an accident last week. He spoke of correction on information regarding the proposed replacement vehicle: it is a 2007 Chevy Tahoe (with fully equipped police package) for $19,000 with 14,000 miles on it.

Clerk's Note: Agenda item #15 RE: APPROVE A SALARY INCREASE FOR BILL GEPHART IN THE RECYCLING AND SOLID WASTE DEPARTMENT was PULLED.

26817 APPROVE AWARD OF BID#2010-B01 FISCHER STORE ROAD WIDENING AND INTERSECTION IMPROVEMENTS FOR THE RPTP DEPARTMENT TO SMITH CONTRACTING CO. INC., AUTHORIZE THE COUNTY JUDGE TO SIGN CONTRACT AND AMEND THE BUDGET ACCORDINGLY [T1-1568]

RPTP Director Jerry Borcherding gave staff recommendation to award contract to Smith Contracting Company with additional funds to come out of the materials line item of the Road Dept. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve award of Bid #2010-B01 Fischer Store Road widening and intersection improvements for the RPTP Department to Smith Contracting Co. Inc., authorize the County Judge to sign Contract and amend the budget accordingly in the amount of $29,165.50 from the materials line item. All voting "Aye". MOTION PASSED**

26818 APPROVE ADDITIONAL FUNDS FOR CONTINUING EDUCATION FOR JUSTICE OF THE PEACE PCT 1-1 AND AMEND THE BUDGET ACCORDING [T1-1651]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve additional funds for continuing education for Justice of the Peace Pct 1-1 and amend the budget accordingly. All voting "Aye". MOTION PASSED

26819 APPROVE THE PURCHASE OF AN ANTIQUE DISPLAY CABINET FROM AN AUCTION NOT TO EXCEED $1000.00 AND AMEND THE BUDGET ACCORDINGLY

[T1-1659] **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve the purchase of an antique display cabinet from an auction not to exceed $1,000 and amend the Historical Commission budget accordingly. All voting "Aye". MOTION PASSED**

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS [T1-1685]

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 1:02 p.m. No action taken.

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-1140]

Bob Hinkle (Broaddus & Associates) gave an update regarding progress of the government center. Phil Buterbaugh (Broaddus & Associates) gave an update regarding progress at the jail (demolition of the kitchen). Brenda Jenkins (Broaddus & Associates) spoke of mobile kitchen at the jail. She advised that pictures, etc. will be presented to the Texas Jail Commission to show that progress is being made at the jail. Special Counsel Mark Kennedy spoke. Brenda Jenkins spoke of RPTP Dept. facility improvements. Commissioner Barton spoke of criminal justice analysis provided to members of the court and requesting input.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 FEBRUARY 2, 2010.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF FEBRUARY 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**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

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

Commissioner Conley gave the invocation and led the court in the Pledge of Allegiance to the flags. Human Resources Director Dee Dee Baen introduced new county employees. Judge Sumter called the meeting to order.

26820 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payments of county invoices in the amount of $2,935,154.69 as submitted by the County Auditor. Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26821 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 2, 2010

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Commissioner Court Minutes of February 2, 2010 as presented by the County Clerk. Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26822 APPROVE RENEWAL AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THE HAYS COUNTY FOOD BANK

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Renewal Agreement between Hays County Personal Health Department and Hays County Food Bank. Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26823 APPROVE INSTITUTIONAL OSSF PERMIT LOCATED AT 12330 WEST US 290, AUSTIN IN PRECINCT 4

Commissioner Ford spoke of this being a residence with a commercial business (home business). **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Institutional OSSF Permit located at 12330 West US 290, Austin, Precinct 4. All present voting "Aye". MOTION PASSED**

26824 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR LYNN LUEDERS IN THE SHERIFF'S DEPARTMENT

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve out of state training travel request for Lynn Lueders in the Sheriff's Department. Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26825 ACCEPT REPORT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF JANUARY, 2010

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept Report from RPTP identifying administrative approvals for OSSF's issued during the month of January, 2010. Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26826 **APPROVE THE PURCHASE OF AN EIGHT (8) FOOT, LIFT-TYPE MOWER/SHREDDER DECK IN THE AMOUNT OF $4,032.94 FROM JOHN DEERE** [T1-77]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the purchase of an eight (8) foot, lift-type mower/shredder deck in the amount of $4,032.94 from John Deere. All present voting "Aye". MOTION PASSED

26827 **APPROVE PURCHASE OF THE CITY OF WIMBERLEY'S USED CITY MARSHALL'S FULLY EQUIPPED 2007 CHEVY TAHOE FOR $19,000** [T1-86]

This vehicle will replace the vehicle that was involved in an accident and rendered a total loss by the insurance company. This vehicle is fully equipped for law enforcement use. This vehicle has 14,700 miles on the odometer. **A motion was made by Commissioner Conley, seconded by Judge Sumter to purchase the City of Wimberley's used City Marshall's fully equipped 2007 Chevy Tahoe for $19,000 and get the striping done from within the amount of insurance money and/or bring back to court as a budget amendment. All present voting "Aye". MOTION PASSED**

PUBLIC COMMENT
Alan Cameron made public comment regarding Hays County Veteran Task Force.

26828 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #3 WITH DU-MOR ENTERPRISES FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT, PHASE I, FOR A REDUCTION OF $13,000** [T1-250]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to execute Change Order #3 with Du-Mor Enterprises for the Cedar Oak Mesa Water System Improvement Project, Phase I, for a reduction of $13,000. All present voting "Aye". MOTION PASSED

26829 **AUTHORIZE PERSONAL HEALTH IMMUNIZATION GRANT TRANSFER OF FUNDS IN THE AMOUNT OF $500 FROM POSTAGE TO TRAVEL AND AMEND THE BUDGET ACCORDINGLY** [T1-257]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Personal Health Immunization Grant transfer of funds in the amount of $500 from postage to travel and amend the budget accordingly. All present voting "Aye". MOTION PASSED

26830 **AUTHORIZE THE PERSONAL HEALTH DEPARTMENT TO TRANSFER FUNDS IN THE AMOUNT OF $1,000 FROM VACCINES TO CONTINUING ED AND AMEND THE BUDGET ACCORDINGLY** [T1-263]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the Personal Health Department to transfer funds in the amount of $1,000 from Vaccines to Continuing Ed and amend the budget accordingly. All present voting "Aye". MOTION PASSED

26831 **ELIMINATE ONE (1) POSITION OF ENVIRONMENTAL HEALTH SPECIALIST I FROM THE ENVIRONMENTAL HEALTH BUDGET IN ACCORDANCE WITH THE DEPARTMENTAL REORGANIZATION APPROVED ON DECEMBER 22, 2009** [T1-272]

A motion was made by Commissioner Conley, seconded by Judge Sumter to eliminate one (1) position of Environmental Health Specialist I from the Environmental Health budget in accordance with the Departmental Reorganization approved on December 22, 2009. All present voting "Aye". MOTION PASSED

26832 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH LOWDEN EXCAVATING, INC. IN THE AMOUNT OF $38,516.80 FOR THE FIVE MILE DAM PARK, PHASE 2 (IRRIGATION) PROJECT** [T1-278]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute Change Order #1 to the Construction Contract with Lowden Excavating, Inc. in the amount of $38,516.80 for the Five Mile Dam Park, Phase 2 (Irrigation) Project. All present voting "Aye". MOTION PASSED

26833 AMEND THE WAITING PERIOD FOR HAYS COUNTY BENEFITS [T1-288]

Currently, the Summary Plan Description (SPD) reads: Employees are eligible on the first day of the month following 60 days of full time employment. The request is to change 60 days to read 55 calendar days of full time employment. County Treasurer Michele Tuttle explained the problem with using the 60 day figure versus 55 days (delays coverage). **A motion was made by Judge Sumter, seconded by Commissioner Ford to amend the waiting period for Hays County Benefits from 60 to 55 calendar days. All present voting "Aye". MOTION PASSED**

26834 AMEND THE BUDGET FOR COLLECTING IMAGERY DATA [T1-384]

GIS Resource Manager Steve Floyd spoke of the air photo program being canceled by CAPCOG. There is a contractor that is willing to fly Hays County and Williamson County at a substantially discounted price per square mile of $35 compared to $80 under the CAPCOG contract. The price could be reduced further if we could collect imagery for the area in Guadalupe County served by San Marcos-Hays County EMS and a two mile buffer around the rest of the county. **A motion was made by Judge Sumter, seconded by Commissioner Barton to amend the budget for collecting Imagery Data - $20,000 from computer equipment line item and $6,000 from contingencies to contract services (5448). All present voting "Aye". MOTION PASSED**

26835 CONTRACT WITH A WEB GRAPHICS DESIGN SPECIALIST FOR AN OVERALL REVIEW AND REFINEMENT OF THE USER INTERFACE DESIGN AND CONTENT STRUCTURE FOR THE NEW HAYS COUNTY WEB SITE [T1-940]

Jimmy Skipton made public comment. Commissioner Ford and Commissioner Conley spoke. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to issue an RFQ for a Web Graphics Design Specialist for an overall review and refinement of the user interface design and content structure for the new Hays County web site and have a selection team to be comprised of Commissioner Ford, Dee Dee Baen, Laureen Chernow, Jeff Magill, and Rafael Marquez to bring back recommendations and cost to the court for consideration. All present voting "Aye". MOTION PASSED**

26836 AUTHORIZE THE PURCHASE OF OZONE ACTION DAY FLAGS FROM THE CLEAN AIR PARTNERS PROGRAM [T1-1239]

Commissioner Ford spoke of ozone action day flags to be used to raise awareness within our communities and among our employees. She is recommending purchase of three flags at $90 each (1 each at the Courthouse, Pct. 4 building, and Yarrington Road Yard). **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the purchase of five ozone action day flags from the Clean Air Partners Program to be paid out of contingencies in an amount not to exceed $90 each. All present voting "Aye". MOTION PASSED**

26837 PROVIDE FUNDING TO THE HILL COUNTRY ALLIANCE FOR THE DEVELOPMENT OF MATERIALS TO BE USED AT THE FIRST ANNUAL RAINWATER REVIVAL TO BE HELD AT ROGER HANKS PARK IN DRIPPING SPRINGS [T1-1389]

Commissioner Ford spoke of an outdoor event to be held in October 2010. Funds will be raised through sponsorships, vendor and food booth fees, and tours of area rainwater harvest installations. The Hill Country Alliance is the chosen 501(c)(3) umbrella organization for funding collection and management. She requested $3,000 for platinum level of sponsorship by the county and $7,000 for seed money that will come back to the county when other sponsorships are raised (total of $10,000 to come from line item #171-691-00-5301 LCRA revenue). Commissioner Conley spoke of need for Hill Country Alliance to follow county policy regarding funds provided to non-profit organizations. Court agreed to release funds in one payment and Hill Country Alliance to file quarterly reports as required by county policy. Commissioner Ford advised that she will abstain from voting because of her membership in the Hill Country Alliance. **A motion was made by Judge Sumter, seconded by Commissioner Conley to provide funding to the Hill Country Alliance in the amount of $10,000 with $3,000 to go for platinum level sponsorship and $7,000 to be used for the development of materials to be used at the First Annual Rainwater Revival to be held on October 9, 2010, at Roger Hanks Park in Dripping Springs, and furthermore, the $7,000 to come back to the county when other sponsorships are raised. Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford abstained. MOTION PASSED**

26838 AUTHORIZE THE PURCHASE OF R-O-W IN RELATION TO THE CONSTRUCTION OF THE MCGREGOR LANE BRIDGE [T1-1754]

Commissioner Ford spoke of parcels that require purchase of right of way to accommodate improvements to McGregor Lane Bridge. The Hill Country Conservancy (HCC) holds a conservation easement on both properties. Recommendation is as follows: $1,125.98 for 0.133 acres (Walker), $601.09 for 0.071 acres (Toro), and $2,352.93 for 0.204 acres (HCC). **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the purchase of Right-Of-Way in relation to the construction of the McGregor Lane Bridge as recommended to be paid out of the Road Department right-of-way line item. All present voting "Aye". MOTION PASSED**

DISCUSSION REGARDING TIMETABLES AND PROCEDURES FOR THE EVALUATION OF PROPERTY SUBMITTALS RELATED TO THE COUNTY'S CALL FOR PARKS AND HABITAT CONSERVATION LANDS, WHEN PROPOSALS WILL BE RELEASED TO THE PUBLIC, AND HOW TO INVOLVE STAKEHOLDERS, INCLUDING CONSERVATION GROUPS, LOCAL GOVERNMENTS, STATE AND FEDERAL AGENCIES, AND THE COUNTY'S SHOOTING SPORTS TASK FORCE [T1-1902]

Grants Administrator Jeff Hauff spoke of going out for "call for projects" – 15 proposals came in for review. Proposals went to the Parks Board and six proposals met qualifications for consideration and have been ranked. J. B. Kolodzey (Hays County Shooting Sports Task Force) spoke of need for the Task Force to have an opportunity to evaluate the land being considered. Discussion was had regarding sharing information regarding proposals being considered. Special Counsel Mark Kennedy spoke of by-laws and charges to various committees and boards. Commissioner Barton spoke of public input he has received regarding their concerns about not knowing what properties are being considered. Commissioner Conley spoke of concerns from his constituents and he spoke of need for transparency.

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER, PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-723]

Phil Buterbaugh (Broaddus & Associates) gave a progress report regarding improvements at the Hays County Law Enforcement Center. Bob Hinkle (Broaddus & Associates) gave a report regarding the Government Center. He spoke of courtroom technology design.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY JEANNE SCHAFER AND CHRISTOPHER YBARRA [T1-3000]

Court convened into closed executive session at 11:50 a.m. and reconvened into open meeting at 12:15 p.m. No action taken.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 FEBRUARY 9, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF FEBRUARY 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26839 APPROVE PROCLAMATION DECLARING FEBRUARY 22ND TO MARCH 1ST, 2010, SEVERE WEATHER AWARENESS WEEK [T1-24]

Emergency Management Coordinator Jeff Turner spoke. **A motion was made by Judge Sumter seconded by Commissioner Ford to approve Proclamation declaring February 22nd to March 1st, 2010, Severe Weather Awareness Week. All voting "Aye". MOTION PASSED**

PRESENTATION OF RETIREMENT GIFTS TO ROGER RAMOS, BALDO BAZALDUA, DEBBIE BROWN, TONY GONZALEZ, VIRGINIA IBARRA, ROSA GUERRERO, ELWANDA REXROAT, AND EUGENE PITTMAN [T1-92]

Commissioner Ingalsbe presented Virginia Ibarra with a clock for her 25 years of service with Hays County. Other retirees not present are: Debbie Brown retired from the Sheriff's Dept with 15 years 11 months; Roger Ramos retired from the Road & Bridge Dept with 13 years 10 months; Tony Gonzalez retired from the Road & Bridge Dept with 13 years 6 months; Rosa Guerrero retired from the Sheriff's Office with 25 years; Elwanda Rexroat retired from the Sheriff's Office with 14 years 5 months; Baldo Bazaldua retired from the Building Maintenance Dept with 6 years 9 months; and Eugene Pittman retired from the Sheriff's Office in January with 20 years 9 months.

26840 PRESENTATION AND ADOPTION OF RESOLUTION FOR THE SAN MARCOS ECONOMIC DEVELOPMENT PARTNERS FOR PROGRESS PROJECT [T1-129]

Amy Madison with the City of San Marcos Economic Development gave a handout "Partners for Progress" and did a powerpoint presentation. The Partners for Progress are: City of San Marcos, Economic Development San Marcos, San Marcos Chamber of Commerce, Central Texas Medical Center, Texas State University, Hays County, Gary Job Corps, San Marcos CISD, Caldwell County, Lockhart Economic Development Council, Luling Economic Development Council, and Prime Outlets. The objectives, benchmarks & performance measures for long-term success: Goal 1 – Workforce Excellence – Create a workforce development system that allows regional businesses to be globally competitive and enhances economic opportunity for workers. Goal 2 – Economic Diversification – Diversify area economy through enhanced programmatic, marketing, and infrastructure capacity. Goal 3 – Quality of Place – Aggressive and ongoing efforts continue to make the Greater San Marcos area one of Texas' most compelling destinations to live, work and visit. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to adopt a Resolution for the San Marcos Economic Development Partners for Progress Project. All voting "Aye". MOTION PASSED**

26841 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve payments of county invoice in the amount of $495,124.01 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26842 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 9, 2010

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve Commissioner Court Minutes of February 9, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26843 APPROVE RENEWAL OF LEXISNEXIS (ACCURINT) CONTRACT

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve renewal of LexisNexis (Accurint) Contract. All voting "Aye". MOTION PASSED

26844 APPROVE THE CANCELLATION OF COMMISSIONERS COURT ON MARCH 2, 2010

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve the cancellation of Commissioners Court on March 2, 2010. All voting "Aye". MOTION PASSED

26845 APPROVE ADDITIONAL FUNDS FOR CONTINUING EDUCATION FOR INFORMATION TECHNOLOGY AND AMEND BUDGET ACCORDINGLY

IT is requesting to transfer $400 from Travel line item (001-680-00-5501) to Continuing Ed (001-680-00-5551). **A motion was made by Commissioner Conley seconded by Commissioner Ford to approve additional funds for Continuing Education for Information Technology and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26846 APPROVE ADDITIONAL FUNDS FOR CONTINUING EDUCATION FOR COMMISSIONER PCT 3 AND AMEND BUDGET ACCORDINGLY

Commissioner Conley is requesting to transfer money of $200 from Supplies/Services – Dues & Bonds (001-603-00-5302) and $347 Supplies/Services – Community Services (001-603-00-5551) to Continuing Ed(001-603-00-5551). **A motion was made by Commissioner Conley seconded by Commissioner Ford to approve additional funds for Continuing Education for Commissioner Pct 3 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26847 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley seconded by Commissioner Ford to approve utility permit #800 located on Belterra Dr issued to Hays County WCID; Permit #804 located on McGregor Lane issued to PEC; Permit #805 located on Darden Hill Road (CR 162) issued to LCRA Water Supply Corp. as presented by the County Road Department. All voting "Aye". MOTION PASSED

26848 AMEND THE BAKER-AKLIN CONTRACT TO INCLUDE ADMINISTRATION OF BRIDGE PROCUREMENT AND CONSTRUCTION PHASE SERVICES FOR THE GREEN ACRES BRIDGE REPLACEMENT PROJECT [T1-1040]

RPTP Director Jerry Borcherding spoke. Steve Ramsey of Baker-Aklin spoke. Jerry Borcherding spoke of needing $8,000 not $15,000. **A motion was made by Commissioner Conley seconded by Commissioner Barton to amend the Baker-Aklin Contract to include Administration of Bridge Procurement and Construction Phase Services for the Green Acres Bridge Replacement Project. All voting "Aye". MOTION PASSED**

26849 ORDER FROM CONTECH CONSTRUCTION PRODUCTS INC. AS SOLE SOURCE A PRE-FABRICATED BRIDGE AS DESIGNED BY BAKER-AKLIN ENGINEERING [T1-1050]

RPTP Director Jerry Borcherding spoke. Steve Ramsey of Baker-Aklin spoke of this being a sole source of a pre-fabricated bridge. The total amount of $170,269 ($154,790 plus 10%) to come out of Contract Road Work item #438-5448. **A motion was made by Commissioner Conley seconded by Judge Sumter to order from Contech Construction Products Inc. as sole source a pre-fabricated bridge as designed by Baker-Aklin Engineering. All voting "Aye". MOTION PASSED**

26850 AUTHORIZE COMMISSIONER FORD TO NEGOTIATE A CONTRACT WITH ROGERS DESIGN SERVICE FOR ADDITIONAL ENGINEERING ON MT. GAINOR ROAD [T1-1450]

RPTP Director Jerry Borcherding spoke of funds that had been set aside in the 2001 Bond Program. **A motion was made by Commissioner Ford seconded by Commissioner Conley to approve an amount not to exceed $60,000 with Rogers Design Services to finish construction that will include subcontracting with SAM for surveying for Mt. Gainor and to negotiate contract. All voting "Aye". MOTION PASSED**

Clerk's Note – Agenda Item #14 RE: *AUTHORIZE COMMISSIONER FORD TO NEGOTIATE A CONTRACT WITH SAM FOR SURVEYING SERVICES ON MT. GAINOR ROAD* [T1-1254] **was passed with agenda item #13/Resolution #26850.**

26851 ACCEPT PROPOSAL FROM LOWDEN EXCAVATING, INC., IN THE AMOUNT OF $38,000, FOR REPLACEMENT OF TURF AREAS AT FIVE MILE DAM PARK [T1-2520]

Jeff Hauff Grants Administrator spoke of replacing of turf areas (hydro-seeding of Common Bermuda) to be paid out of line item #145-757-97-041.5611. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to accept proposal from Lowden Excavating Inc. in the amount of $38,000 for replacement of turf areas at Five Mile Dam Park. All voting "Aye". MOTION PASSED**

26852 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDERS #4, #5 AND #6 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. FOR THE FIVE MILE DAM PARK PHASE 2 (SITE) PROJECT [T1-2614]

Jeff Hauff Grants Administrator spoke of Change Order #4 additional metal fencing at main entry gate (traffic barrier) - $1,920; Change Order #5 installation of concrete riprap (facing) around culverts at service road entrance to concessions building $5,815.15; Change Order #6 substitute asphalt paving for "grass-crete" pavers on concessions building service road deduct of $8,945.45. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to authorize the County Judge to execute Change Orders #4, #5, and #6 to the construction contract with Harris Road Company, Inc. for the Five Mile Dam park Phase 2 (site) Project. All voting "Aye". MOTION PASSED**

26853 ACCEPT A GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FROM THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT PROGRAM AND AMEND THE BUDGET ACCORDINGLY [T1-2675]

Jeff Hauff Grants Administrator spoke. **A motion was made by Commissioner Ford seconded by Commissioner Barton to accept a Grant Award from the Office of the Governor, Criminal Justice Division from the Recovery Act: Edward Byrne Memorial Justice Assistance Formula Grant Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26854 AUTHORIZE THE COUNTY JUDGE TO SIGN A CONTRACT WITH M. J. HARDEN ASSOCIATES, INC. FOR THE COLLECTION OF IMAGERY DATA OF 1,030 ACRES OF LAND IN AND AROUND HAYS COUNTY [T1-2703]

On February 9, 2010, the Commissioners Court approved a budget amendment to collect imagery data for Hays County, that part of Guadalupe County served by San Marcos/Hays County EMS, and a two mile buffer around the rest of Hays County at a total cost of $25,750. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize the County Judge to sign a Contract with M. J. Harden Associates, Inc. for the collection of imagery data of 1,030 acres of land in and around Hays County contingent on review of Special Counsel. All voting "Aye". MOTION PASSED**

26855 AUTHORIZE THE PERSONAL HEALTH DEPT TO TRANSFER FUNDS WITHIN THE TITLE V MATERNAL AND CHILD HEALTH ACCOUNT IN THE AMOUNT OF $500.00 FROM OFFICE SUPPLIES TO CONTINUING ED AND AMEND THE BUDGET ACCORDINGLY [T1-2795]

Personal Health Department needs to transfer $500 from Office Supplies (120-675-99-020.5211) to Continuing Ed (120-675-99-020.5551). **A motion was made by Judge Sumter seconded by Commissioner Barton to authorize the Personal Health Dept to transfer funds within the Title V Maternal and Child Health Account in the amount of $500 from Office Supplies to Continuing Ed and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26856 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE NATURE CONSERVANCY FOR REAL ESTATE CONSULTATION SERVICES ASSOCIATED WITH THE COUNTY'S PARKS AND OPEN SPACE BOND PROGRAM [T1-2825]

Pursuant to the Commissioners Court's action on or about February 3, 2010, staff has negotiated the terms of an agreement with the Nature Conservancy to assist with real estate acquisition for fulfillment of the County's Regional Habitat Conservation Plan and furtherance of the County's Parks and Open Space bond program. **A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement with the Nature Conservancy for Real Estate consultation services associated with the County's Parks and Open Space Bond Program. All voting "Aye". MOTION PASSED**

26857 APPROVE LETTER TO BE SENT TO THE FIFTEEN ENTITIES/INDIVIDUALS AND STAKEHOLDERS WHO RESPONDED TO THE COUNTY'S CALL FOR PROJECTS RELATED TO PARKS AND OPEN SPACE NEEDS [T1-2936]

Commissioner Ford spoke of letter sent out. J. B. Kolodzey made a public comment. **A motion was made by Commissioner Ford seconded by Judge Sumter to approve Amended Letter to be sent to the fifteen entities/individuals and stakeholders who responded to the County's Call for Projects related to Parks and Open Space needs. All voting "Aye". MOTION PASSED**

26858 APPROVE THE PROPOSAL AND SCOPE OF WORK SUBMITTED BY BLACKMON MOORING FOR CLEANUP OF CERTAIN ELEMENTS IN THE HAYS COUNTY CORRECTIONS FACILITY; TO AUTHORIZE STAFF TO FINALIZE A CONTRACT WITH BLACKMON MOORING; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID CONTRACT [T1-1620]

Phil Buterbaugh of Broaddus & Associates spoke. Blackmon Mooring performed the initial cleanup on the jail kitchen cooler during the month of December 2009. The scope of work in this new proposal is an extension of that work that was initially done. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve the Proposal and Scope of Work submitted by Blackmon Mooring for cleanup of certain elements in the Hays County Corrections Facility and authorize staff to finalize a Contract with Blackmon Mooring and authorize the County Judge to execute said Contract. All voting "Aye". MOTION PASSED**

26859 AUTHORIZE COMMISSIONER INGALSBE AND COMMISSIONER CONLEY TO CONTINUE TO WORK WITH ALL OF THE DOWNTOWN SAN MARCOS STAKEHOLDERS THAT ARE INVOLVED IN THE FUTURE DEVELOPMENT OF THE DOWNTOWN AREA TO CONTINUE TO WORK ON A PLAN THAT WILL PROVIDE FOR CONTINUED PROSPERITY OF THAT LOCATION ONCE HAYS COUNTY VACATES ITS PLACEMENT [T2-210]

A motion was made by Judge Sumter seconded by Commissioner Conley to authorize Commissioner Ingalsbe and Commissioner Coley to continue to work with all of the Downtown San Marcos Stakeholders that are involved in the future development of the Downtown Area to continue to work on a plan that will provide for continued prosperity of that location once Hays County vacates its placement. All voting "Aye". MOTION PASSED

Clerk's Note Agenda Item #24 RE: *ACCEPT THE GASB 45 ACTUARIAL STUDY REGARDING POST-EMPLOYMENT BENEFITS AS PREPARED BY G.P. MONNIN CONSULTING, INC* **– was pulled**

26860 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC., FOR DESIGN SERVICES ON LAKEWOOD DRIVE, A COUNTY ROAD BOND PROJECT [T2-230]

Lakewood Drive is a county Priority road that connects several neighborhoods northwest of Buda to FM 1626 (a Pass Through Financing Bond Project). Commissioner Barton and our road consulting team selected Huitt-Zollars for the work some time ago. HDR has been negotiating the contract, which is now ready and agreed to by both parties. **A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to execute a Professional Services Agreement with Huitt-Zollars, Inc. for Design Services on Lakewood Drive, a County Road Bond Project. All voting "Aye". MOTION PASSED**

DISCUSSION TO ADOPT A COUNTY RESPONSE TO THE EPA IN REGARD TO THE PROPOSED REVISION TO THE NAAQS (NATIONAL AMBIENT AIR QUALITY STANDARD) [T2-262]

Bill Gill of CAPCOG spoke on the MSA air quality situation and what the new standard may mean to us.

WORKSHOP REGARDING RECOMMENDATIONS FROM VETERAN'S TASK FORCE [T2-1173]

Dee Dee Baen Human Resources Director introduced the Veteran's Task Force: Christopher Albertson, Jon Burns, Robert Elder, Gary Hale, Bryan Hannah, Mary Ann Maycen, Joan Nesvold, Jude Prather, David Wilson and Mike Mendoza (Advisor) and Dr. Jim Bell (Facilitator). Dr. Jim Bell spoke. On November 10, 2009, Hays County Commissioners Court approved the creation of a Veteran's Task Force that would prepare and submit suggested Goals and Recommendations to the Court to use as they search for and hire a permanent Hays County Veteran's Service Officer (VSO). Many recommendations were suggested to the court. The court will bring this item back at a later date.

26861 **EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING APPLICATIONS AND THE PARKS AND OPEN SPACE ADVISORY BOARD'S RECOMMENDATION OF CANDIDATES FOR PARTICIPATION IN THE COUNTY'S PARKS AND OPEN SPACE BOND PROGRAM. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT** [T2-2546]

Court convened into closed executive session at 4:05 p.m. and reconvened into open meeting at 4:45 p.m. With to following action taken. **A motion was made by Commissioner Conley seconded by Commissioner Ford for the County (Laureen Chernow) to put together a packet to release the properties and the names on the call for projects for Parks and Open Space to include summaries(submitter, prop name, location) of what was submitted on each project and run it through the Court and then as a press release. All voting "Aye". MOTION PASSED**

26862 **APPROVE CONSTRUCTION PROJECTS IN HAYS COUNTY SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL** [T1-1575]

Phil Buterbaugh of Broaddus & Associates spoke of renovations done at the Hays County Jail kitchen and gave a handout. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve the Proposal and Scope of Work submitted by JE DUNN for kitchen renovation at the Hays County Jail cleanup of certain elements in the Hays County Corrections Facility; authorize staff to finalize a Contract with J E Dunn Construction and authorize the County Judge to execute said Contract and alternates add ADA compliant restrooms and courtyard #1 & #2 in amount of $597,980. All voting "Aye". MOTION PASSED** Bob Hinkle of Broaddus & Associates spoke of update on Government Center and gave a preconstruction deliverable activity calendar, a plat review report and a preliminary design. Bob Hinkle spoke of Development Agreement being submitted to the City of San Marcos, once the City has approved the agreement the replat will be submitted. Commissioner Ingalsbe spoke of display board in the rotunda for public display.

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW [T1-1398]

Jeff Watson of HNTB updated the court on the progress of the Hays County Pass Through Financing Program. FM 1626 Southern Section (FM 2270 to FM 967) – Klotz; FM 1626 Northern Section (FM 967 to Brodie Lane) – Jacobs; FM 110 (IH 35 to SH 123) – S&B Infrastructure; US 290 (Nutty Brown Road to (Trautwein Road) – Under Construction; IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass); IH 35 Phase IIA (RM 150 Realignment) – URS; IH 35 Phase IIB (FM 1626 to Yarrington) – CP&Y; FM 2010 (Frontage Road Connector). Jeff Watson spoke of receiving first check by June 2010.

DISCUSSION TO ACCEPT OR REJECT CAMPO'S RECOMMENDATION FOR BOARD COMPOSITION [T2-2770]

Court discussed the different Tables but didn't make any decisions. CAMPO will meet again on March 1, 2010 and Court will discuss this item at another meeting.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 FEBRUARY 16, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF FEBRUARY 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26863 ADOPT A PROCLAMATION IN MEMORY OF U.S. ARMY CAPTAIN PAUL PENA

[T2-1400] Each member of the court gave their condolences and appreciation to Mrs. Pena and her son Paul Pena. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Proclamation in Memory of U. S. Army Captain Paul Pena. All voting "Aye". MOTION PASSED**

26864 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $824,216.11 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26865 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 16, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of February 16, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26866 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LOWDEN EXCAVATING, INC., IN THE AMOUNT OF $38,000.00 FOR REPLACEMENT OF TURF AREAS AT FIVE MILE DAM PARK

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with Lowden Excavating, Inc., in the amount of $38,000 for replacement of turf areas at Five Mile Dam Park. All voting "Aye". MOTION PASSED

26867 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

Goodwill has expressed an interest in receiving computer equipment from the county and IT has stripped the equipment of useable parts – the equipment would be disposed as worthless pursuant to LGC 263.152 and sent to Goodwill for recycling. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Information Technology to dispose of computer equipment as requested. All voting "Aye". MOTION PASSED**

26868 AUTHORIZE RENEWAL OF BID #2008-B08 "ANNUAL ROAD STRIPING" FOR ONE ADDITIONAL YEAR AS PROVIDED IN ORIGINAL BID

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Renewal of Bid #2008-B08 "Annual Road Striping" for one additional year as provided in original bid. All voting "Aye". MOTION PASSED

26869 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM RON HOOD, CONSTABLE PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept the Annual Racial Profiling Report from Ron Hood, Constable Precinct 4. All voting "Aye". MOTION PASSED

26870 ACCEPT DONATED FUNDS IN THE AMOUNT OF $100.00 TO THE SHERIFF'S OFFICE AND DEPOSITED INTO LINE ITEM 052-618-00.4610

County Auditor Bill Herzog advised that the budget amendment for this item will be for revenue and expense. **A motion A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept donated funds in the amount of $100 to the Sheriff's Office and deposit it into line item 052-618-00.4610 (Contributions). All voting "Aye". MOTION PASSED**

26871 RE-SUBDIVISION OF A 10.13 ACRE PORTION OF LAND, RIVER OAKS OF WIMBERLEY, UNIT 1, SECTION 2 [08-3-58, 3 LOTS] **- HOLD PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-58]

Judge Sumter declared the public hearing open. David Glenn made public comment. The public hearing was closed. This 10.13 acre parcel is an unnumbered lot adjacent to Lot 25 Unit 2 Section 2 which is proposed to be divided into 3 new lots of 2, 4 & 4.124 acres in size. The original application for platting has been on file for over one year. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of Re-subdivision of a 10.13 acre portion of land, River Oaks of Wimberley Unit 1, Section 2. All voting "Aye". MOTION PASSED**

26872 RE-PLAT OF LOTS 33 & 34 MUSTANG VALLEY SUBDIVISION SECTION 4 [10-3-3, 3 LOTS] - **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON MARCH 23, 2010** [T1-347]

Programs Manager of Development Services Clint Garza gave staff recommendation for preliminary plan approval. Jim McMeans made public comment. Discussion was had regarding water availability and need to look at the new development rules and possible moratorium regarding resubdivisions. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan and call for a public hearing on March 23, 2010 for Re-plat of lots 33 & 34 Mustang Valley Subdivision Section 4. All voting "Aye". MOTION PASSED**

26873 DARLINGS HILL SUBDIVISION [9-3-36, 2 LOTS] **APPROVE PRELIMINARY PLAN** [T1-850]

Programs Manager of Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan of Darlings Hill Subdivision. All voting "Aye". MOTION PASSED**

26874 DOWNSTREAM SUBDIVISION [9-4-31, 6 LOTS] **- APPROVE PRELIMINARY PLAN** [T1-902]

Programs Manager of Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan of Downstream Subdivision. All voting "Aye". MOTION PASSED**

26875 POSTPONE ACTION TO REJECT OR ACCEPT CAMPO'S RECOMMENDATION FOR BOARD COMPOSITION [T1-983]

Jeff Mills (CAMPO Board Travis County Small Cities Representative) urged rejection of the recommended board composition. Judge Sumter spoke of the various options. There was concern over reducing the size of the board. Joe Cantalupo, CAMPO Executive Director, explained the various options. Small City representative would be deleted from the board - County Officials would represent those small cities. State representatives were deleted - Bastrop and Caldwell County representatives were added. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to table action regarding CAMPO's recommendation for Board Composition with action to be taken no sooner than three weeks from today and no later than the first week in April. All voting "Aye". MOTION PASSED**

26876 APPROVE AN ADVANCE FUNDING AGREEMENT FOR HAYS COUNTY FOR THE FM 110 PROJECT [T1-2594]

Re: Local Transportation Project Advance Funding Agreement for a SAFETEA-LU Project (On State System). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve an Advance Funding Agreement for Hays County for the FM 110 Project. All voting "Aye". MOTION PASSED**

26877 RE-APPOINT ANDREW CABLE TO THE ESD #7, ACCEPT RESIGNATION OF MARK EVANS AND APPOINT MIKE FLORIANI AS HIS REPLACEMENT ON THE BOARD

[T1-2687] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to re-appoint Andrew Cable to the ESD #7, accept resignation of Mark Evans, and appoint Mike Floriani as his replacement on the board. All voting "Aye". MOTION PASSED**

26878 AUTHORIZE COUNTY JUDGE TO SIGN A DATA SHARING AGREEMENT WITH THE TEXAS WORKFORCE COMMISSION ALLOWING INTERESTED HAYS COUNTY CONSTABLES AS LAW ENFORCEMENT ENTITIES TO ACCESS INFORMATION CONTAINED IN UNEMPLOYMENT INSURANCE RECORDS TO AID THEM IN SERVING OUTSTANDING WARRANTS AND CITATIONS AND AMEND THE BUDGET ACCORDINGLY [T1-2727]

Constable Pct. 1 David Peterson spoke of the service that would be provided. Discussion was had regarding confidentiality. Discussion was had in regards to liability issues. To be funded from contract services in Constable Pct. 4 ($400) and from community program expense line item ($300) in Commissioner Pct. 1 budget. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize County Judge to sign a Data Sharing Agreement with the Texas Workforce Commission allowing interested Hays County Constables as Law Enforcement Entities to access information contained in unemployment insurance records to aid them in serving outstanding Warrants and Citations – contract to be for five months beginning May 2010 - and amend the budget accordingly. All voting "Aye". MOTION PASSED**

26879 AUTHORIZE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROGERS DESIGN SERVICE FOR ADDITIONAL ENGINEERING AND SURVEYING ON MT. GAINOR ROAD [T2-1183]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize County Judge to execute a Professional Services Agreement with Rogers Design Service for additional Engineering and Surveying on Mr. Gainor Road. All voting "Aye". MOTION PASSED

26880 AUTHORIZE BROADDUS AND ASSOCIATES TO SELECT AND NEGOTIATE A BEST VALUE CONTRACT FOR RFP #2010-P03 (VOIP/BROADBAND) [T2-1]

Terry Whitman (Broaddus & Associates) spoke of proposals for countywide communication system. IT Director Jeff McGill spoke of remote sites – current data network is unreliable in remote locations and the current data network has reached its bandwidth limitations in many locations. The proposed VoIP/Broadband solutions will result in lower monthly costs for phone system, resolve reliability and bandwidth issues, eliminate long distance charges between county offices, reduce long distance charges via preferred routing (Hays County to Austin exchange) and provide redundancy/survivability within the network. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Broaddus and Associates and/or Special Counsel Mark Kennedy to select and negotiate a best value Contract for RFP #2010-P03 (VOIP/BROADBAND). All voting "Aye". MOTION PASSED**

26881 ACTION TO FORM A COMMITTEE TO EVALUATE THE CURRENT TRANSPORTATION SYSTEM OF THE COUNTY'S VETERANS ADMINISTRATION

[T2-1203] Commissioner Ingalsbe recommended members of the committee be: HR Dept., Grants Dept., Auditor's office, Legal Counsel, 1 end User, 1 member of the Task Force , VA Officer, and a member of the Commissioners Court (Commissioner Conley volunteered). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to form a Committee to evaluate the current transportation system of the County's Veterans Administration consisting of a representative from Human Resources Dept. Grants Department, Auditor's office, Legal Counsel, 1 end user, 1 member of the task force, VA Officer, and Commissioner Conley. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY JEANNE SCHAFER AND CHRISTOPHER YBARRA. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T2-1396]

Court convened into closed executive session at 1:55 p.m. and reconvened into open meeting at 2:25 p.m. No action taken.

26882 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ACQUISITION OF PROPERTIES RELATED TO COUNTY RIGHT OF WAY AND ROADWAYS WITH ACTION [T2-1339]

Court convened into closed executive session at 1:40 p.m. and reconvened into open meeting at 1:50 p.m. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commissioner Barton to make an administrative settlement offer of $175,000 based on recommendation of our team and further that we find that this offer is reasonable, justified, and in the public interest of Hays County. This action involves Parcel #8 along IH35 (project limits are from FM2001 to FM1626 – property owner is Foulkrod Business Park Ltd. All voting "Aye". MOTION PASSED**

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 [T2-731]

Terry Whitman (Broaddus & Associates) gave an update of work being done on the government center – in the process of getting plat approved by City of San Marcos and various other meetings. Brenda Jenkins (Broaddus & Associates) gave an update on the Law Enforcement Center construction and project-related costs.

Clerk's Note: Agenda Item #23 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED. No discussion and no action taken.**

Clerk's Note: Agenda Item #24 RE: *ADOPT A RESOLUTION APPROVING NOTICE OF PUBLIC MEETING REGARDING A BOND ISSUE BY ASCENSION HEALTH SENIOR CREDIT GROUP UNDER CHAPTER 1, SECTION 147 OF THE INTERNAL REVENUE* **was PULLED. No discussion and no action taken.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 FEBRUARY 23, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF MARCH 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**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COMMISSIONER PCT. 3 WILL CONLEY ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ingalsbe gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Abel Velasquez, HR Safety Officer, presented new county employees. Judge Sumter called the meeting to order.

PRESENTATION BY CONSTABLE PCT. 1, DAVID PETERSON REGARDING A REPORT ON ANNUAL CIVIL PROCESS SERVICE [T1-39]

Constable Pct. 1 David Peterson presented figures regarding civil process in his office – workload has doubled from 2008 to 2009.

26883 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of $1,981,312.13 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

26884 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 23, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of February 23, 2010 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

26885 ACCEPT SHERIFF'S OFFICE RACIAL PROFILING LAW ANNUAL REPORT FOR 2009 IN ACCORDANCE WITH TEXAS CODE OF CRIMINAL PROCEDURE, CHAPTER 2.132(B)(6)&(7)

A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept Sheriff's Office Racial Profiling Law Annual Report for 2009 in accordance with Texas Code of Criminal Procedure, Chapter 2.132(B)(6)&(7). All present voting "Aye". MOTION PASSED

26886 APPROVE RENEWAL AGREEMENT BETWEEN WIMBERLEY ISD AND THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE FOR THE USE OF THE DISTRICT'S FACILITIES IN CASE OF A PUBLIC HEALTH EMERGENCY

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Renewal Agreement between Wimberley ISD and the Hays County Personal Health Department to provide for the use of the District's Facilities in case of a public health emergency. All present voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #6 RE: *APPROVE THE SPECIFICATIONS FOR BID #2010-B05 MOWING & GROUNDS MAINTENANCE FOR THE HISTORICAL CEMETERY AND KYLE LOG CABIN (CO-WIDE) AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE* **was PULLED.**

Clerk's Note: Agenda Item #7 RE: *APPROVE THE SPECIFICATIONS FOR BID #2010-B07 MOWING & GROUNDS MAINTENANCE FOR THE DUDLEY JOHNSON/ RANDALL VETTER PARK AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND* **ADVERTISE was PULLED.**

26887 APPROVE RENEWAL AGREEMENT BETWEEN SAN MARCOS CISD AND THE PERSONAL HEALTH DEPARTMENT (PHD) TO PROVIDE FOR THE USE OF THE DISTRICT'S FACILITIES IN CASE OF A PUBLIC HEALTH EMERGENCY

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Renewal Agreement between San Marcos CISD and the Personal Health Department (PHD) to provide for the use of the District's facilities in case of a public health emergency. All present voting "Aye". MOTION PASSED

26888 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM DAVID PETERSON, CONSTABLE PRECINCT 1

A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept the Annual Racial Profiling Report from David Peterson, Constable Precinct 1. All present voting "Aye". MOTION PASSED

26889 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve utility permit #806 located on Monte Drive issued to Goforth Water Supply Corp.; #807 located on McGregor Lane issued to PEC as submitted by the County Road Department. All present voting "Aye". MOTION PASSED

26890 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING OSSF AND FLOOD PLAIN PERMIT ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF FEBRUARY, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept Report to Commissioners Court identifying OSSF and Flood Plain Permit Administrative approvals issued during the month of February, 2010. All present voting "Aye". MOTION PASSED

26891 APPROVE SPECIFICATIONS FOR BID #2010-B06 "CEDAR OAKS MESA W.S.C. 100,000 GALLON GROUND STORAGE TANK" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Specifications for bid #2010-B06 "Cedar Oaks Mesa W.S.C. 100,000 gallon ground storage tank" and authorize purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

26892 RATIFY SUBMISSION OF THE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR'S, CRIMINAL JUSTICE DIVISION FOR THE HAYS COUNTY CONSTABLE'S OFFICE PRECINCT ONE FOR IN-CAR CAMERA PILOT PROJECT IN THE AMOUNT UP TO $15,717.00

A motion was made by Commissioner Barton, seconded by Commissioner Ford to ratify submission of the Grant Application to the Office of the Governor's, Criminal Justice Division for the Hays County Constable's Office Precinct one for In-Car Pilot Project in the amount up to $15,717. All present voting "Aye". MOTION PASSED

26893 CALL FOR A PUBLIC HEARING ON MARCH 23, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON HILLSIDE TERRACE RD, CR 133 [T1-144]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on March 23, 2010 to establish traffic regulations on Hillside Terrace Rd, CR 133. All present voting "Aye". MOTION PASSED

26894 APPROVE JP5 OFFICE TO TRANSFER FUNDS FROM TIME PAYMENT EXPENSE TO CONTINUING EDUCATION AND AMEND THE BUDGET ACCORDINGLY [T1-152]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve JP5 Office to transfer funds from the Time Payment Expense to Continuing Education and amend the budget accordingly. All present voting "Aye". MOTION PASSED

26895 AUTHORIZE TRANSFER OF FUNDS IN THE AMOUNT OF $1,000.00 FROM CONTRACT SERVICES TO CONTINUING ED ALL WITHIN THE EMERGENCY PREPAREDNESS GRANT AND AMEND THE BUDGET ACCORDINGLY [T1-179]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize transfer of funds in the amount of $1,000 from Contract Services to Continuing Ed all within the Emergency Preparedness Grant and amend the budget accordingly. All present voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item#17 RE: *TERMINATE ADVANCE FUNDING AGREEMENT, CSJ: 0914-33-050, BEBEE ROAD AT DACY LANE, STP MM FUNDING IN THE AMOUNT OF $250,000.00* **– was PULLED** [T1-195]

26896 ACCEPT DONATION OF AN IN-CAR CAMERA SYSTEM FROM THE CITY OF WIMBERLEY TO THE CONSTABLE PCT. 3 OFFICE [T1-243]

A motion was made by Judge Sumter, seconded by Commissioner Ford to accept donation of an In-Car Camera System from the City of Wimberley to the Constable Pct. 3 Office and amend the budget accordingly. All present voting "Aye". MOTION PASSED

26897 AUTHORIZE PERSONAL HEALTH TITLE V GRANT TRANSFER OF FUNDS IN THE AMOUNT OF $1000.00 FROM CONTRACT SERVICES TO TRAVEL AND AMEND THE BUDGET ACCORDINGLY [T1-267]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Personal Health Title V Grant transfer of funds in the amount of $1,000 from Contract Services to Travel and amend the budget accordingly. All present voting "Aye". MOTION PASSED

26898 APPROVE BUDGET AMENDMENT FOR HISTORICAL COMMISSION JAIL RESTORATION FUND [T1-274]

Hays County Historical Commission Chair Kate Johnson spoke of request. Transferring funds from capital improvements to general supplies. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to amend budget for Historical Commission Jail Restoration Fund to allow transfer of amount not to exceed $1500 line item 144-676-00-5741 to 144-676-00-5201 and have the Commission reimburse this fund. All present voting "Aye". MOTION PASSED**

26899 AMEND BUDGET FOR JUVENILE PROBATION TITLE IV-E GRANT FUNDS [T1-335]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to amend budget for Juvenile Probation Title IV-E Grant Funds by transferring $1200 from line item #001-686-99-034-5361 to #001-686-99-034-5741. All present voting "Aye". MOTION PASSED

26900 APPROVE PERSONAL HEALTH DEPARTMENT (PHD) PARTICIPATION IN HEALTH FAIR AT REDWOOD BAPTIST CHURCH IN GUADALUPE COUNTY AND ADMINISTER FREE IMMUNIZATIONS [T1-348]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Personal Health Department (PHD) participation in Health Fair at Redwood Baptist Church in Guadalupe County and administer free immunizations. All present voting "Aye". MOTION PASSED

26901 AUTHORIZE PERSONAL HEALTH TB GRANT TRANSFER OF FUNDS IN THE AMOUNT OF $500.00 FROM CONTRACT SERVICES TO TRAVEL AND AMEND THE BUDGET ACCORDINGLY [T1-370]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Personal Health TB Grant transfer of funds in the amount of $500 from Contract Services to Travel and amend the budget accordingly. All present voting "Aye". MOTION PASSED

26902 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT, IN THE AMOUNT OF $115,153.00 [T1-376]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a Contract with the Texas Comptroller of Public Accounts for the Energy Efficiency and Conservation Block Grant, in the amount of $115,153. All present voting "Aye". MOTION PASSED

26903 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES (KFA) FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE STUDY AT LIME KILN ROAD AND SINK CREEK, A PRIORITY ROAD BOND PROJECT [T1-522]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement with K Friese & Associates (KFA) for Professional Engineering Services related to the study at Lime Kiln Road and Sink Creek, to include Work Authorize #1 in the amount of $220,000. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING HAYS COUNTY COMMENTS AND/OR A RESOLUTION AS OUR OFFICIAL RESPONSE TO EPA ON THE PROPOSED NEW NATIONAL AMBIENT AIR QUALITY STANDARD [T`-1661]

Commissioner Ford presented a draft on CAC Comments and EPA Proposed Ozone Standard. No action was taken this date.

26904 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A LETTER OF INTEREST TO THE TEXAS VETERANS COMMISSION REGARDING FUNDING TO SUPPORT THE HAYS COUNTY VETERANS SERVICES OFFICE [T1-394]

Grants Administrator Jeff Hauff spoke of a $23,760 Grant. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to submit a Letter of Interest to the Texas Veterans Commission regarding funding to support the Hays County Veterans Services Office. All present voting "Aye". MOTION PASSED**

26905 EXTEND THE MAINTENANCE CONTRACT WITH D&T SERVICES FOR THE PCT. 4 OSSF AND AMEND THE BUDGET ACCORDINGLY [T1-1066]

A motion was made by Commissioner Ford, seconded by Judge Sumter to extend the Maintenance Contract with D&T Services for the Pct. 4 OSSF and amend the budget accordingly. All present voting "Aye". MOTION PASSED

PUBLIC COMMENT REGARDING IMPLEMENTING A SIXTY (60) DAY MORATORIUM ON THE RE-SUBDIVISION OF PREVIOUSLY PLATTED LOTS LOCATED WITHIN HAYS COUNTY [T1-657]

Jim McMeans, Andrew Backus, and Jimmy Skipton made public comment. **No action was taken.**

26906 GRANT NORTH HAYS OPTIMIST A TIME EXTENSION ON MATCHING FUNDS AND TO FURTHER ALLOW THE CONSTRUCTION OF A SMALL OFFICE SPACE AND CONCESSIONS BUILDING FROM TOTAL PROJECT SAVINGS [T1-891]

Grants Administrator Jeff Hauff spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to grant North Hays Optimist a time extension to December 31, 2010 on matching funds and to further allow the construction of a small office space and concessions building from total project savings – with stipulation that they need to reach their match before we release the money. All present voting "Aye". MOTION PASSED**

26907 PROMOTE AND FUND HEALTH CHECK 2010 FOR HAYS COUNTY EMPLOYEES AND ELIGIBLE DEPENDENTS. AUTHORIZE PAYROLL DEDUCTION OF ADDITIONAL FEES FOR OPTIONAL SERVICES EMPLOYEES MAY ELECT [T1-1084]

Human Resources Director Dee Dee Baen spoke. $7,000 is being requested from the claims & medical fund. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to promote and fund Health Check 2010 in an amount not to exceed $7,000, for Hays County Employees and eligible dependents and to authorize payroll deduction of additional fees for optional services employees may elect. All present voting "Aye". MOTION PASSED**

26908 APPROVE THE SALE OF ONE PROPERTY HELD IN TRUST [T1-1188]

Tax Assessor-Collector Luanne Caraway recommended letting the City of San Marcos have the property. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the sale of one property held in trust. All voting "Aye". MOTION PASSED**

26909 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #7 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. FOR THE FIVE MILE DAM PARK PHASE 2 (SITE) PROJECT [T1-442]

Grants Administrator Jeff Hauff spoke of change order #7 which provides a concrete perimeter and connector trails in lieu of planned crushed stone surfacing. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute Change Order #7 to the Construction Contract with Harris Road Company, Inc. for the Five Mile Dam Park Phase 2 (site) Project. All present voting "Aye". MOTION PASSED**

26910 APPROVE THE PURCHASE OF BUILDING MATERIALS FOR THE RPTP DEPT./ROAD & BRIDGE DIVISION'S PRECINCT 1 MAINTENANCE YARD IN AN AMOUNT NOT TO EXCEED $2,500.00 [T1-1209]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the purchase of building materials for the RPTP Dept/Road & Bridge Division's Precinct 1 Maintenance yard in an amount not to exceed $2,500 from line item #020-710-5741 and amend budget accordingly. All present voting "Aye". MOTION PASSED

26911 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #3 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. FOR THE FIVE MILE DAM PARK, PHASE II (BUILDING) PROJECT [T1-483]

Grants Administrator Jeff Hauff spoke of change order #3 which provides concrete trails near the building in lieu of the planned crushed stone surfacing. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute Change Order #3 to the Construction Contract with Harris Road Company, Inc. for the Five Mile Dam Park, Phase II (building) project. All present voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND THE COUNTY'S REAL ESTATE CONSULTANT REGARDING PROPERTY ASSESSMENTS AND RECOMMENDATIONS RELATING TO THE COUNTY'S PARKS AND OPEN SPACE BOND PROGRAM. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 1:35 p.m. and reconvened into open meeting at 2:42 p.m. No action taken.

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-1240]

Bob Hinkle (Broaddus & Associates) gave a brief video of the Hays County Government Center (showing the interior & exterior). He also provided an activity calendar for March & April and cash flow chart [amount of $72,006.077 paid out over 22 months]. Brenda Jenkins (Broaddus & Associates) gave an update regarding jail renovations and R&B facility improvements.

Clerk's Note: Agenda Item #38 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **- was pulled**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 9, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF MARCH 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. FRITSCHE	**COUNTY CLERK**

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.

26912 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of $1,101,988.78 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26913 APPROVE COMMISSIONER COURT MINUTES OF MARCH 9, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of March 9, 2010 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26914 ACCEPT COMMERCIAL OSSF PERMIT FOR K & J WOODWORKS FOR A WOODWORKING SHOP LOCATED AT 86 S. OLD SPANISH TRAIL, UHLAND, IN PRECINCT 2

James Kickertz is proposing an OSSF to serve a 35,000 square foot woodworking shop located at 86 S. Old Spanish Trail, Uhland, TX 78610, in Pct 2. The property is 10 acres. It is an Aerobic Treatment Unit utilizing surface irrigation for dispersal that was designed by Stan Burrier, P.E. The On Site Sewage Facility is designed for a maximum wastewater flow of 280 gpd. The water supply is a Public Water Supply. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept Commercial OSSF Permit for K & J Woodworks for a woodworking shop located at 86 S. Old Spanish Trail, Uhland, in Precinct 2. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26915 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT ADJUSTMENT NOTICE (GAN) FOR THE TEXAS DIVISION OF EMERGENCY MANAGEMENT, HOMELAND SECURITY GRANT PROGRAM AWARD #07-GA-48209-04

This grant was accepted by the Commissioners Court on October 30, 2007 and the grant term expired on February 28, 2010. The Grant Adjustment Notice is for the funding amount reconciliation to close out the project, and will result in a net deduction of $304.43 from the award amount. No budget amendment is necessary. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Grant Adjustment Notice (GAN) for the Texas Division of Emergency Management, Homeland Security Grant Program Award #07-GA-48209-04. All voting "Aye". MOTION PASSED**

26916 ACCEPT DONATED FUNDS IN THE AMOUNT OF $500.00 TO THE SHERIFF'S OFFICE AND DEPOSIT INTO LINE ITEM 052-618-00.4610 (CONTRIBUTIONS)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept donated funds in the amount of $500 to the Sheriff's Office and deposit into line item 052-618-00.4610 (Contributions). Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26917 ACCEPT LEOSE PAYMENT TO THE FIRE MARSHALL AND BUDGET AS CONTINUING EDUCATION EXPENSE

Fire Marshall applied for and received LEOSE educational funds from the state: this will budget into his line item. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept LEOSE Payment to the Fire Marshall and budget as Continuing Education expense. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26918 APPROVE ADDITIONAL FUNDS FOR CONTINUING EDUCATION FOR JUSTICE OF THE PEACE PCT 2 AND AMEND THE BUDGET ACCORDINGLY

Continuing Ed Line is $0.00; this will allow balance of Judge's expenses for training, and (3) clerks' training later this spring. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve additional funds for Continuing Education for Justice of the Peace Pct 2 and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26919 APPROVE THE OCTOBER & NOVEMBER 2009 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the October & November 2009 Treasurer's Reports and Investment Reports. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26920 EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WOODCREEK FOR REPAIR AND MAINTENANCE OF ROADWAYS IN WOODCREEK [T1-30]

A motion was made by Commissioner Conley, seconded by Judge Sumter to execute an Interlocal Agreement between Hays County and the City of Woodcreek for repair and maintenance of roadways in Woodcreek. All voting "Aye". MOTION PASSED

26921 AUTHORIZE THE PURCHASE OF 3 LAPTOP COMPUTERS, 1 DESKTOP COMPUTER AND SOFTWARE FOR USE BY THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE, AND TO AMEND THE BUDGET ACCORDINGLY [T1-139]

Special Counsel Mark Kennedy explained equipment needs for the district attorney's office. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the purchase of 3 laptop computers, 1 desktop computer and software for use by the Hays County Criminal District Attorney's Office, and to amend the budget accordingly from salary savings in an amount not to exceed $7,715.43. All voting "Aye". MOTION PASSED**

26922 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH LAND DESIGN PARTNERS FOR SERVICES RELATED TO THE FIVE MILE DAM PARK PROJECT, PHASE II [T1-231]

The initial Agreement for Phase II services by LDP was authorized by Commissioners Court on February 3, 2009 in the amount of $46,000 for document preparation, bidding, and construction administration. The agreement being considered today involves additional services related to assistance associated with a trail grant received by the City of San Marcos, coordination with contractors/vendors for additional work at the park, and additional construction administration/site observations associated with the extension of the time for construction completion. The fee for these services amounts to $9,350 which is available from funds budgeted for this project by the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an Additional Services Agreement with Land Design Partners for services related to the Five Mile Dam Park Project, Phase II. All voting "Aye". MOTION PASSED**

26923 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING DEDICATION OF WOODCREEK NORTH ROADWAYS BETWEEN HAYS COUNTY, THE WOODCREEK PROPERTY OWNERS ASSOCIATION OF HAYS COUNTY, INC., AND WIMBERLEY SPRINGS PARTNERS, LTD [T1-371]

DuAnne Redus (Woodcreek Property Owners Association), Jim Westbrook (Woodcreek North Property Owners), and Bill Bradfield made public comment in support of the MOU. The Parties to the MOU have been negotiating with the assistance of Hays County staff, to establish a fair estimation of costs associated with preliminary improvements that would bring the Woodcreek North roadways into substantial compliance with Hays County specifications. Per the MOU, once payment for those improvements is made, Hays County would accept dedication of the roadways and begin maintaining the roadways regularly. Commissioner Conley spoke of petitions and resolutions presented to him. Special Counsel Mark Kennedy spoke of minor changes that were made in the agreement. Judge Sumter advised that she will abstain from voting because she owns property in one of these subdivisions. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Understanding regarding dedication of Woodcreek North Roadways between Hays County, the Woodcreek Property Owners Association of Hays County, Inc. and Wimberley Springs Partners, Ltd. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter abstained. MOTION PASSED**

26924 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ENGAGEMENT LETTER WITH WINSTEAD, PC, FOR LEGAL COUNSELING SERVICES TO BE COORDINATED WITH THE CIVIL DIVISION OF THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE [T1-1005]

Special Counsel Mark Kennedy spoke in support of the engagement letter. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute an Engagement Letter with Windstead, PC, for legal counseling services to be coordinated with the Civil Division of the Hays County Criminal District Attorney's Office related to pending litigation. All voting "Aye". MOTION PASSED**

26925 DECLARE AN EMERGENCY AND AMEND THE BUDGET TO PROVIDE ADDITIONAL FUNDS FOR CONTRACT INMATE DETENTION FOR THE JAIL [T1-304]

Sheriff Deputy Brad Robinson explained the situation at the jail. Due to the State mandate, Hays County has moved additional inmates per our contract at various times in order to continue the construction/repairs at the Jail. In four months they have expended the whole year's budget, and between the Jail staff and Auditor's Office, they are recommending an additional amount of $300,000 be approved to Contract Inmate Detention from reserves. **A motion was made by Judge Sumter, seconded by Commissioner Ford to declare an emergency and amend the budget to provide additional funds for Contract Inmate Detention for the Jail. All voting "Aye". MOTION PASSED**

26926 APPROVE OFFICIAL HAYS COUNTY COMMENTS TO US ENVIRONMENTAL PROTECTION AGENCY ON THE PROPOSED NEW NATIONAL AMBIENT AIR QUALITY STANDARD [T1-1061]

Commissioner Ford went through proposed comments to be submitted (voluntary actions and planning for alternative transportation, protective ozone standard is appropriate, impacts from outside the MSA, more stringent vehicle engine and fuel standards, alternative to a metropolitan area designation, voluntary compliance efforts, increase accuracy of monitoring data, and compliance with the secondary ozone standard. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Official Hays County comments to US Environmental Protection Agency on the proposed New National Ambient Air Quality Standard. All voting "Aye". MOTION PASSED**

26927 APPROVE COURTS INTENTION TO GRANT A VARIANCE FROM CHAPTER 721, SUBCHAPTER 5 OF THE CURRENT HAYS COUNTY DEVELOPMENT REGULATIONS FOR THE POTENTIAL HALL ESTATES SUBDIVISION [T1-1281]

Clint Garza explained the proposed development. It is a proposed division of 18.4 acres of land located off RR12 in Pct. 4. It will result in 4 newly platted lots with access from an existing driveway. The developer is seeking a variance from the Shared Access Driveway standards. TxDot has approved the location of the shared drive and configuration of the lots in the proposed subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to courts intention to approve a variance from Chapter 721, Subchapter 5 of the current Hays County Development Regulations for the potential Hall Estates, all other things being equal as they were presented today including the commitment of the land owner to provide sub surface wastewater disposal. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY JEANNE SCHAFER AND CHRISTOPHER YBARRA. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-2412]

Court convened into closed executive session at 2:00 p.m. and reconvened into open meeting at 2:05 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY JAMES SKIPTON. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 11:40 a.m. No action taken.

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

Court convened into closed executive session at 11:40 a.m. and reconvened into open meeting at 11:50 a.m. No action taken.

26928 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ACQUISITION OF PROPERTIES RELATED TO RIGHT OF WAY AND ROADWAYS TO COUNTY ROAD PROJECTS. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-2351]

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 12:05 p.m. Special Counsel Mark Kennedy explained that the professional services that we would get would be from the list of real estate agents and would be for small right-of-way acquisition projects where we are not performing an appraisal but where we need to get to a fair market value. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize Special Counsel to coordinate with Purchasing to get a list of real estate agents and to work with staff to acquire professional services for small right-of-way acquisitions in an amount not to exceed $500 per transaction. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF DIRECTOR OF RESOURCES, PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 3:10 p.m. and reconvened into open meeting at 4:25 p.m. No action taken.

Clerk's Note: Agenda Item #22 RE: *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.**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW [T1-1770]

Mike Weaver (Prime Strategies) gave a progress report on the Hays County Pass Through Financing Program regarding FM1626 southern section (FM2270 to FM967), FM 1626 northern section (FM967 to Brodie Lane), FM110 (IH35 to SH123), US 290 (Nutty Brown Road to Trautwein Road), IH 35 Phase I (FM2001 to FM1626 & Kyle Crossing/CR210 Overpass), IH35 Phase IIA (RM150 realignment), IH 35 Phase IIB (FM1626 to Yarrington), and FM 2001 (frontage road connector). Jeff Curren (HDR) gave progress report on US290 (RM12 to MdGregor), RM 12 @ Sports Park Drive, RM1826 @ Nutty Brown Road, RM1826 @ Crystal Hill Drive, RM1826 @ Darden Hill Rod, RM1826 @ RM967, RM2325 to Carney Lane, RM12 @ Old Kyle Road, RM12 & RM32 junction, RM12 Parkway Development, RM12 @ Hugo Road, RM12 @ Sink Creek, Old Bastrop Highway, SH21 @ High Road, SH21 @ FM2001, SH21 @ Rohde Road, Dacy Lane (Bebee to Windy Hill), Lime Kiln Road @ Sink Creek, Post Road, Lakewood Drive @ FM1626, RM967 @ Ruby Ranch Road, Utility Coordination PSA's, and ROW PSA.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 16, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF MARCH 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26929 ADOPT A PROCLAMATION DECLARING MARCH 24, 2010 WORLD TB DAY

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring March 24, 2010 World TB Day. All voting "Aye". MOTION PASSED

PUBLIC COMMENT
Alan Cameron made public comment regarding Hays County Veteran Services.

26930 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount of $624,298.71 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26931 APPROVE COMMISSIONER COURT MINUTES OF MARCH 16, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of March 16, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26932 APPROVE CONTRACT AMENDMENT ONE TO HAYS COUNTY STATE CASE REGISTRY/LOCAL CUSTOMER SERVICE COOPERATIVE AGREEMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Contract Amendment One to Hays County State Case Registry/Local Customer Service Cooperative Agreement. All voting "Aye". MOTION PASSED

26933 ACCEPT COMMERCIAL OSSF PERMIT FOR LASCO POLO CLUB PARTNERS FOR A CVS PHARMACY LOCATED AT 13510 W HWY 290, AUSTIN, TX IN PRECINCT 4

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept Commercial OSSF Permit for Lasco Polo Club Partners for a CVS Pharmacy located at 13510 W. Hwy 290, Austin, TX in Precinct 4. All voting "Aye". MOTION PASSED

26934 APPROVE THE SPECIFICATIONS FOR BID #2010-P08 HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the Specifications for Bid #2010-P08 Household Hazardous Waste Collection Event and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26935 APPROVE BUDGET AMENDMENT FOR DISTRICT CLERK'S OFFICE, TRANSFERRING $702 FROM SALARY TO CONTRACT SERVICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve budget amendment for District Clerk's Office, transferring $702 from Salary to Contract Services. All voting "Aye". MOTION PASSED

26936 CALL FOR A PUBLIC HEARING ON APRIL 6, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON CODY LANE, IN GOFORTH ESTATES SUBDIVISION [T1-267]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on April 6, 2010 to establish traffic regulations on Cody Lane, in Goforth Estates Subdivision. All voting "Aye". MOTION PASSED

26937 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON HILLSIDE TERRACE RD, CR 133 [T1-272]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation to establish stop signs for a 4-way stop on Hillside Terrace Rd. at Old Goforth Rd. & Tori Dr. and to establish a speed limit of 30 MPH on Hillside Terrace Rd., CR 133. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to establish traffic regulations on Hillside Terrace Road, CR 133 as recommended by the Road Department. All voting "Aye". MOTION PASSED**

26938 DOWNSTREAM SUBDIVISION [9-4-31, 6 LOTS] **APPROVE FINAL PLAT** [T1-288]

Programs Manager Clint Garza gave staff recommendation. Engineer Charles Brigance advised that the City of Dripping Springs has approved this subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Downstream Subdivision". All voting "Aye". MOTION PASSED**

26939 DARLINGS HILL SUBDIVISION [9-3-36, 2 LOTS] **APPROVE FINAL PLAT** [T1-323]

Programs Manager Clint Garza gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "Darlings Hill Subdivision". All voting "Aye". MOTION PASSED**

26940 REPLAT OF LOTS 33 & 34, MUSTANG VALLEY SUBDIVISION, SECTION 4 [10-3-3, 3 LOTS] **- HOLD PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-369]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Programs Manager Clint Garza gave staff recommendation. Russell Hinds, President of Rincon Group (Developer) spoke of the quality of this development. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Mustang Valley Section 4 Replat of lots 33 & 34". All voting "Aye". MOTION PASSED**

26941 ADOPT TXDOT QA/QC PROGRAM [T2-579]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to adopt TXDOT QA/QC Program. All voting "Aye". MOTION PASSED

26942 DISCUSSION WITH COUNTY'S FINANCIAL ADVISOR REGARDING THE UPCOMING CERTIFICATE OF OBLIGATION ISSUE AS WELL AS THE POSSIBILITY OF REFUNDING A PORTION OF THE COUNTY'S EXISTING DEBT AND ACTION [T1-847]

Financial Advisor Dan Wegmiller spoke of projected sale date being next Tuesday and he spoke of interest rates being very good (currently at around 4%). He provided the court with debt service comparison figures. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to request Dan Wegmiller to come back with refinancing proposal on the 2001 Road Bond Project. All voting "Aye". MOTION PASSED**

26943 AUTHORIZE PURCHASING TO ADVERTISE FOR BIDS FOR REPLACEMENT OF THE WILSON CREEK BRIDGE ON GREEN ACRES DRIVE IN WIMBERLEY [T2-586]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize purchasing to advertise for bids for replacement of the Wilson Creek Bridge on Green Acres Drive in Wimberley. All voting "Aye". MOTION PASSED

26944 ACCEPT THE GASB 45 ACTUARIAL STUDY REGARDING POST-EMPLOYMENT BENEFITS AS PREPARED BY G.P. MONNIN CONSULTING, INC [T2-313]

Burke Sunday (G. P. Monnin Consulting Inc.) spoke of requirement for a GASB 45 Actuarial Study. He spoke of growth in employees and retirees and discount rate (4.5%). **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept the GASB 45 Actuarial Study regarding Post-Employment Benefits as prepared by G. P. Monnin Consulting, Inc. All voting "Aye". MOTION PASSED**

26945 ACCEPT THE ENGAGEMENT TERMS OFFERED BY DENTON, NAVARRO, ROCHA, AND BERNAL, P.C REGARDING COLLECTIVE BARGAINING [T2-615]

It was agreed to appoint members of a bargaining committee that will represent Hays County and/or the Hays County Sheriff in meetings with the Hays County Law Enforcement Association at a later date. **A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to accept the Engagement Terms offered by Denton, Navarro, Rocha, and Bernal, P.C. and to authorize Mark Kennedy to come back to court with a contract and a recommended cap. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and County Judge voting "Aye". Commissioner Ford voting "No". MOTION PASSED**

26946 AUTHORIZE THE COUNTY JUDGE TO SIGN CONTRACT AMENDMENT WITH HALFF AND ASSOCIATES FOR ADDITIONAL SCOPE OF WORK IN ASSOCIATION WITH THE MCGREGOR BRIDGE PROJECT [T2-686]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to sign Contract Amendment with Halff and Associates for additional scope of work in association with the McGregor Bridge Project in the amount of $13,000. All voting "Aye". MOTION PASSED

26947 EXTEND FOR ONE YEAR THE PROPERTY LEASE FOR THE BUILDING MAINTENANCE DEPARTMENT, LOCATED AT 2019-B CLOVIS BARKER RD., SAN MARCOS [T2-786]

A motion was made by Judge Sumter, seconded by Commissioner Ford to extend for one year the Property Lease for the Building Maintenance Department, located at 2019-B Clovis Barker Road, San Marcos. All voting "Aye". MOTION PASSED

WORKSHOP WITH STAFF OF CAMPO REGARDING THE 2035 PLAN [T1-1790]

CAMPO Executive Director Joe Cantalupo & Assistant Director Maureen McCoy appeared before the court and spoke of meetings to be held regarding the 2035 plan. Mr. Cantalupo spoke of population expected to double in this five county region. Hays County Centers are San Marcos, Kyle, Buda and Dripping Springs: current population is 16% of the region and 2035 target is 31%. He spoke of priority bicycle corridors and priority pedestrian districts. Corridors in Hays County are IH35, US290W, and SH21. A public outreach meeting scheduled for 3/25/10 at San Marcos Activity Center.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND THE COUNTY'S REAL ESTATE CONSULTANT REGARDING PROPERTY ASSESSMENTS AND RECOMMENDATIONS RELATING TO THE COUNTY'S PARKS AND OPEN SPACE BOND PROGRAM. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 1:40 p.m. and reconvened into open meeting at 2:10 p.m. No action taken.

26948 **DISCUSSION AND ACTION ON ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS** [T1-625]

Bob Hinkle (Broaddus & Associates) provided a preconstruction deliverable activity calendar. He spoke of plat that is being presented to the San Marcos Planning & Zoning Commission. Broaddus & Associates Project Manager Courtney Newsom gave a powerpoint presentation regarding the RPTP Facility Addition.

[T1-1169] Dan Wegmiller, Financial Advisor, presented a summary of government center scenarios (debt service) showing two scenarios (#1 Series 2010 = $72,000,000 #2 = Series 2010 @ $60,000,000 Series 2011 @ $12,000,000). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Dan Wegmiller to move forward on $71.2 million issuance for the Government Center and in addition any borrowing above $67.5 million will come back for Commissioner Court approval and change orders (reduction in contingencies) above $50,000 will require court action. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 23, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 30th DAY OF MARCH 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26949 ADOPT A PROCLAMATION DECLARING THE MONTH OF APRIL AS COUNTY GOVERNMENT MONTH

Dee Dee Baen, Human Resources Director, spoke of various events to be held during the month of April. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the month of April as County Government Month. All voting "Aye". MOTION PASSED**

26950 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,674,957.01 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26951 APPROVE COMMISSIONER COURT MINUTES OF MARCH 23, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of March 23, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26952 AUTHORIZE THE COUNTY JUDGE TO SIGN AN APPLICATION FOR THE RENEWAL OF THE IMMUNIZATION GRANT BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR $192,341.00

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to sign an Application for the Renewal of the Immunization Grant between the Hays County Personal Health Department and the Texas Department of State Health Services (DSHS) for $192,341.00. All voting "Aye". MOTION PASSED

26953 APPROVE THE DECEMBER 2009 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve the December 2009 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

26954 APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE AND BID RFP#2010-P09 FOR A PROFESSIONAL ENERGY AUDIT/ANALYSIS FOR HAYS COUNTY BUILDINGS

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications and authorize Purchasing to advertise and bid RFP #2010-P09 for a Professional Energy Audit/Analysis for Hays County Buildings. All voting "Aye". MOTION PASSED

26955 AUTHORIZE PURCHASING TO ADVERTISE FOR BID FOR A CEMETERY MAINTENANCE CONTRACT

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Purchasing to advertise for bid for a Cemetery Maintenance Contract. All voting "Aye". MOTION PASSED

26956 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Information Technology to dispose of computer equipment. All voting "Aye". MOTION PASSED

26957 APPROVE SPECIFICATIONS FOR BID #2010-B10 "THE SPRING LAKE PRESERVE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE [T1-167]

Grants Administrator Jeff Hauff gave history of this project. **A motion was made by Commissioner Conley seconded by Commissioner Ford to approve specifications for bid #2010-B10 "The Spring Lake Preserve" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING COUNTY MAINTENANCE RESPONSIBILITIES FOR ROW ALONG THE PORTION OF BELL SPRINGS ROAD THAT RUNS ATOP THE LENGTH OF RIVER OAKS RANCH DAM [T1-1141]

RPTP Director Jerry Borcherding advised that the county does not own the dam and the homeowners association does not have money to repair the earthen dam. Discussion was had regarding county's responsibility.

26958 CALL FOR A PUBLIC HEARING ON APRIL 13, 2010 TO CONSIDER STREET NAME CHANGES WITHIN THE STUDIO ESTATES SUBDIVISION, SECTION 1 [T1-1704]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to call for a public hearing on April 13, 2010 to consider street name changes within the Studio Estates Subdivision, Section 1. All voting "Aye". MOTION PASSED

26959 SETTLERS RIDGE SUBDIVISION [10-3-3 – 5 LOTS] **APPROVE PRELIMINARY PLAN**

[T1-1711] Developer John Cabler spoke. He advised that he is open to rain water collection. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve preliminary plan of Settlers Ridge Subdivision. All voting "Aye". MOTION PASSED**

26960 RE-SUBDIVISION OF LOT 42, LEDGEROCK SUBDIVISION [10-3-4 – 2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON APRIL 27, 2010**

[T1-1847] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan and call for a public hearing on April 27, 2010 for a ReSubdivision of Lot 42 Ledgerock Subdivision. All voting "Aye". MOTION PASSED**

26961 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDERS #4-#6 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. FOR THE FIVE MILE DAM PARK, PHASE II (BUILDING) PROJECT [T1-901]

Grants Administrator Jeff Hauff spoke of changes in the amount of $17,235. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute change orders #4 – 6 to the Construction Contract with Harris Road Company, Inc. for the Five Mile Dam Park, Phase II (building) Project. All voting "Aye". MOTION PASSED**

26962 ACCEPT THE ANNUAL REPORT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #3 [T1-489]

Buddy Martin provided the Annual Report for the Hays County ESD#3. Members of the court thanked the ESD#3 board members for their services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the Annual Report from the Hays County Emergency Services District #3. All voting "Aye". MOTION PASSED**

26963 CANCEL CONTRACT WITH P2 EMULSION AND RE-BID THE EMULSIONS OILS FOR THE ROAD DEPARTMENT. APPROVE THE SPECIFICATIONS FOR BID #2010-B09 EMULSIONS OILS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE [T1-1893]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to cancel Contract with P2 Emulsion and re-bid the emulsions oils for the Road Department and approve the specifications for bid #2010-B09 emulsions oils and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26964 APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS UNLIMITED TAX REFUNDING BONDS, SERIES 2010", LEVYING AN ANNUAL AD VALOREM TAX, WITHOUT LEGAL LIMIT AS TO RATE OR AMOUNT, UPON ALL TAXABLE PROPERTY IN THE COUNTY FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT, AND AN ESCROW AND TRUST AGREEMENT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND PROVIDING AN EFFECTIVE DATE [T1-238]

Dan Wegmiller (Specialized Public Finance Inc) provided final pricing summary regarding $72 million combination tax and limited pledge revenue certificates of obligation, series 2010 and $12,345 million unlimited tax refunding bonds, series 2010. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve an Order by the Commissioners Court of Hays County, Texas authorizing the Issuance of "Hays County, Texas Unlimited Tax Refunding Bonds, Series 2010", Levying an annual Ad Valorem Tax, without legal limit as to rate or amount, upon all taxable property in the county for the payment of the Bonds; prescribing the form, terms, conditions and resolving other matters incident and related to the Issuance, sale and delivery of the Bonds, including the approval and distribution of an Official Statement pertaining thereto; authorizing the Execution of a Paying Agent/Registrar Agreement, a Purchase Contract, and an Escrow and Trust Agreement; complying with the provisions of the Depository Trust Company's Letter of Representations; and providing an effective date. All voting "Aye". MOTION PASSED**

26965 APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010", PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY LEVYING OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE COUNTY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SOLID WASTE MANAGEMENT SYSTEMS; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACTS; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE [T1-252]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve an Order authorizing the Issuance of "Hays County, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2010", providing for the payment of said Certificates by Levying of an Ad Valorem Tax upon all taxable property within the County and further securing said Certificates by a Lien on and pledge of the pledged revenues of the Solid Waste Management Systems; providing the

terms and conditions of said Certificates and resolving other matters incident and relating to the Issuance, Payment, Security, Sale and Delivery of said Certificates, including the approval and distribution of an Official Agreement and a Purchase Contracts; complying with the requirements imposed by the Letter of Representations previously executed with the Depository Trust Company; and providing an effective date. All voting "Aye". MOTION PASSED

26966 STANDARDIZE THE COUNTY SEAL DESIGN FOR USE IN ALL VENUES GOING FORWARD [T1-2035]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to standardize the County Seal design for use in all venues going forward. All voting "Aye". MOTION PASSED

26967 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES (KFA) FOR ENGINEERING SERVICES RELATED TO THE STUDY AT POST ROAD, A PRIORITY ROAD BOND PROJECT WHICH STRADDLES PCT 1 AND PCT 4, IN AN AMOUNT NOT TO EXCEED $200K [T1-2084

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute a Professional Services Agreement with K Friese & Associates (KFA) for engineering services related to the study at Post Road, a priority road bond project which straddles Pct 1 and Pct 4, in an amount not to exceed $200K. All voting "Aye". MOTION PASSED

26968 APPROVE OUT-OF-STATE TRAVEL FOR DETECTIVE JERI SKROCKI WHO HAS BEEN INVITED TO SPEAK AT THE CALIFORNIA ASSOCIATION OF HOSTAGE NEGOTIATOR'S (CAHN) ANNUAL TRAINING CONFERENCE IN JUNE 2010 [T1-450]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve out-of-state travel for detective Jeri Skrocki who has been invited to speak at the California Association of Hostage Negotiator's (CAHN) Annual Training Conference in June 2010. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

26969 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NUMBER 1 TO THE ADVANCE FUNDING AGREEMENT DATED NOVEMBER 7, 2006 – CSJ: 0914-33-054, BLUE HOLE LOOP AMENDMENT NUMBER 1 [T1-1010]

A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute Amendment Number 1 to the Advance Funding Agreement dated November 7, 2006 – CSJ: 0914-33-054, Blue Hole Loop Amendment Number 1. All voting "Aye". MOTION PASSED

DELIVER A SMACK-DOWN CHALLENGE FROM THE PRECINCT 4 BOWLING TEAM FOR TOP TEAM SCORE AND MOST MONEY RAISED AT THE 2010 BIG BROTHERS BIG SISTERS, HAYS COUNTY BOWL FOR KIDS SAKE [T1-2149]

Commissioner Ford delivered a smack-down challenge from the Precinct 4 Bowling Team for top team score and most money raised at the 2010 Big Brothers Big Sisters, Hays County Bowl for Kids Sake to be held Saturday April 17th from 11am – 1pm at Sunset Lanes in San Marcos.

26970 ACCEPT THE FY 2009 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER, & COMPANY LLP [T1-736]

Pat Wagner with Holtman, Wagner & Company appeared before the court and went through various items in the audit. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept the FY2009 Financial audit for Hays County as prepared by the accounting firm of Holtman, Wagner & Company LLP. All voting "Aye". MOTION PASSED**

26971 AUTHORIZE PURCHASING TO ADVERTISE FOR BIDS FOR THE BLUE HOLE/WINTER'S MILL TRAIL PROJECT IN WIMBERLEY UNDER SUPERVISION OF COMMISSIONER CONLEY [T1-1106]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize Purchasing to advertise for bids for the Blue Hole/Winter's Mill Trail Project in Wimberley under supervision of Commissioner Conley. All voting "Aye". MOTION PASSED

26972 GRANT A VARIANCE TO HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO HECTOR FRANCO AND YURIANA ALVAREZ, OWNERS OF A 2.01 ACRE TRACT LOCATED OFF OF SATTERWHITE ROAD [T1-2264]

Programs Manager Clint Garza spoke of septic system that is failing and needs replaced. The property was not properly subdivided and property owners are requesting a variance to platting requirements. This is a health issue that needs to be addressed. He will proceed with addressing the platting issue. **A motion was made by Commissioner Barton, seconded by Judge Sumter to grant a Variance to Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow permitting of an On Site Sewage Facility and Development Permit to Hector Franco and Yuriana Alvarez, owners of a 2.01 acre tract located off of Satterwhite Road. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commissioner Barton, Mark Kennedy, and Environmental Health to work with property owners and original seller to make them aware of county rules and pursue remedies. All voting "Aye". MOTION PASSED

26973 APPROVE OUT OF STATE TRAVEL FOR HUMAN RESOURCES DIRECTOR TO ATTEND NPELRA ANNUAL TRAINING CONFERENCE IN NEW ORLEANS, LA ON APRIL 25-29, 2010 AND AMEND THE BUDGET ACCORDINGLY [T1-2493]

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve out of state travel for Human Resources Director to attend NPELRA Annual Training Conference in New Orleans, LA on April 25-29, 2010 and amend the budget accordingly ($1300 out of contract services in Human Resources Department budget). All voting "Aye". MOTION PASSED

26974 APPROVE AN AMENDMENT TO THE PERSONAL HEALTH DEPARTMENT'S BIOTERRORISM PREPAREDNESS ONE YEAR CONTRACT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) TO A TWO YEAR CONTRACT [T1-1980]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve an Amendment to the Personal Health Department's Bioterrorism Preparedness one year contract with Texas Department of State Health Services (TDSHS) to a two year contract. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF DIRECTOR OF RESOURCES, PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T

Court convened into closed executive session at 11:30 am. and reconvened into open meeting at 1:30 p.m. No action taken.

Clerk's Note: Agenda Item #30 RE: *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.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 MARCH 30, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF APRIL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26975 ADOPT A PROCLAMATION DECLARING THE SECOND WEEK OF APRIL 2010 AS 'NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK' [T1-29]

Deputy Sheriff Dennis Gutierrez introduced some of the telecommunicators and spoke of events that will be held next week. **A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt a Proclamation declaring the second week of April 2010 as "National Public Safety Telecommunications Week". All voting "Aye". MOTION PASSED**

PUBLIC COMMENT
Mary Gonzales made public comment.

26976 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount of $708,693.20 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

26977 APPROVE COMMISSIONER COURT MINUTES OF MARCH 30, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of March 30, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26978 APPROVE THE SPECIFICATIONS FOR BID #2010-B07 MOWING & GROUNDS MAINTENANCE FOR THE DUDLEY JOHNSON/RANDALL VETTER PARK AND KYLE LOG HOUSE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the specifications for bid #2010-B07 Mowing & Grounds Maintenance for the Dudley Johnson/Randall Vetter Park and Kyle Log House and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

26979 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON CODY LANE, IN GOFORTH ESTATES SUBDIVISION [T1-171]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed.
Director Jerry Borcherding gave staff recommendation. This will establish a stop sign on Cody Lane at Jennifer Drive, a stop sign on Cody Lane at Goforth Road, and a speed limit of 30 mph. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to establish traffic regulations of 30 MPH speed limit and a STOP sign on Cody Lane at Goforth Road in Goforth Estates Subdivision. All voting "Aye". MOTION PASSED**

26980 DEEP SKIES RANCH SUBDIVISION [9-4-35 – 1 LOT] **GRANT A VARIANCE TO HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 705, SUBCHAPTER 5.04 (A) AND APPROVE PRELIMINARY PLAN** [T1-199]

Programs Manager of Development Services Clint Garza spoke of request for a variance (re: 2 foot contour lines) and he gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to grant a variance to Hays County Development Regulations, Chapter 705, Subchapter 5.04 (A) and approve preliminary plan for Deep Skies Ranch Subdivision. All voting "Aye". MOTION PASSED**

26981 APPROVE THE HIRING OR CONTRACTING OF TEMPORARY STAFF IN THE OFFICE OF JUDGE MARGIE HERNANDEZ, JUSTICE OF THE PEACE PCT.1, PLACE 2 [T1-446]

Justice of the Peace Pct. 1 Place 2 Margie Hernandez spoke of employee that has been out and need for temporary assistance so that they don't fall to far behind in their work. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the hiring or contracting of temporary staff in the office of Judge Margie Hernandez, Justice of the Peace Pct 1 Place 2 in an amount not to exceed $6,494.00. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING THE FIRE MARSHAL ADD ALTERNATE TO THE RPTP BUILDING AT A COST OF $255,000 AND POSSIBLE ACTION TO BEGIN THE PROCESS TO SOLICIT FOR BID THE SELECTION OF THE PRE-ENGINEERED METAL BUILDING MANUFACTURER [T1-515]

Cody Newsom of Broaddus & Associates provided information and answered questions from the court. Discussion was had regarding the proper place for the Fire Marshal's office. Commissioner Ingalsbe spoke of additional ten acres that might be available for purchase. Commissioner Ford and Judge Sumter requested additional time for consideration. No action was taken today.

26982 ACTION TO ACCEPT CAMPO'S RECOMMENDATION FOR BOARD COMPOSITION

[T1-2274] Judge Sumter voiced her concern about losing representation by small cities. Judge Sumter and Commissioner Ford supports option #4. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept CAMPO's recommendation for board composition. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED**

26983 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS VETERANS COMMISSION, FUND FOR VETERANS ASSISTANCE GRANT II, IN THE AMOUNT OF $23,760.00 [T1-1375]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to submit a Grant Application to the Texas Veterans Commission Fund for Veterans Assistance Grant II, in the amount of $23,760. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING POSSIBLE CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 3.01 (C) [T1-1386]

Clint Garza, Programs Manager of Development Services, spoke of being directed on February 23, 2010 to examine the current regulations regarding water availability demonstrations for subdivisions using individual one-site wells as the sole water source for the development. He spoke of minimum lot sizes in other counties. Mark Key made public comment regarding water availability. Jimmy Skipton made public comment regarding lot sizing, water availability, and exemptions. Andrew Backus made public comment regarding water availability.

26984 AMEND THE SHERIFF OFFICE BUDGET FOR ADDITIONAL OVERTIME FUNDING

[T1-297] Chief Deputy Sherman Brodbeck spoke of holidays and training that require overtime pay. Captain Mike Davenport provided figures. County Auditor Bill Herzog advised that there is $125,400 available in the salaries line item. Commissioner Conley suggested separating holiday pay from other overtime pay in the next budget. **A motion was made by Judge Sumter, seconded by Commissioner Barton to amend the Sheriff Office Budget for additional overtime funding – transfer $125,400 from salaries line item to overtime/holidays line item. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #13 RE: *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. No action taken.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 APRIL 6, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF APRIL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

26985 PROCLAMATION RECOGNIZING APRIL 18–24, 2010, HAYS COUNTY'S NATIONAL CRIME VICTIM RIGHTS WEEK

Linda Mace, from the District Attorneys Victims Assistance Office, explained the program. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Proclamation recognizing April 18-24, 2010, Hays County's National Crime Victim Rights Week. All voting "Aye". MOTION PASSED**

26986 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $2,789,899.94 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26987 APPROVE COMMISSIONER COURT MINUTES OF APRIL 6, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commission Court Minutes of April 6, 2010 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26988 APPROVE SERVICE AGREEMENT ADDENDUM WITH GOVERNMENT RECORDS SERVICES, INC. (ACS) TO ADD "PROPERTY FRAUD ALERT", "SUBDIVISION PLATS", AND "COURT RECORDS" TO THE EXISTING 20/20 RECORDS MANAGEMENT SYSTEM IN THE COUNTY CLERK'S OFFICE, AND AMEND BUDGET ACCORDINGLY

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Service Agreement Addendum with Government Records Services, Inc. (ACS) to add "Property Fraud Alert", "Subdivision Plats", and "Court Records" to the existing 20/20 Records Management System in the County Clerk's Office, and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26989 AUTHORIZE AUCTION SALE OF EQUIPMENT NO LONGER IN USE BY ROAD DEPARTMENT WITH RENE BATES AUCTIONEERS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize auction sale of equipment no longer in use by Road Department with Rene Bates Auctioneers. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26990 REJECT ALL BIDS FOR IFB #2010-B06, CEDAR OAK MESA W.S.C. 100,000 GALLON GROUND STORAGE TANK AND AUTHORIZE PURCHASING TO RE-SOLICIT FOR BIDS UPON REVISION OF PLANS AND SPECIFICATIONS FOR THE PROJECT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to reject all bids for IFB #2010-B06, Cedar Oak Mesa W.S.C. 100,000 gallon ground storage tank and authorize Purchasing to re-solicit for bids upon revision of plans and specifications for the project. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26991 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF MARCH, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept report to Commissioners Court identifying administrative approvals for OSSF's issued during the month of March, 2010. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26992 AMEND BUDGET OF THE SHERIFFS DRUG FORFEITURE FUND

Sheriff has received (2) drug forfeiture amounts to be recorded as revenue, and requests budget amendment to reflect expenditure increases as follows: 053-618-00.5362 – Criminal Investigation = $2,575 and 053-618-00.5391 – Other = $806. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to amend budget of the Sheriffs Drug Forfeiture Fund. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26993 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve utility permit #809 on Hidden Hills Drive to PEC and permit #810 on Ledgerock Road (CR 244) to PEC as submitted by the County Road Department. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

26994 STUDIO ESTATES SUBDIVISION, SECTION 1 – HOLD A PUBLIC HEARING AND APPROVE STREET NAME CHANGES [T1-721]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. Programs Manager of Development Services, Clint Garza gave staff recommendation for approval. The developer of the Studio Estates Subdivision wishes to change the street names in the entire subdivision. The proposed name changes have been approved through the Hays County 911 Database Coordinator but require a public hearing to take effect. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve street name changes in the Studio Estates Subdivision Section 1 from Fantasy Road to Newman Boulevard and Kathy's Place to Gable Street. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26995 ACCEPT FOR COUNTY MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS IN NORTHRIDGE SUBDIVISION, PHASE 2, AND TO RELEASE A PORTION OF THE FISCAL SURETY IN THE AMOUNT OF $8,989.50 [T1-732]

The Road Department has inspected and recommends acceptance for county maintenance and the release of a portion of the Fiscal Surety in the amount of $8,989.50. This will leave $700 for establishing vegetation in an area of the subdivision not yet covered. The remaining Surety will be released if the revegetation requirements are met. The road length for Angel Fire Drive is approximately 1,288 feet. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept for county maintenance all roads and drainage improvements in Northridge Subdivision Phase 2 and to Release a Portion of the Fiscal Surety in the amount of $8,989.50. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26996 COMANCHE WATERS SUBDIVISION [10-3-05 – 3 LOTS] **APPROVE VARIANCE FROM CHAPTER 721, SUBCHAPTER 5 OF THE CURRENT HAYS COUNTY DEVELOPMENT REGULATIONS AND APPROVE PRELIMINARY PLAN** [T1-182]

Programs Manager of Development Services, Clint Garza provided details regarding the shared access driveway variance request (3 lots with less than 5 acres each) and gave staff recommendation for preliminary plan approval. Commissioner Ford suggested adding a safety plat note regarding accessibility during possible major flood events. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve variance from Chapter 721, Subchapter 5 of the current Hays County Development Regulations and approve preliminary plan for Comanche Waters Subdivision. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26997 AUTHORIZE THE PERSONAL HEALTH DEPARTMENT TO AMEND THEIR BUDGET IN THE AMOUNT OF $500 FROM OFFICE SUPPLIES TO CONTINUING ED [T1-768]

Funds will be transferred from line item #120.675.99.023.5211 to #120.675.99.023.5551. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the Personal Health Department to amend the budget in the amount of $500.00 from Office Supplies line item to Continuing Education line item as requested. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26998 AUTHORIZE THE PERSONAL HEALTH DEPARTMENT TO AMEND THEIR BUDGET IN THE AMOUNT OF $1,000 FROM VACCINES TO CONTINUING ED [T1-775]

Funds will be transferred from #120-675-00.5230 to #120-675-00.5551. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the Personal Health Department to amend the budget in the amount of $1,000 from Vaccines line item to Continuing Education line item. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

26999 AUTHORIZE PURCHASING TO ADVERTISE FOR BIDS FOR THE MCGREGOR LANE BRIDGE PROJECT WEST OF DRIPPING SPRINGS [T1-2017]

Plans and specifications by Halff & associates are complete. Commissioner Ford having this authority will potentially save two weeks on the very tight bid/award/construction schedule. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Purchasing to advertise for bids for the McGregor Lane Bridge Project west of Dripping Springs. All voting "Aye". MOTION PASSED**

27000 APPROVE THE PURCHASE OF ADDITIONAL WOOD SHAVINGS FOR THE HAYS COUNTY CIVIC CENTER [T2-264]

Civic Center Manager Barry Nelson spoke of need for pine shavings for horse shows and rodeo. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the purchase of additional wood shavings for the Hays County Civic Center in an amount not to exceed $10,000 to be paid from contingency funds. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27001 AMEND BUDGET FOR JUVENILE PROBATION JJAEP GRANT [T2-331]

Juvenile Probation requests a transfer from line item #001-686-99-033-5360(non-residential services) to line item #001-686-99-033-5551 (continuing education) to cover registration fees and associates costs for the 2010 Special Programs Conference hosted by the Texas Juvenile Probation Commission. **A motion was made by Judge Sumter, seconded by Commissioner Barton to amend budget for Juvenile Probation JJAEP Grant by transferring funds from non-residential services to continuing education. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27002 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCE FUNDING AGREEMENT WITH TXDOT FOR SH21 AT CR 127 (HIGH ROAD), CSJ: 0471-02-062 [T2-361]

This intersection is the last of the three projects the court put forward for federal stimulus monies. We recently received word from CAMPO that there were enough savings from previously approved projects that our last project would receive funding. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute an Advance Funding Agreement with TXDOT with the best terms for the County for SH21 at CR 127 (High Road), CSJ: 0471-02-062. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27003 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ENGAGEMENT LETTER WITH DENTON, NAVARRO, ROCHA AND BERNAL, P.C. AND TO APPOINT MEMBERS OF A BARGAINING COMMITTEE THAT WILL REPRESENT HAYS COUNTY AND THE HAYS COUNTY SHERIFF IN MEETINGS WITH THE HAYS COUNTY LAW ENFORCEMENT ASSOCIATION [T1-1795]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Engagement Letter with Denton, Navarro, Rocha and Bernal, P.C. and to appoint Human Resources Director Dee Dee or her designee, Special Counsel Mark Kennedy or his designee, County Auditor Bill Herzog or his designee, and Deputy Sheriff Mike Davenport or his designee as members of a Bargaining Committee that will represent Hays County and the Hays County Sheriff in meetings with the Hays County Law Enforcement Association. All voting "Aye". MOTION PASSED

SET BUDGET PRIORITIES FOR THE FY2011 BUDGET [T2-418]

Judge Sumter spoke of need for the court to determine what "priority" it will be looking for from each department budget for FY2011. Discussion was had regarding maintaining staffing, efficiencies, innovative initiatives, etc. [T2-685] Commissioner Barton spoke of sending message of assumption that inflation will stay low and employment will increase.

27004 APPROVE CHANGE ORDER #3 TO THE CONTRACT FOR THE ROOF REPLACEMENT AT THE HAYS COUNTY LAW ENFORCEMENT CENTER [T2-187]

We will be using the existing HVAC system. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Change Order #3 to the Contract for the roof replacement at the Hays County Law Enforcement Center. All voting "Aye". MOTION PASSED**

27005 ACCEPT AND APPROVE DESIGN DEVELOPMENT DOCUMENTS AND GUARANTEED MAXIMUM PRICE PROPOSAL, AS PRESENTED BY BALFOUR BEATTY AND HDR [T1-784]

A powerpoint presentation was given to the court showing the design of the government center. John T. "Tommy" Campbell, Operations Director for Balfour Beatty, provided the proposed Guaranteed Maximum Price of $52,085,459. Brenda Jenkins (Broaddus & Assoc) spoke. Special Counsel Mark Kennedy advised that approval today provides a notice to proceed. Bob Hinkle (Broaddus & Associates) spoke of possible alternatives that may need to be considered (roof over the sally port, solar panels on the roof, and rainwater harvesting). Ground breaking will occur on April 23rd @ 2pm at the site. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept and approve Design Development Documents and guaranteed maximum price proposal as presented by Balfour Beatty and HDR. All voting "Aye". MOTION PASSED**

27006 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS, TEXAS RELATED TO THE GOVERNMENT CENTER PROJECT ON STAGECOACH TRAIL IN SAN MARCOS [T2-1419]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an Interlocal Development Agreement between Hays County and the City of San Marcos, Texas related to the Government Center Project on Stagecoach Trail in San Marcos. All voting "Aye". MOTION PASSED

27007 ADD ALTERNATE(S) TO THE RPTP BUILDING AT A COST OF $255,000 AND TO SOLICIT FOR BID THE SELECTION OF THE PRE-ENGINEERED METAL BUILDING MANUFACTURER [T2-716]

Commissioner Ingalsbe spoke of breakout of cost: $222,500 for Fire Marshal Addition (1475 sq ft) and $32,500 for septic tank relocation. Discussion was had regarding Fire Marshal Addition. Judge Sumter and Commissioner Ford advised that they would support moving the septic tank but not the Fire Marshal addition. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to add alternates to the RPTP Building at a cost of $255,000 and to solicit for bid the selection of the Pre-Engineered Metal Building Manufacturer. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED**

DISCUSSION REGARDING ESTABLISHMENT OF A PRIORITY LIST OF CAPITAL IMPROVEMENT PROJECTS [T1-2043]

Brenda Jenkins (Broaddus & Associates) spoke of expenses for the government center and the jail project. Judge Sumter spoke of possible countywide capital improvements: RPTP Bldg ($1,691,000), RPTP Furniture ($120,000), Jail ($1,475,000), Plumbing valves ($48,048), Broaddus ($1,000,000), EMS Rental ($32,612), Government Center 9 acres ($217,800), Tyler Technologies ($6,030), Add'l Jail ($462,000), MGT Study ($206,030) for a total of $5,258,520. Phil Butterbaugh (Broaddus & Associates) presented budget total ($2,061,000 estimate) for the law enforcement center which includes roof repairs, decking subcontract, HVAC, mold remediation, kitchen contract, project management, facility assessment, and other interior repairs. Lengthy discussion was had regarding various capital improvement projects.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY 1) PBS&J, 2) WILLIAM MONTAGUE AND 3) VARIOUS SMALL CLAIMS. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T2-1769]

Court convened into closed executive session at 3:35 p.m. and reconvened into open meeting at 5:20 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING LAND ACQUISITION AND RELATED CONCERNS ASSOCIATED WITH THE EXPANSION OF THE RPTP FACILITY ON YARRINGTON ROAD. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 3:02 p.m. and reconvened into open meeting at 3:35 p.m. No action taken.

Clerk's Note: Agenda Item #28 RE: *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.**

Clerk's Note: Agenda Item #29 RE: *Discussion Of Issues Related To The Road Bond Projects, Including Updates From Mike Weaver, Prime Strategies And Jeff Curren, HDR* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 APRIL 13, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF APRIL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27008 ADOPT A PROCLAMATION DECLARING APRIL 27, 2010 AS NATURAL RESOURCES CONSERVATION DAY

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation declaring April 27th, 2010 as Natural Resources Conservation Day. All voting "Aye". MOTION PASSED

27009 ADOPT A PROCLAMATION RECOGNIZING APRIL AS CHILD ABUSE AWARENESS MONTH

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing April as Child Abuse Awareness Month. All voting "Aye". MOTION PASSED

27010 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payments of county invoices in the amount of $1,547,208.42 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27011 APPROVE COMMISSIONER COURT MINUTES OF APRIL 13, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of April 13, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27012 AMEND BUDGET FOR CONSTABLE PCT 3 REPLACEMENT VEHICLE AND ACCESSORIES FROM INSURANCE PROCEEDS RECEIVED

On February 9, 2010 Court approved purchase of City of Wimberley replacement vehicle for Constable 3, to get work done within the amount of insurance proceeds, and return with budget amendment. Budget insurance payment for Constable Pct 3 is vehicle and cost of replacement vehicle, striping, computer stand, cage, tinting, reprogramming and a replacement radio. Actual amount of insurance payment is $24,134.60 amount needed $22,585. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend budget for Constable Pct 3 replacement vehicle and accessories from insurance proceeds received. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #6 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH LAND DESIGN PARTNERS, INC., IN THE AMOUNT OF $25,500.00 FOR BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE WINTERS MILL/BLUE HOLE LOOP TRAIL PROJECT AND TO AMEND THE BUDGET ACCORDINGLY* **was PULLED.** [T1-305]

27013 APPROVE WORK AUTHORIZATION FOR AN ADDITIONAL ENVIRONMENTAL CLEARANCE STUDY FOR THE FM2325 PROJECT [T1-312]

Additional endangered species surveys to refine preliminary estimates of impacts to the golden-cheeked warbler associated with the proposed improvements to RM 2325 between Carney Lane and Fischer Store Road. The additional studies are needed to facilitate the environmental clearance of the proposed road improvements and potentially reduce endangered species mitigation requirements. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Work Authorization for an additional Environmental Clearance Study for the FM 2325 Project. All voting "Aye". MOTION PASSED**

PRESENTATION OF THE FY2011 BUDGET CALENDAR [T1-361]

Judge Sumter presented the proposed budget calendar. Commissioner Ford requested one full day instead of two half days – preferable on Thursday.

27014 AUTHORIZE THE COUNTY JUDGE TO APPROVE AN AMENDMENT TO THE CONTRACT WITH LOCKWOOD, ANDREWS & NEWNAM, INC., FOR THE DESIGN OF FM 2001 AND ROHDE ROAD [T1-474]

The existing Professional Services Agreement (PSA) for LAN did not include funds for the design of these projects. Therefore, the GEC recommends raising the PSA cap by $500,000 to accommodate the design fees for these projects. This increase provides funding for the design of the left turn lane on SH 21 at FM 2001, Rohde Road as well as develop plans for other safety improvements in Pct 1. Commissioner Barton spoke of stimulus funds that are available. Jeff Curan spoke. Discussion was had regarding use of interest from the 2001 road bond funds. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to approve an Amendment to the Contract with Lockwood, Andrews & Newnam, Inc. for the design of FM 2001 and Rohde Road. All voting "Aye". MOTION PASSED**

27015 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENTS WITH BROOKSIDE, NEC, AND GRANDE COMMUNICATIONS FOR THE IMPLEMENTATION OF A COUNTYWIDE VOIP TELEPHONE SYSTEM (TO INCLUDE THE RENTAL OF TELECOMMUNICATIONS EQUIPMENT) AND A COUNTYWIDE BROADBAND INTERNET SYSTEM [T1-1082]

Terry Whitman (Broaddus & Associates) provided a breakdown of costs: Brookside/NEC (VoIP equipment – 60 month lease w/$1 purchase) = $10,313.82 month; Grande Communications (Broadband network) = $17,472.56 month; Grande Communications (RTPT – Yarrington Rd. fiber installation) - $17,000 (one time charge). Special Counsel Mark Kennedy spoke of several items in the agreements. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute Agreements with Brookside, NEC, and Grande Communications for the implementation of a Countywide VOIP Telephone System (to include the rental of telecommunications equipment) and a countywide broadband internet system. All voting "Aye". MOTION PASSED**

FORM AN INTERVIEW COMMITTEE FOR THE POSITION OF VA OFFICER

The position of Veteran Service office has been posted with approximately 27 responses. Court needs to determine if members of the VA Task Force will take part in the pre-interviews and committee would ultimately recommend between 3-5 qualified candidates back to Commissioners Court for the final decision. An alternative would be for HR and Commissioners Court only to conduct interviews, with the final decision made by Commissioners Court.

27016 RENEW THE CONTRACT WITH MCCREARY VESELKA BRAGG AND ALLEN P.C. FOR THE COLLECTION OF DELINQUENT COURT FINES AND FEES ASSESSED BY THE JUSTICE COURTS [T1-1014]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to renew the Contract with McCreary Veselka Bragg and Allen P.C. for the Collection of Delinquent Court Fines and Fees assessed by the Justice Courts. All voting "Aye". MOTION PASSED

27017 AUTHORIZE THE COUNTY JUDGE TO APPROVE AN AMENDMENT TO THE CONTRACT WITH S&B INFRASTRUCTURE, LTD., FOR THE DESIGN OF FM 110, IN PCT 1

Since the TxDot system is showing a tentative letting for January 2011, and the Environmental Clearance is not anticipated till September 2010, it is the recommendation of the GEC that the termination date listed in Part IV of Work Authorization be changed to June 1, 2012. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to authorize the County Judge to approve an Amendment to the Contract with S&B Infrastructure, LTD., for the design of FM 110, in Pct 1. Judge Sumter not present to vote. All present voting "Aye". MOTION PASSED**

27018 ENTER INTO AN INTER-LOCAL AGREEMENT WITH CAPITAL AREA RURAL TRANSPORTATION SYSTEM TO ASSIST IN TRANSPORTING HAYS COUNTY VETERANS TO THEIR MEDICAL APPOINTMENTS IN SAN ANTONIO

The VA bus was totaled in January and the Veterans Administration has been operating solely with the existing mini van. There is an immediate issue of transport capacity for the van since the number of wheelchair passengers greatly affects the availability of seats for non-wheelchair passengers. Additionally, Mr. Mendoza, Interim VA Officer, gave an example of a recent planned trip having to be cancelled because of a non-scheduled maintenance issue with the van. As a short term solution, the VA Transportation Task Force is proposing that Commissioners Court utilize one of the solutions that is currently being evaluated for a long term solution. **A motion was made by Commissioner Conley seconded by Commissioner Ford to enter into an Inter-Local Agreement with Capital Area Rural Transportation System to assist in transporting Hays County Veterans to their medical appointments in San Antonio and to authorize Commissioner Conley to negotiate Agreement in an amount not to exceed $13,680 and to authorize the County Judge to execute said Agreement. Judge Sumter not present to vote. All present voting "Aye". MOTION PASSED**

DISCUSSION REGARDING ADDITIONAL MID-YEAR PERSONNEL AND/OR OTHER ASSISTANCE FOR THE PRECINCT 2 CONSTABLE'S OFFICE, AS WELL AS DISCUSSION REGARDING STAFFING LEVELS FOR OTHER CONSTABLE AND JUSTICE OF THE PEACE PRECINCTS

James Kohler Constable Pct 2, presented the Commissioners with a summary of the money collected by his office. Court requested Constable Kohler to bring more information (comparisons of this year vs. last year) for the Court to consider an addition to his personnel.

DISCUSSION OF PROJECT MANAGEMENT PLAN AND INTERLOCAL COOPERATION AGREEMENT ASSOCIATED WITH DRAINAGE BASIN/FLOOD PROTECTION PLANNING STUDIES OF THE COLORADO RIVER WATERSHED IN NORTHERN HAYS COUNTY

Stacy Gray from the US Army Corps of Engineers gave a powerpoint presentation. John McLeod of LCRA spoke of the Interlocal Cooperation Agreement. The County has applied for and received funding from the Texas Water Development Board to conduct studies related to flood protection planning and drainage basin management of the Colorado River tributaries in northern Hays County. These studies have been proposed to involve a regional partnership with both the U.S. Army Corps of Engineers, Forth Worth District (USACE) and the Lower Colorado River Authority (LCRA) to conduct the study under the broader Lower Colorado River Basin Feasibility Study program. Participation under this program involves both the preparation of a Project Management Plan(PMP) between the USACE and the County, and an Interlocal Cooperation Agreement (ICA) between the County the LCRA, to facilitate cost-sharing of the studies. Halff Associates, Inc. has prepared the grant applications and facilitated the partnership and the various agreements. Staff has been working closely with these parties for development of the study elements.

DISCUSSION REGARDING THE CAMPO 2035 PLAN AND THE ADDITION OF TRANSPORTATION PROJECTS FROM HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW

Mike Aulick VP of Huitt-Zollars presented the Court with a Draft of the CAMPO 2035 Plan. Commissioners spoke of roads that pertained to their precinct that they felt needed to be addressed. Some of the items discussed were safe turning lanes, pedestrian/bike lanes, and widening of certain roads. The CAMPO Plan Basics – the Plan is permissive, not mandatory; fiscally constrained; 25 year revenue forecast is very speculative; environmental clearance, project design, real funding; being in the Plan is necessary to make the project eligible for federal and state funds and for TxDot staff to work to develop the project and to clear the project for air quality regulations if/when we're declared non-attainment; options – 1) Construction; 2) environmental/engineering analysis; 3) corridor study. Air Quality Considerations & Revenue Forecasts.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY 1) WILLIAM MONTAGUE AND 2) JAMES SKIPTON. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 10:40 a.m. and reconvened into open meeting at 1:20 p.m. No action taken.

Clerk's Note: RE: *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* **- was pulled.**

Clerk's Note: RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW **– was pulled.**

AUTHORIZE EXPENDITURE OF $7708 FOR REPAIR OF THE FIRE ALARM SYSTEM AT THE JAIL FACILITY [T1-280]

Sheriff Deputy Brad Robinson spoke of problems with the fire alarm system at the jail. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize expenditure of $7,708 for repair of the fire alarm system at the Jail Facility with the money coming out of line item. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 APRIL 20, 2010.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF APRIL 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENT
Woodcreek Mayor Eric Eskelund made public comment regarding the Jacob's Well Open Space Project. Jane Hughson (board member of Hays County Food Bank), Jerry Gracy (Executive Director of the Hays County Food Bank), Elisa Laraia (volunteer at the Food Bank), John Celletti (former volunteer at the Food Bank) made public comment regarding the Hays County Food Bank.

27019 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoice in the amount of $895,795.74 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27020 APPROVE COMMISSIONER COURT MINUTES OF APRIL 20, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of April 20, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27021 APPROVE SPECIFICATIONS FOR RFQ #2010-P10 CONSTRUCTION MATERIALS TESTING AND INSPECTION SERVICES FOR HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE PURCHASING TO SOLICIT FOR RFQ AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for RFQ #2010-P10 construction materials testing and inspection services for Hays County Government Center and authorize Purchasing to solicit for RFQ and advertise. All voting "Aye". MOTION PASSED

27022 APPROVE AWARD OF BID #2010-B09 EMULSION OILS TO MULTIPLE VENDORS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of bid #2010-B09 emulsions oils to multiple vendors. All voting "Aye". MOTION PASSED

27023 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve utility permit #812 on Maybrook Dr issued to Southwest Water, permit #813 on Cascade Trail issued to PEC as submitted by the County Road Department. All voting "Aye". MOTION PASSED

27024 PARTIAL VACATE AND REPLAT OF LOT 1, CEDAR CREST SUBDIVISION [10-3-6, 2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING** [T1-304]

Programs Manager Development Services, Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan and call for a public hearing on May 25, 2010 for a partial vacate and replat of Lot 1 Cedar Crest Subdivision. All voting "Aye". MOTION PASSED**

27025 RE-SUBDIVISION OF LOT 42, LEDGEROCK SUBDIVISION [10-3-4, 2 LOTS] **HOLD A PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-405]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. Programs Manager Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of re-subdivision of Lot 42 Ledgerock Subdivision. All voting "Aye". MOTION PASSED**

27026 SETTLERS RIDGE SUBDIVISION [10-3-3, 5 LOTS] **APPROVE FINAL PLAT** [T1-430]

Programs Manager Development Services Clint Garza gave staff recommendation for approval of final plat. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of Settlers Ridge Subdivision. All voting "Aye". MOTION PASSED**

27027 DEEP SKIES RANCH SUBDIVISION [9-4-35, 1 LOT] **APPROVE FINAL PLAT** [T1-462]

Programs Manager Development Services Clint Garza gave staff recommendation for approval of final plat. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Deep Skies Ranch Subdivision. All voting "Aye". MOTION PASSED**

27028 RE-SUBDIVISION OF LOT 63, ROLLING OAKS SUBDIVISION, SECTION 3 (10-4-7, 4 LOTS] **CALL FOR PUBLIC HEARING ON MAY 25, 2010 AND APPROVE VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS 725.3.02 AND OSSF REGULATIONS SECTION 10.1 AND APPROVE PRELIMINARY PLAN** [T1-482]

Programs Manager Development Services Clint Garza gave staff recommendation for approval of preliminary plan. Discussion was had regarding septic system. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on May 25, 2010 with condition to approve a variance (conditioned on requirement form LPD system on the lots or some equivalent protection) from Hays County Development Regulations 753.3.02 and OSSF Regulations Section 10.1 and approve preliminary plan for Re-Subdivision of Lot 63 Rolling Oaks Subdivision Section 3. All voting "Aye". MOTION PASSED**

27029 COMANCHE WATERS SUBDIVISION [10-3-05, 3 LOTS] **APPROVE FINAL PLAT** [T1-643]

Programs Manager Development Services Clint Garza gave staff recommendation for approval of final plat. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of Comanche Waters Subdivision. All voting "Aye". MOTION PASSED**

27030 GRANT VARIANCE TO HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO KENZI GUERRERO, OWNER OF A 8.70 ACRE TRACT LOCATED OFF OF OLD BASTROP RD [T1-684]

Programs Manager Development Services Clint Garza spoke of variance request and recommended approval. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to grant variance to Hays County Development Regulations Chapter 715 Subchapter 4.01 to allow permitting of an On Site Sewage Facility and development permit to Kenzi Guerrero owner of a 8.70 acre tract located off of Old Bastrop Road with condition of filing of affidavit and following the required process. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda item #13 RE: *DISCUSSION OF A PRE-TRIAL BOND SUPERVISION PROGRAM* **was PULLED.**

DISCUSSION REGARDING FY2011 BUDGET CALENDAR [T2-1792]

Judge Sumter spoke of adjustments made to the budget calendar. Every Monday and Thursday in July – except July 5th (full days).

DISCUSSION REGARDING CLARIFING SIGNATORY AUTHORITY ON CONTRACTUAL AGREEMENTS BY PUBLIC OFFICIALS AND DEPARTMENT HEADS [T2-1311]

Special Counsel Mark Kennedy spoke of need to clarify authority of Commissioners, RPTP Director, Juvenile Detention Director, etc. to sign contracts on behalf of the county. Court discussed liability if contracts were not reviewed properly or were not standard county agreement templates already approved by the court. Grants Administrator Jeff Hauff spoke of need to be able to enter into contracts for grants with short deadlines. Judge Sumter suggested having a meeting with department heads regarding contracts.

27031 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT, TEXAS RECREATIONAL TRAILS FUND FOR UP TO $100,000.00 FOR DEVELOPMENT OF THE DAHLSTROM RANCH PUBLIC ACCESS AREA [T2-489]

Grants Administrator Jeff Hauff spoke. The funds will be used to assist in the development of both ADA and non-ADA trails, benches, interpretive signs, and the parking area, as well as assistance with natural resource assessment/design costs for the Dahlstrom Ranch Public Access area. The matching share from Hays County has already been allocated from Park Bond funds dedicated to the project. J. B. Kolodzey made public comment. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a Grant Application to the Texas Parks and Wildlife Department, Texas Recreational Trials Fund for up to $100,000 for development of the Dahlstrom Ranch Public Access Area with matching funds to come from Park Bond funds already allocated. All voting "Aye". MOTION PASSED**

27032 AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE AN RFP #2010-P12 FOR A COUNTY-WIDE WIRELESS COMMUNICATION SYSTEM [T2-271]

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Purchasing to solicit for bid and advertise an RFP #2010-P12 for a county-wide wireless communication system. All voting "Aye". MOTION PASSED

27033 ADOPT A RESOLUTION IN SUPPORT OF TRAVIS COUNTY'S APPLICATION FOR PASS-THROUGH FINANCE FUNDING FOR IMPROVEMENTS TO FM 1626 IN TRAVIS COUNTY, A ROAD LINKING HAYS AND TRAVIS COUNTIES [T2-1100]

Commissioner Barton spoke of extension of FM 1626 in Travis County. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to adopt a Resolution in support of Travis County's Application for Pass-Through Finance Funding for improvements to FM 1626 in Travis County, a road linking Hays and Travis Counties. All voting "Aye". MOTION PASSED**

27034 APPROVE THE REMOVAL AND REPLACEMENT OF AWNING COVERS AT THE ANNEX BUILDING [T2-312]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the removal and replacement of awning covers at the Annex Building in an amount not to exceed $4200 to be paid out of contingency funds. Commissioner Barton not present to vote. All present voting "Aye". MOTION PASSED

27035 PURCHASE NECESSARY EQUIPMENT FOR THREE PATROL VEHICLES IN THE SHERIFF'S OFFICE [T1-760]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to purchase necessary equipment for three patrol vehicles in the Sheriff's Office. All voting "Aye". MOTION PASSED

27036 AUTHORIZE THE PURCHASE OF A REPLACEMENT FORK LIFT (USED) FOR THE SHERIFF'S OFFICE [T1-766]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the purchase of a replacement fork lift (used) for the Sheriff's Office. All voting "Aye". MOTION PASSED

27037 CLARIFY AND AMEND THE EXISTING AGREEMENT BETWEEN HAYS COUNTY AND THE NORTH HAYS OPTIMISTS, INC. RELATED TO THE USE OF 2007 PARKS BOND FUNDS FOR IMPROVEMENTS TO SPORTS FIELDS IN PRECINCT 1 [T1-790]

Special Counsel Mark Kennedy spoke of previous action by the court and changes being made in the amendment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to clarify and amend the existing Agreement between Hays County and the North Hays Optimists, Inc. related to the use of 2007 Parks Bond Funds for improvements to sports fields in Precinct 1 as follows: (1) Sec. 2.1 - change expiration date from 4/17/10 to 12/31/10, (2) Sec. 3.2a – reword to say "the amount being requested complies with the agreement between the parties that Hays County shall fund a total of $581,000,00 in return for operator's contribution of $560,000.00 in matching or in-kind funds", (3) Exhibit B project description - add 2 concession buildings, one of which shall contain 2 ADA compliant bathrooms and a remodel of the existing office trailer. All voting "Aye". MOTION PASSED**

27038 ACCEPT THE ADVANCE FUNDING AGREEMENT – CSJ # 0285-03-043 FOR RM 12 AND RM32 AND TO AUTHORIZE THE COUNTY JUDGE TO SIGN THE AGREEMENT [T1-916]

A motion was made by Commissioner Conley, seconded by Judge Sumter to accept the Advance Funding Agreement – CSJ #0285-03-043 for RM 12 and RM 32 and to authorize the County Judge to sign the Agreement. All voting "Aye". MOTION PASSED

27039 AUTHORIZE THE HAYS COUNTY MAINTENANCE DEPARTMENT TO RENOVATE THE HAYS COUNTY FOOD BANK FACILITY [T2-360]

Special Counsel Mark Kennedy spoke of lease agreement between the county and the food bank. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the Hays County Maintenance Department to renovate the Hays County Food Bank Facility. Commissioner Barton not present to vote. All present voting "Aye". MOTION PASSED**

27040 APPROVE THE MOST CURRENT VERSION OF THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T2-657]

Commissioner Conley spoke of the Hays County Regional Habitat Conservation Plan. Cliff Ladd spoke. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commissioners Conley and Ford to represent the Commissioners Court in on-going negotiations with the U.S. Fish & Wildlife Regional office to complete the final wrap up of the Hays County Regional Habitat Conservation Plan. All voting "Aye". MOTION PASSED**

27041 APPROVE AN ONGOING APPRECIATION PROGRAM WITH THE PROCEEDS TO BE USED FOR AN EMPLOYEE CHRISTMAS PARTY [T2-1140]

A motion was made by Judge Sumter , seconded by Commissioner Barton to approve an ongoing appreciation program with the proceeds to be used for an employee Christmas Party . All voting "Aye". MOTION PASSED

CRIMINAL JUSTICE SYSTEM ASSESSMENT AND JAIL POPULATION STUDY FOR HAYS COUNTY AS PREPARED BY MGT OF AMERICA, INC. AND THE JFA INSTITUTE, IN COOPERATION WITH BROADDUS & ASSOCIATES [T1-930]

Commissioner Barton spoke of the comprehensive study of our jail and justice system by MGT. Natasha Wagner, Margo Frazier (former Travis County Sheriff), and Dr. Jim Austin appeared representing MGT. A powerpoint presentation was provided indicating comparative trends, justice system processes, jail population projections, information management, and alternatives to incarceration. Brenda Jenkins (Broaddus & Associates) advised that the jail has structural integrity and renovation is possible and addition of 96 beds. Sheriff Tommy Ratliff spoke. Brenda Jenkins spoke of recent renovations to the jail kitchen and roof repairs. Margo Frazier spoke of importance of pretrial services, etc. to get cases through the system quicker. [T2-149] A motion was made by Commissioner Barton to accept the final Criminal Justice System Assessment and Jail Population Study for Hays County. Judge Sumter, Commissioner Ford, and Commissioner Conley requested more time to review the study. Motion was withdrawn.

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 JACOB'S WELL OPEN SPACE PROJECT

Court convened into closed executive session at 2:20 p.m. and reconvened into open meeting at 4:10 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY WILLIAM MONTAGUE

Court convened into closed executive session at 5:35 p.m. and reconvened into open meeting at 6:25 p.m. No action taken.

Clerk's Note Agenda Item #30 RE: *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* **– was pulled.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 APRIL 27, 2010.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4TH 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	**COUNTY JUDGE**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

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

Bob Smith from the Powerhouse Christian Center gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

27042 PROCLAMATION RECOGNIZING THE TEXAS ALCOHOLIC BEVERAGE COMMISSION'S SAFETY EDUCATION DAY

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a Proclamation recognizing the Texas Alcoholic Beverage Commission's Safety Education Day. All present voting "Aye". MOTION PASSED

27043 ADOPT A PROCLAMATION DECLARING THE MONTH OF MAY AS 'OLDER AMERICANS MONTH'

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation declaring the month of May as "Older Americans Month". All present voting "Aye". MOTION PASSED

27044 ADOPT A PROCLAMATION RECOGNIZING KATE JOHNSON FOR HER LEADERSHIP AND COMMITMENT TO PRESERVING THE HISTORY OF HAYS COUNTY

A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt a Proclamation recognizing Kate Johnson for her leadership and commitment to preserving the history of Hays County. All present voting "Aye". MOTION PASSED

PRESENTATION OF AWARDS

Judge Sumter presented a distinguished service award to the Hays County Historical Commission issued by the State Historical Commission. Judge Sumter spoke of Certificate of Appreciation awarded to the Commissioner Court in recognition of the valuable contribution to the First Annual Redwood/Rancho Vista Health and Resource Fair issued by The Wesley Nurse Health Ministries and the Redwood Baptist Church. She recognized the Health Department for providing that service. Health Dept. Director Priscilla Hargraves spoke of the services provided and she gave her appreciation to her staff. The court also gave their appreciation to the County Health Department.

PUBLIC COMMENT

[T1-422] Constable Pct. 2 James Kohler and Ollie Giles made public comment

27045 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payments of county invoices in the amount of $1,034,982.17 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

27046 APPROVE COMMISSIONER COURT MINUTES OF APRIL 27, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commissioner Court Minutes of April 27, 2010 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

27047 APPROVE RENEWAL CONTRACT WITH AMERICAN EAGLE FOR SECURITY SERVICES AT DUDLEY JOHNSON & RANDALL VETTER PARKS

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Renewal Contract with American Eagle for Security Services at Dudley Johnson & Randall Vetter Parks. All present voting "Aye". MOTION PASSED

27048 ACCEPT INSTITUTIONAL OSSF PERMIT FOR A NURSERY RETAIL OFFICE, (THE NATURAL GARDNER) LOCATED AT 3190 WEST HWY 290, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept Institutional OSSF Permit for a nursery retail office, (The Natural Gardner) located at 3190 West Hwy 290, Dripping Springs, in Precinct 4. All present voting "Aye". MOTION PASSED

27049 APPROVE PRECINCT 2 COMMISSIONER'S OFFICE TRANSFER OF FUNDS TO TRAVEL AND OFFICE SUPPLIES, AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Precinct Commissioner's Office transfer of funds to travel and office supplies, and amend the budget accordingly. All present voting "Aye". MOTION PASSED

27050 CALL FOR A PUBLIC HEARING ON MAY 18, 2010 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMITS) ON SOUTH OLD STAGECOACH ROAD ALONG THE AREA OF THE SOCCER FIELDS; ALSO ON THE DEDICATED PARK ROAD [T1-523]

RPTP Director Jerry Borcherding spoke of lowering speed limits at the new park development. Parks Manager Jerry Pinnix requested a lower speed limit of 15 MPH instead of 20 MPH on the inner park road. **A motion was made by Judge Sumter, seconded by Commissioner Barton to call for a public hearing on May 18, 2010 to establish traffic regulations(speed limits) on South Old Stagecoach Road along the area of the soccer fields and also on the dedicated park road. All present voting "Aye". MOTION PASSED**

27051 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH LAND DESIGN PARTNERS, INC., IN THE AMOUNT OF $25,500.00, FOR BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE WINTERS MILL/BLUE HOLE LOOP TRAIL PROJECT, AND AMEND THE BUDGET ACCORDINGLY [T1-569]

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to execute an additional Services Agreement with Land Design partners, Inc., in the amount of $25,500 for bidding and construction administration services for the Winters Mill/Blue Hole Loop Trail Project, and amend the budget accordingly. All present voting "Aye". MOTION PASSED

27052 APPROVE POSITION TITLE CHANGES IN THE PERSONAL HEALTH DEPARTMENT [T1-615]

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve position title changes in the Personal Health Department effective April 15, 2010. All present voting "Aye". MOTION PASSED

27053 SET THE FY2011 BUDGET CALENDAR [T1-961]

A motion was made by Judge Sumter, seconded by Commissioner Barton to set the FY2011 budget calendar. All present voting "Aye". MOTION PASSED

27054 AWARD BID FOR THE MOWING AND MAINTENANCE CONTRACT TO MAINTENANCE MANAGEMENT FOR THE HAYS COUNTY PARKS AND THE KYLE LOG HOUSE [T1-665]

A motion was made by Judge Sumter, seconded by Commissioner Barton to award bid for the mowing and maintenance contract to Maintenance Management for the Hays County parks and the Kyle Log House and authorize the County Judge to execute contract. All present voting "Aye". MOTION PASSED

27055 AUTHORIZE THE COUNTY JUDGE TO APPROVE AN AMENDMENT TO THE ADVANCED FUNDING AGREEMENT FOR FM 2001 [T1-723]

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to approve an Amendment to the Advance Funding Agreement for FM 2001. All present voting "Aye". MOTION PASSED

27056 ACCEPT THE RESIGNATION OF ESD #6 BOARD MEMBER MYRON YOSHIOKA AND APPOINT JENNIFER SHELLEY RODRIGUEZ TO FILL THIS POSITION EFFECTIVE MAY 4, 2010, AND RUN THROUGH THE END OF 2010 [T1-762]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept the resignation of ESD #6 Board Member Myron Yoshioka and appoint Jennifer Shelley Rodriguez to fill this position effective May 4, 2010, and run through the end of 2010. All present voting "Aye". MOTION PASSED

27057 APPROVE THE PROJECT MANAGEMENT PLAN WITH THE U.S. ARMY CORPS OF ENGINEERS ASSOCIATED WITH DRAINAGE BASIN/FLOOD PROTECTION PLANNING STUDIES OF THE COLORADO WATERSHED IN NORTHERN HAYS COUNTY; AND TO AUTHORIZE THE COUNTY JUDGE TO SIGN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN LCRA AND HAYS COUNTY FOR THE INTERIM FEASIBILITY STUDY [T1-783]

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Project Management Plan with the U.S. Army Corps of Engineers associated with drainage basin/flood protection planning studies of the Colorado Watershed in Northern Hays County; and to authorize the County Judge to sign the Interlocal Cooperation Agreement between LCRA and Hays County for the Interim Feasibility Study. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING HAYS COUNTY TRANSPORTATION PROJECTS TO BE PUT FORTH FOR CONSIDERATION IN THE CAMPO 2035 PLAN [T1-1003]

Michael Aulick, VP of Huitt-Zollars Inc., spoke of CAMPO Plan basics, air quality considerations, and revenue forecasts. Commissioner Ford requested that US 290 let date of 2025 be moved up to 2018 and open in 2020, Onion Creek Hike & Bike Trail be moved up to 2015 or 2017 and Fitzhugh Road down to RM150 be moved to 2015. Commissioner Barton requested that RM150 be moved to 2015 and FM 2770 Center Street be moved up. Commissioner Conley spoke in support of widening of RR12. Commissioner Barton spoke of hike & bike trail in Plum Creek – set for 2012. A letter will be drafted by Mike Aulick, working with Jerry Borcherding, for the County Judge to send with a list of Hays County Transportation Projects to be put forth for consideration in the CAMPO 2035 Plan as proposed in today's discussion.

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY WITH POTENTIAL FOR PRIME ENDANGERED SPECIES HABITAT [T1-3247]

Court convened into closed executive session at 1:10 p.m. and reconvened into open meeting at 2:50 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 OF THE TEXAS GOVERNMENT COD: CONSULTATION WITH COUNSEL REGARDING DAMAGE AND/OR POTENTIAL DAMAGE TO THE GED BUILDING AT THE JUVENILE DETENTION CENTER. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-990]

Court convened into closed executive session at 10:20 a.m. and reconvened into open meeting at 10:30 a.m. No action taken.

Clerk's Note: Agenda Item #21 Re: *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.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 4, 2010.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH 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	**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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Rev. Santiago Heredia, Pastor of El Buen Church in San Marcos gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Clerk's Note: Agenda Item #1 RE: *HAYS COUNTY EXTENSION UPDATE ON PROGRAMS* **was PULLED.**

27058 ADOPT A PROCLAMATION DECLARING MAY 15, 2010 AS KIDS DAY AMERICA/WORLDWIDE IN HAYS COUNTY

A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a Proclamation declaring May 15, 2010 as Kids Day America/Worldwide in Hays County. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #3 Re: *ADOPT A PROCLAMATION RECOGNIZING BOB KIDNEW AND TEXAS LEHIGH CEMENT COMPANY AS A RECENT RECIPIENT OF A TEXAS ENVIRONMENTAL EXCELLENCE AWARD IN THE LARGE BUSINESS/NON-TECHNICAL AREA* **was PULLED**

PUBLIC COMMENT
Constable Pct. 2 James Kohler made public comment regarding county health insurance.

27059 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $327,709.47 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27060 APPROVE COMMISSIONER COURT MINUTES OF MAY 4, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of May 4, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27061 ACCEPT INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/MINI STORAGE UNIT LOCATED AT 3757 HUNTER RD., SAN MARCOS. PCT-1

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Institutional OSSF Permit for an office/mini storage unit located at 3757 Hunter Rd., San Marcos in Precinct 1. All voting "Aye". MOTION PASSED

27062 ACCEPT INSTITUTIONAL OSSF PERMIT FOR EVENTS CENTER LOCATED AT 2100 FREEMAN RANCH RD., SAN MARCOS. PCT-3

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Institutional OSSF Permit for Events Center located at 2100 Freeman Ranch Rd., San Marcos in Precinct 3. All voting "Aye". MOTION PASSED

27063 ACCEPT INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/WAREHOUSE LOCATED AT 31860 RR 12 NORTH, DRIPPING SPRINGS, PCT-4

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Institutional OSSF Permit for an office/warehouse located at 31860 RR 12 North, Dripping Springs in Precinct 4. All voting "Aye". MOTION PASSED

27064 AWARD BID#2010-B08 CONSTRUCTION WORK-GREEN ACRES DRIVE REPLACEMENT BRIDGE IMPROVEMENTS AT WILSON CREEK TO MYERS CONCRETE CONSTRUCTION

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to award Bid #2010-B08 Construction Work-Green Acres Drive replacement bridge improvements at Wilson Creek to Myers Concrete Construction. All voting "Aye". MOTION PASSED

27065 AWARD BID#2010-B05 CEMETERY MAINTENANCE TO MAINTENANCE MANAGEMENT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to award Bid #2010-B05 cemetery maintenance to Maintenance Management. All voting "Aye". MOTION PASSED

27066 APPROVE ADDITIONAL FUNDS FOR REPAIR OF FIRE ALARM SYSTEM AT THE JAIL FACILITY

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve addition $178 for repair of the fire alarm system at the Jail Facility. All voting "Aye". MOTION PASSED

27067 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve utility permit #814 on Mt. Gainor/Prochnow Road issued to Verizon Southwest; and utility permit #815 on N. Canyonwood issued to PEC as submitted by the County Road Department. All voting "Aye". MOTION PASSED

27068 APPROVE CANCELLATION OF COMMISSIONERS COURT MEETING JUNE 1, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve cancellation of Commissioners Court Meeting on June 1, 2010. All voting "Aye". MOTION PASSED

27069 THE RIDGE AT WIMBERLEY SPRINGS, SECTION 1 [10-03-09 – 1 LOT] **APPROVE FINAL PLAT, ACCEPT CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE SURETY BOND FOR TWO YEARS [T1-149]**

Program Manager Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat, accept construction and drainage improvements, release of the Construction Bond, and accept Maintenance Surety Bond for two years for The Ridge at Wimberley Springs Section 1. All voting "Aye". MOTION PASSED**

27070 ACCEPT AND APPROVE DESIGN DEVELOPMENT DOCUMENTS AND GUARANTEED MAXIMUM PRICE PROPOSAL, AS PRESENTED BY FLYNN CONSTRUCTION AND POLKINGHORN GROUP [T1-404]

Re: RPTP Building on Yarrington Road. A powerpoint presentation was provided and a handout indicating the guaranteed maximum price proposal. Completion date is estimated to be Dec. 21, 2010. Discussion was had regarding Proposed Alternates #1-#10 equaling a total amount of $170,150. Court went through each item under consideration: #1 Entry Vestibule was eliminated, #2 Keypads at 5 locations in lobby/Fire Marshal exit - eliminated 4 keypads and allowed 1 for Fire Marshal, #3 Folding Partitions (2 @ conference room)– court agreed to $18,000 to put one partition and put in structure for additional, #4 Exterior Storefront Door at Break room was eliminated, #5 Future Generator Feed (not including generator or transfer switch) was approved, #6 Motorized gate with keypad was eliminated, #7 Intrusion Security System was approved, #8 13,500 gallon cistern was eliminated, #9 VRV HVAC in lieu of currently designed systems was eliminated, #10 Design of Vegetative Filter Strips was approved.

Alternates that were approved by the court: #2 approve 1 keypad for Fire Marshal, #3 approved $18,000 to put one partition in conference room area and put in structure for additional partition, #5 Future Generator Feed = $17,300 was approved, #7 Intrusion Security System = $6,300 was approved, and #10 Design of Vegetative Filter Strips = $5,000 was approved. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept and approve design development documents and Guaranteed Maximum Price Proposal, as presented by Flynn Construction and Polkinghorn Group with alternates that were approved by the court. All voting "Aye". MOTION PASSED**

27071 AMEND BUDGET FOR JP TECHNOLOGY FUND [T1-235]

JP Technology requests a transfer of $1,000 from 112-628-00.5712 (computer equipment) to 112-628-00.5551 (continuing education). This transfer is needed to cover continuing education cost for technology related training throughout the year. **A motion was made by Judge Sumter, seconded by Commissioner Conley to amend the budget for JP Technology Fund. All voting "Aye". MOTION PASSED**

27072 AMEND BUDGET FOR HISTORICAL COMMISSION GENERAL FUND [T1-242]

Historical Commission requests a transfer of $400 from 001-676-00.5711 (office equipment) & $500 from 001-676-00.5491 (cemetery maintenance) to 001-676-00.5551 (continuing education). This transfer is needed to cover the cost of the Annual Historic Preservation Conference. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to amend the budget for Historical Commission General Fund. All voting "Aye". MOTION PASSED**

27073 ACCEPT DONATION OF A SECURITY CAMERA SYSTEM FROM WAL-MART FOUNDATION FOR THE PRECINCT 3 OFFICES AND TO PURCHASE A NEW FLAT SCREEN TV AMENDING THE BUDGET ACCORDINGLY [T1-248]

Request is to pay for the television by using $270 from line item #001-637-00.5717 which contains money from the insurance claim from the vehicle that was damaged in an accident earlier this year. This equipment will replace an older TV that is failing, and is currently used as a monitor for the new security camera system and viewing video from traffic stops, evictions and for training videos. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept donation of a security camera system from Wal-Mart Foundation for the Precinct 3 Offices and to purchase a new flat screen TV and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

27074 AUTHORIZE THE COUNTY JUDGE TO APPROVE HAYS COUNTY PERSONAL HEALTH DEPARTMENT'S (HCPHD) GRANT APPLICATION FOR TITLE V MATERNITY FUNDS FOR FY 2011 IN THE AMOUNT OF $12,000.00 [T1-300]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to approve Hays County Personal Health Department's (HCPHD) Grant Application for Title V Maternity Funds for FY 2010 in the amount of $12,000. All voting "Aye". MOTION PASSED

DISCUSSION TO CLARIFY PROPER PROCEDURES FOR COMMISSIONERS TO HIRE TEMPORARY PERSONNEL AND/OR CONTRACT WORKERS TO PERFORM OFFICE WORK, OUTSIDE RESEARCH, AND OTHER BUDGETED ASSISTANCE IN THEIR RESPECTIVE PRECINCTS [T1-2909]

Commissioner Barton spoke of need to clarify proper procedures for hiring temporary personnel and/or contract workers to perform office work, outside research and other budgeted assistance in their respective precincts. Judge Sumter spoke of part-time workers needing to go to court for approval - hiring a researcher and/or hiring through a temp agency you would use temp personnel/research line item (fka "special projects") already budgeted. County Treasurer Michele Tuttle spoke of federal law regarding what is considered an employee. Special Counsel Mark Kennedy spoke of services agreement with a "not to exceed amount" which could be used to hire temporary personnel or use a temporary agency. HR would need to process employee type of information for payroll purposes for any temporary personnel and if you have a specific project you can use a services agreement with a "not to exceed amount" for a project with an independent contractor.

27075 HIRE TEMPORARY HELP IN THE TREASURER'S OFFICE [T1-321]

Michele Tuttle Hays County Treasurer spoke. Last year the Treasurer's Office had to focus on the implementation of the new financial software. The conversion took many overtime hours for several months. They fell behind on scanning, filing and other projects and have not been able to get caught up. The Treasurer is requesting temporary help. **A motion was made by Judge Sumter, seconded by Commissioner Barton to hire temporary help in the Treasurer's office not to exceed $5,500 to come from salary savings. All voting "Aye". MOTION PASSED**

27076 ELIMINATE A DETECTIVE POSITION AND TO REPLACE IT WITH A SERGEANT'S POSITION IN THE SHERIFF'S OFFICE [T1-348]

The Sheriff would like to restructure CID (Criminal Investigations) by creating two "squads" each supervised by a Sergeant. Currently, one Sergeant in CID is supervising 10 detectives and a few warrant officers and other personnel – or about 14 officers. The department's goal is to limit span of control to one manager per 5-7 peace officers, which they say would be more within industry standards and would improve management efficiency. While the department has made some changes to CID, management ratio of front-line officers and caseloads can't improve without adding a management person in CID. To achieve this, the sheriff and Capt. Davenport are recommending the elimination of one detective position. That position would be replaced by a CID Sergeant. The Sheriff's Office can cover the full cost of the remaining months this year – somewhere between $1,560 and $1,914, depending on who becomes Sergeant – from savings in the Sheriff's salary line item. Next year, the cost is estimated not to exceed $3,828. It could be less, depending on who is hired/promoted. HR has reviewed the request and is working with Capt. Davenport to update the department's organizational chart. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to eliminate a Detective position and to replace it with a Sergeant's position in the Sheriff's Office. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY WITH POTENTIAL FOR PRIME ENDANGERED SPECIES HABITAT. POSSIBLE ACTION MAY FOLLOW [T

Court convened into closed executive session at 11:45 a.m. and reconvened into open meeting at 1:05 p.m. No action was taken.

Clerk's Note: Agenda Item #24 RE: *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.**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR [T1-2718]

Jeff Watson (Prime Strategies) provided a progress report regarding the Hays County Pass Through Financing Program.

FM1626 southern section (FM2270 to FM967) – Klotz: Environmental Process is 45% complete/Draft EA Report is 90% complete – Design schematic is 95% complete and PS&E is 35% complete – ROW coordination & acquisition is 30% complete – Utility Coordination & relocation is 10% complete – Anticipated begin construction date is July 2012 and end construction date of October 2013
FM1626 northern section (FM967 to Brodie Lane) – Jacobs: Environmental Process - TxDOT is 95% complete – Design schematic is 95% complete and PS&E is 45% complete – ROW coordination & acquisition is 10% complete – Utility Coordination & relocation is 10% complete – Anticipated begin construction date is August 2011 and end construction date of November 2012
FM110 (IH 35 to SH 123) – S&B Infrastructure: Environmental Process – TxDOT is 90% complete – Design schematic is 100% complete and PS&E is 30% complete – ROW coordination & acquisition is 20% complete – Utility Coordination & relocation is 0% complete – Anticipated begin construction date is February 2011 and end construction date of April 2012

US 290 (Nutty Brown Road to Trautwein Road) : Environmental Process is 100% – Design schematic is 100%- ROW coordination & acquisition is 100% complete – Construction is 99% complete with project substantially complete 2/14/10 (open to traffic)
IH 35 Phase I (FM2001 to FM1626 & Kyle Crossing/CR210 Overpass): Environmental Process is 100%– Design schematic is 100% complete and PS&E is 100% complete – ROW coordination & acquisition is 90% complete – Utility Coordination & relocation is 80% complete – Construction is 15% complete and anticipated end construction date of December 2010
IH 35 Phase II (RM 150 realignment) – URS: Environmental Process is 55% complete – Design Schematic 95% complete, PS&E is 90% complete – ROW Coordination & Acquisition is 40% complete – Utility Coordination & Relocation is 25% complete – Construction anticipated begin date is February 2011 and anticipated end date is October 2011
IH 35 Phase IIA (RM 150 realignment) – URS: Environmental Process is 55% complete – Design Schematic 95% complete, PS&E is 90% complete – ROW Coordination & Relocation is 25% complete – Utility Coordination & Relocation is 25% complete – Construction anticipated begin date is February 2011 and anticipated end date is October 2011
FM 2001 (Frontage Road Connector): Environmental Process is 100% complete – Design is 100% complete,– ROW Coordination & Acquisition is 100% complete – Utility Coordination & Relocation is 100% complete – Construction is 20% complete - anticipated construction begin date is March 2010 and anticipated end date is July 2010

27077 AUTHORIZE BARRY NELSON TO TERMINATE AND/OR RENEGOTIATE A NEW CONTRACT WITH LULAC 4876 FOR USE OF THE CIVIC CENTER [T2-162]

Commissioner Ingalsbe spoke of additional $3,000 to remove and set back up panels and $975 for loss of days for LULAC to use the civic center. She spoke of change in the event that required indoor function and the additional costs. Civic Center Manager Barry Nelson advised that this would affect other events that are already scheduled. [T2-791] **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Barry Nelson to renegotiate the contract with LULAC 4876 for use of the Civic Center with additional cost of $975 and/or to terminate the current contract and enter into a new contract with the understanding of the terms: $1,450 for 2 days plus $970 for the setup fee and provided the Road Department can make the timelines so no business will be lost before or after the event. All voting "Aye". MOTION PASSED**

27078 AUTHORIZE COUNTY JUDGE AND SPECIAL COUNSEL MARK KENNEDY TO EXECUTE SETTLEMENT AGREEMENT AND MUTUAL RELEASE IN CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL (DEVELOPMENT KNOWN AS RANCHES AT HAMILTON CREEK) AS PRESENTED BY SPECIAL COUNSEL TODAY IN EXECUTIVE SESSION [T2-855]

Court convened into closed executive session at 4:05 p.m. and reconvened into open meeting at 4:55 p.m. The following action was taken. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize County Judge and Special Counsel Mark Kennedy to execute Settlement Agreement and Mutual Release in Cause # D-1-GV-07-002293 in the 98th District Court in Travis County styled as Travis County, Texas and The State of Texas et al vs. Coldwater Development, Ltd., and Rodman Excavation, Inc. et al (development known as Ranches at Hamilton Creek) as presented by Special Counsel today in executive session. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 11, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH 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	**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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

HAYS COUNTY EXTENSION UPDATE ON PROGRAMS

Local Extension Agents Susan Schramm, Kasey Mock, Richard Parrish appeared before the court. They spoke about services provided by the Texas AgriLife Extension Office and presented members of the court with baskets containing various items that symbolize the various educational programs provided.

27079 ADOPT A PROCLAMATION RECOGNIZING BOB KIDNEW AND TEXAS LEHIGH CEMENT COMPANY AS A RECENT RECIPIENT OF A TEXAS ENVIRONMENTAL EXCELLENCE AWARD [T1-25]

Bob Kidnew introduced the Texas Lehigh Cement Company Team and he spoke of what was done to win the Environmental Excellence Award. He recognized Jerry Borcherding's contribution to Texas Lehigh Cement when he was employed there. Members of the court gave their congratulations on winning this award and gave their appreciation to Texas Lehigh Cement Company's efforts in protecting the environment. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt a Proclamation recognizing Bob Kidnew and Texas Lehigh Cement Company as a recent recipient of a Texas Environmental Excellence Award. All voting "Aye". MOTION PASSED**

27080 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $394,275.65 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27081 APPROVE COMMISSIONER COURT MINUTES OF MAY 11, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of May 11, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27082 APPROVE SPECIFICATIONS FOR RFP #2010-P13 INMATE TELEPHONE SYSTEM FOR THE HAYS COUNTY JAIL AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for RFP #2010-P13 Inmate Telephone System for the Hays County Jail and authorize Purchasing to solicit for Proposal and Advertise. All voting "Aye". MOTION PASSED

27083 AMEND BUDGET FOR CIVIC CENTER TO TRANSFER BALANCE OF MISCELLANEOUS CAPITAL IMPROVEMENTS FOR SUPPLIES & FUEL

Barry Nelson Civic Center Manager is requesting the balance of $1,790 be moved from Miscellaneous Capital Improvements line item #001-646-00.5741 to General Supplies in the amount of $1,000 into line item #001-646-00.5201 and to Fuel in the amount of $790 into line item #001-646-00.5271. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to amend budget for Civic Center to transfer balance of Miscellaneous Capital Improvements to Supplies & Fuel as requested. All voting "Aye". MOTION PASSED**

27084 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

Goodwill has expressed an interest in receiving the computer equipment from the county. IT has stripped the equipment of any usable parts and request authorization to dispose of the equipment as worthless (pursuant to LGC 263.152 – Disposition 3) and send to Goodwill for recycling. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Information Technology to dispose of Computer Equipment. All voting "Aye". MOTION PASSED**

27085 APPROVE SPECIFICATIONS FOR IFB #2010-B13 DACY LANE IMPROVEMENTS FROM GOFORTH ROAD TO BEBEE ROAD AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for IFB #2010-B13 Dacy Lane Improvements from Goforth Road to Bebee Road and authorize Purchasing to solicit for Bid and Advertise. All voting "Aye". MOTION PASSED

27086 APPROVE AWARD OF IFB #2010-B11 MCGREGOR LANE CULVERT IMPROVEMENT PROJECT TO SMITH CONTRACTING

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of IFB #2010-B11 McGregor Lane culvert improvement project to Smith Contracting contingent upon approval by legal counsel. All voting "Aye". MOTION PASSED

27087 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPT LETTER OF CREDIT FOR TWO YEARS FOR MUSTANG VALLEY SUBDIVISION, SECTION II [T1-720]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept road construction and drainage improvements, release of the Construction Bond, and accept Letter of Credit for two years for Mustang Valley Subdivision, Section II. All voting "Aye". MOTION PASSED

27088 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMITS) ON SOUTH OLD STAGECOACH ROAD ALONG THE AREA OF THE SOCCER FIELDS; ALSO ON THE DEDICATED PARK ROAD [T1-727]

Judge Sumter opened the public hearing. A written comment from Tim Miller was placed in the record voicing his concern about possible truck traffic. No additional public input was received and public hearing was closed. RPTP Director Jerry Borcherding requested that the speed limit be lowered from 40 MPH to 35 MPH along the area of the soccer fields and the old road be lowered from 35 MPH to 20 MPH. Parks Manager Jerry Pinnix recommended a speed limit of 15 MPH on the old road. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to establish traffic regulations of 35 MPH along the area of South Old Stagecoach road along the area of the soccer fields and 15 MPH on the dedicated (old) park road. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #12 RE: *MOVE $8196.03 FROM RPTP'S MISCELLANEOUS LINE ITEM TO RPTP'S MATERIALS LINE ITEM AND AMEND THE BUDGET ACCORDINGLY* **was PULLED**

27089 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #7 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. FOR THE FIVE MILE DAM PARK, PHASE II (BUILDING) PROJECT [T1-809]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute Change Order #7 to the Construction Contract with Harris Road Company, Inc. for the Five Mile Dam Park, Phase II (building) Project. All voting "Aye". MOTION PASSED

27090 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #8 TO THE CONSTRUCTION CONTRACT WITH HARRIS ROAD COMPANY, INC. FOR THE FIVE MILE DAM PARK PHASE 2 (SITE) PROJECT [T1-821]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute Change Order #8 to the Construction Contract with Harris Road Company, Inc. for the Five Mile Dam Park Phase 2 (site) Project. All voting "Aye". MOTION PASSED

27091 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDERS TO THE GRANDE COMMUNICATIONS, BROOKSIDE AND NEC FINANCIALS CONTRACTS FOR THE NEW VOIP SYSTEM NOT TO EXCEED A 10% INCREASE [T1-1582]

Small changes, deletions and/or additions are necessary as hardware is installed in offices. Some will be deletions saving us funds and some will be small increases expanding calling features and/or additional fiber locations. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute Change Orders to the Grande Communications, Brookside and NEC Financials Contracts for the New VOIP System not to exceed a 10% increase. All voting "Aye". MOTION PASSED**

27092 APPROVE AN ADMINISTRATIVE VARIANCE TO SUBCHAPTER 7 OF CHAPTER 701 AND SUBCHAPTER 4 OF CHAPTER 711 TO STREAMLINE THE APPLICATION PROCESS FOR CERTAIN DEVELOPMENT AUTHORIZATIONS [T1-1645]

On August 18, 2009, the Commissioners Court adopted the new Hays County Development Regulations, and numerous new forms and processes have been implemented by the Development Services Division to effectively implement the provisions of the Regulations. The Regulations do not differentiate between the various types of Development Authorizations when it comes to the application process; however, staff feels much of the information required is only necessary for subdivision applications, and this has added greatly to the amount of information applicants must submit, and lengthened the average time it takes to get a permit, for a Flood Hazard Area Permit (FHAP) or septic system. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve an Administrative Variance to Subchapter 7 of Chapter 701 and Subchapter 4 of Chapter 711 to streamline the application process for certain development authorizations to Development Services. All voting "Aye". MOTION PASSED**

27093 ALLOW COMMISSIONER FORD TO NEGOTIATE FENCE REPLACEMENT AGREEMENTS WITH PROPERTY OWNERS ALONG MT. GAINOR ROAD [T1-1817]

The Bond Road project along Mt. Gainor will require that several property owners move their existing fence. This action will allow Commissioner Ford to come to agreements with each property owner regarding reimbursement for their fence, allow her to sign off on the agreements, and direct the Auditor to cut checks to these property owners. Three quotes for fence construction have been received. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to allow Commissioner Ford to negotiate fence replacement Agreements with property owners along Mt. Gainor Road in an amount not to exceed $25,000. All voting "Aye". MOTION PASSED**

27094 APPROVE A REQUEST TO PURCHASE KITCHEN EQUIPMENT AT THE LAW ENFORCEMENT CENTER [T1-835]

Brad Robinson from the Sheriff's Office requests that two pieces of kitchen equipment (steamer = $4,449.95 insulated holding cabinet = $3,499.99) be purchased from funds remaining from the recently completed renovation of the kitchen in the Jail at the Law Enforcement Center. The projected savings on the construction contract are in excess of $25,000 which is more than enough to cover this request. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve a request to purchase kitchen equipment at the Law Enforcement Center. All voting "Aye". MOTION PASSED**

27095 APPROVE A REQUEST TO DIRECT BROADDUS & ASSOCIATES TO ASSESS THE EXISTING PATROL DIVISION OFFICE ADJACENT TO THE LAW ENFORCEMENT CENTER AND TO ESTIMATE COSTS FOR AN ADDITION TO ACCOMMODATE THE GROWTH THAT HAS OCCURRED IN THE DIVISION SINCE THE BUILDING WAS PUT BACK INTO SERVICE IN 1997 [T1-858]

The Sheriff's Office requests that the Patrol Division office be assessed for adequacy of condition and space to serve the increased needs of the division. Brenda Jenkins (Broaddus & Associates) spoke of current assessment of the law enforcement center and she advised that there will be no additional cost for this assessment - they will do this within the existing budget/contract. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to direct Broaddus & Associates to assess the existing Patrol Division Office adjacent to the law Enforcement Center and to estimate costs for an addition to accommodate the growth that has occurred in the division since the building was put back into service in 1997 at no additional cost (to be done within the existing budget/contract). All voting "Aye". MOTION PASSED**

27096 APPROVE A REQUEST TO PURCHASE REPLACEMENT LIGHTS AT THE LAW ENFORCEMENT CENTER [T1-850]

The Sheriff's Office requests that ten replacement light fixtures be purchased from funds remaining from the recently completed renovation of the kitchen in the Jail at the Law Enforcement Center. The requested items with normal processing and shipping are $282.80 each, for a total of $2,828. The projected savings on the construction contract are in excess of $25,000 which is more than enough to cover this request. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve a request to purchase replacement lights at the Law Enforcement Center. All voting "Aye". MOTION PASSED**

27097 AUTHORIZE BROADDUS & ASSOCIATES TO ISSUE A REQUEST FOR QUALIFICATIONS/REQUEST FOR PROPOSAL FOR APPRAISAL SERVICES COORDINATED WITH BROADDUS & ASSOCIATES FACILITY ASSESSMENT OF OCCUPIED COUNTY FACILITIES WHICH WILL BE VACATED WITH DEPARTMENTAL MOVES TO THE NEW GOVERNMENT CENTER [T1-1294]

The appraisal RFQ/RFP will include a provision allowing the County to request an updated appraisal within 12-18 months of the initial report in order to ascertain then-current market conditions for use in retain/disposition decisions. Commissioner Conley requested adding Environmental Health, Extension Offices, and Civic Center to be included for appraisal. Bob Hinkle (Broaddus & Assoc) spoke of assessment of properties. Commissioner Barton spoke of adding the health clinic in Kyle and the FM150 properties to the appraisals. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize Broaddus & Associates to issue a Request for Qualifications/Request for Proposal for appraisal services coordinated with Broaddus & Associates facility assessment of occupied County Facilities which will be vacated with departmental moves to the new Government Center and additional properties recommended today. All voting "Aye". MOTION PASSED**

27098 ADOPT A RESOLUTION IN SUPPORT OF MAINTAINING SH 45 (SW) IN THE CAMPO PLAN [T1-2477]

Commissioner Barton and Commissioner Conley spoke in support of maintaining SH 45 (SW) in the CAMPO Plan – at a minimum, for that section between Loop 1 and FM 1626 – all right of way has been acquired in Hays County. Mike Aulick spoke of thirteen projects (new or expanded roadways) in Hays County. Commissioner Ford spoke of hearing support for the Y @ Oak Hill and not SH45. [T1-3426] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to adopt resolution in support of maintaining SH 45 (SW) in the Campo 2035 Regional Transportation Plan. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED** [T2-3115] & [T2-3287] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Precinct 2 Commissioner to withdraw study of SH 45 from FM 1626 to IH35 at his discretion before CAMPO votes on May 24th if it jeopardizes SW SH 45 or our proposed amendments. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #23 RE: *APPOINT A PCT. 2 REPRESENTATIVE TO THE HAYS COUNTY PARKS AND OPEN SPACE BOARD* **was PULLED**

27099 AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO REIMBURSEMENT, RELEASES, AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENTS, IN THE AMOUNT OF $13,300 TO DANNY GREEN, DONNA FAY GREEN, DEDRA SHEA HANVEY, STEPHEN HANVEY, JEFFREY CAMPBELL AND DENA CAMPBELL [T1-2141]

Commissioner Ingalsbe advised that this is in reference to the Dacy Lane Project. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute two Reimbursement, Releases, and Temporary Construction Easement Agreements, in the amount of $13,300 to Danny Green, Donna Fay Green, Dedra Shea Hanvey, Stephen Hanvey, Jeffrey Campbell and Dena Campbell. All voting "Aye". MOTION PASSED**

27100 APPROVE THE PURCHASE OF DIGITAL HEALTH DEPARTMENT EXPRESS FOR THE DEVELOPMENT SERVICES DIVISION, AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR SUCH SERVICES AND AMEND THE BUDGET ACCORDINGLY [T1-2203]

Lisa Wright spoke of the Hays County Development Services currently using a software program called SAFE to manage its daily workflow for inspections and permits. She spoke of problems with the program. She requested approval to purchase new software that will work much better. IT Director Jeff Magill spoke in support of the new software. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve the purchase of digital health department express for the development services division, authorize the County Judge to execute a contract contingent on legal review and approval, for such services and amend the budget accordingly. All voting "Aye". MOTION PASSED**

HAYS COUNTY SHOOTING SPORTS TASK FORCE PRESENTATION TO UPDATE THE COURT OF THEIR ANNUAL BUSINESS [T2-770]

[T1-505] Lisa Railsback (firearms instructor), 4H Extension Agent Richard Parrish, Gary Connor (security officer), Herman Waters, Leighton Stallones, and Art Railsback (NRA instructor) made public comment in support of the shooting sports complex. Stephen Marlow updated the Court on HCSSTF annual business. Mark Bennett gave a powerpoint presentation regarding the property search and evaluation. Recommendation is for the Hillert tract which is 563 acres off Staples Road east of San Marcos. 2000 ft. of San Marcos River frontage with 20 acres ideal for future City/County Park (strip annexed into the city of San Marcos). There are opportunities for habitat preservation. Asking price for the property is $5.5 million. Steve Hall (Education Director of the Texas Parks & Wildlife Dept) spoke of TPWD grant program and need for shooting ranges. He advised that this proposal is of high interest to the department and federal funds are available as a P&W project ($1.5 million could possibly be funded over a 3-5 year period). He proposed going to his commission in August with the idea and get their blessing early on. J. B. Kolodzey spoke of revenue that will be generated from user fees.

CENTRALIZED DISPATCH CENTER TECHNICAL SUB-COMMITTEE RECOMMENDATION TO DEVELOP A BUSINESS PLAN UTILIZING MISSION CRITICAL PARTNERS, INC [T2-1660]

The Technical Committee was given a presentation of a business plan by Mission Critical Partners, Inc. The Committee has agreed and recommends moving forward with Mission Critical Partners, Inc. in developing a plan for a centralized dispatch center in Hays County. Entities with dispatch currently are Hays County, City of San Marcos, City of Kyle, & Texas State University. David Jones, VP/Principal, and Teresa York, Public Safety Consultant, for Mission Critical Partners Inc. provided a powerpoint presentation regarding a PSAP consolidation assessment for Hays County. Judge Sumter suggested going out for an RFP for these services.

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-1869]

Bob Hinkle (Broaddus & Associates) gave an update on the government center project (100% construction documents). He spoke of alternates for consideration in the near future.

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR [T1-1952]

Jeff Curren (HDR) gave an update on the road bond projects.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 18, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF MAY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

WITH COUNTY JUDGE ELIZABETH "LIZ" SUMTER ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley led the court in the Pledge of Allegiance to the flags. Commissioner Ingalsbe called the meeting to order.

PUBLIC MEETING TO DISCUSS CURRENT VETERAN SERVICES OFFERED BY HAYS COUNTY AND TO SEEK INPUT FROM VETERAN COMMUNITY ON ADDITIONAL SERVICES TO BE OFFERED.

Dee Dee Baen Human Resources Director gave a brief introduction and explained the reason for this meeting. Dee Dee introduced the Veteran's Task Force: Christopher Albertson, Jon Burns, Robert Elder, Gary Hale, Bryan Hannah, Mary Ann Maycen, Joan Nesvold, Jude Prather, David Wilson and Mike Mendoza (Advisor/now Interim Veteran Administration Officer) and Dr. Jim Bell (Facilitator). Veterans Transportation Needs Committee members are: HR Dept., Grants Dept., Auditor's office, Legal Counsel, 1 end User, 1 member of the Task Force, VA Officer, and a member of the Commissioners Court (Commissioner Conley). Commissioner Barton spoke of upcoming Community Meeting to be held in Kyle, TX at the VFW Hall on Thursday May 27, 2010. Commissioner Ford spoke of having a Meeting to be held in Dripping Springs sometime in June. Interim Veterans Administration Officer Mike Mendoza spoke of different needs of the community and what the County provides for the Veterans. He also spoke of new facility that will be built in Austin in 2012. Commissioner Conley spoke of trying to help Veterans with all local resources but we need public input in order to help. Commissioner Conley opened the floor for public comments. The following people made public comment: Dan West, Former Hays County Veterans Service Officer Tom Tvrdik, Jude Prather, Alan Cameron, Margie Brownsberger, Gary Fowler, Nolan Lewis, Jon Burns, Eula Crawford, and A. R.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 20, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH 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	**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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Jason Bollinger, Riverstone Community Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF RETIREMENT GIFT TO ED COOPER

Judge Sumter, Commissioner Barton, Commissioner Ingalsbe, Commissioner Ford, and Commissioner Conley gave their appreciation to Chief Juvenile Probation Officer Ed Cooper for his 37 years of service to Hays County. He was presented with a retirement watch. County Treasurer Michele Tuttle spoke of knowing Mr. Cooper for many years.

27101 ADOPT A PROCLAMATION DECLARING MAY 23RD TO THE 29TH AS HURRICANE PREPAREDNESS WEEK

Emergency Management Coordinator Jeff Turner spoke of projected hurricane season and need for trained shelter managers. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring May 23rd to the 29th as Hurricane Preparedness Week. All voting "Aye". MOTION PASSED**

27102 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payments of county invoices in the amount of $2,426,884.62 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27103 APPROVE COMMISSIONER COURT MINUTES OF MAY 18, 2010

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of May 18, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27104 ACCEPT DONATED FUNDS IN THE AMOUNT OF $500.00 TO THE SHERIFFS OFFICE AND DEPOSIT IN TO LINE ITEM 052-618-00.4610 (CONTRIBUTIONS) AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept donated funds in the amount of $500 to the Sheriffs Office and deposit in to line item 052-618-00.4610 (contributions) and amend the budget accordingly. All voting "Aye". MOTION PASSED

27105 APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE RFP #2010-P14, A REQUEST FOR QUALIFICATIONS, FOR A PROFESSIONAL ENERGY AUDIT/ANALYSIS FOR HAYS COUNTY BUILDINGS

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve specifications and authorize purchasing to advertise RFP #2010-P14, a Request for Qualifications, for a Professional Energy Audit/Analysis for Hays County buildings. All voting "Aye". MOTION PASSED

27106 APPROVE AMENDMENT TO PURCHASING POLICY TO INCLUDE DEBARRED VENDOR LANGUAGE ON ALL RFP & BID DOCUMENTS

On April 29th Hays County underwent an audit by the Governor's Division of emergency Management, SAA division for federal funds received for emergency management equipment. One of the requirements the County needs to complete is to add the excluded parties, debarred vendor language to the purchasing policy. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve amendment to purchasing policy to include Debarred Vendor language on all RFP & Bid Documents. All voting "Aye". MOTION PASSED**

27107 APPROVE CANCELLATION OF COMMISSIONER'S COURT MEETING FOR JUNE 22, 2010

Cancellation is being requested due to the South Texas County Judge's and Commissioner's Association Conference being held here in San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve cancellation of Commissioner's Court Meeting for June 22, 2010. All voting "Aye". MOTION PASSED**

27108 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR FUNDING FROM THE BULLETPROOF VEST PARTNERSHIP (BVP) PROGRAM FOR UP TO 43,071.00

This program will provide reimbursement for 50% of the cost of each vest. The total cost of purchase is expected to be $43,071 for 49 vests, and the matching funds requested will be for $21,535.50. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to submit an Application to the U.S. Department of Justice, from the Bureau of Justice Assistance (BJA) for funding from the bulletproof vest partnership (BVP) program for up to $43,071. All voting "Aye". MOTION PASSED**

27109 CALL FOR A PUBLIC HEARING ON JUNE 8, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON FITZHUGH RD EAST, CR 101 [T1-1003]

Recommendation is to reduce speed limit on a section of Fitzhugh Road east in both directions, between Trautwein Road, CR 185 and Preslar Circle from 40 MPH to 35 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 8, 2010 to establish traffic regulations on Fitzhugh Road East, CR 101. All voting "Aye". MOTION PASSED**

27110 PARTIAL VACATION AND REPLAT OF LOT 1, CEDAR CREST SUBDIVISION [10-6-3, 2 LOTS] **PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-254]

Judge Sumter declared the public hearing open. Caroline Nelson made public comment. Public hearing was closed. Programs Manager Development Services, Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of a partial vacation and replat of lot 1 Cedar Crest Subdivision. All voting "Aye". MOTION PASSED**

RE-SUBDIVISION OF LOT 63 ROLLING OAKS SUBDIVISION SECTION 3 (10-7-4, 4 LOTS) **PUBLIC HEARING AND POSTPONEMENT OF FINAL PLAT APPROVAL** [T1-293]

Judge Sumter declared the public hearing open. Rusty Wallace, Mike Dewane, Gaylon Akers, Efrain Fonseca, and Maggie V. Ortunio spoke in opposition to the resubdivision. Public hearing was closed. Programs Manager Development Services, Clint Garza requested postponement of action today until he receives a digital file. Rolling Oaks Section 3 was originally subdivided in 1969 and at that time there were 65 lots and today there are 127 taxable parcels on the CAD records. Lot 63 is 10.18 acres as platted but has been divided, and sold to the children of the original owner. The property owners were informed a plat is required when they approached the department for an OSSF permit on the proposed "lot 63-B" The proposed configuration will divide the lot into 4 parcels as follows: 63A (2 acres), 63B (2 acres), 63C (3.609 acres), 63D (3.019 acres). All lots will be served by OSSF's and individual water wells. Court discussed water availability study for this area and creation of a homeowners association. No action was taken this date.

27111 AUTHORIZE THE PERSONAL HEALTH DEPARTMENT TO TRANSFER FUNDS IN THE AMOUNT OF $200.00 FROM MEDICAL SUPPLIES TO TRAVEL AND AMEND THE BUDGET ACCORDINGLY [T1-1020

Transfer of funds is necessary to reimburse staff for the use of their personal vehicles for county business when the county vehicle is unavailable. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the Personal Health Department to transfer funds in the amount of $200 from Medical Supplies to Travel and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27112 ACCEPT THE CRIMINAL JUSTICE SYSTEM ASSESSMENT AND JAIL POPULATION STUDY FOR HAYS COUNTY FINAL REPORT, PREPARED FOR HAYS COUNTY BY MGT OF AMERICA [T1-1391]

Judge Sumter gave her opposition to the study. Allen Aulick (MGT) spoke of study that was done. Commissioner Barton and Commissioner Conley spoke in support of the study. Commissioner Ingalsbe spoke of possible jail expansion and need to address concerns. Commissioner Ford recommended asking state jail standards to update their report – she wanted the record to reflect that she does not accept every item in this report. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to accept the Criminal Justice System Assessment and Jail Population Study for Hays County Final Report prepared for Hays County by MGT of America. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED** Commissioner Barton spoke of need for an independent voice for implementation.

27113 REPLACE THE COUNTY JUDGE ON THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION AND APPOINT COMMISSIONER CONLEY [T1-3102]

Members of the court thank Judge Sumter for her representation on the CAMPO Board. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to replace the County Judge on the Capital Area Metropolitan Planning Organization and Appoint Commissioner Conley and retain Commissioner Barton as the alternate effective June 1, 2010. All voting "Aye". MOTION PASSED**

27114 APPOINT A CHAIR FOR EACH STANDING COMMITTEE TO BE GIVEN THE AUTHORITY TO DETERMINE SCHEDULING, DIRECTION AND APPROPRIATE TIMES WHEN THE COMMITTEE WILL BRING ISSUES BEFORE THE COURT [T1-

Commissioner Conley proposes that the following committees are formed with the appointed chair of those committees given ~~exclusive~~ primary authority to determine scheduling, direction and appropriate times when the committee will bring issues before the court:
(1) Government Center Committee Chair is Commissioner Ingalsbe,
(2) Change Jail Facilities Committee to Law Enforcement Facility Committee (which includes all business in regards to the Sheriff's Office) Chair is Commissioner Conley,
(3) Pct. 2 Building Committee Chair is Commissioner Barton,
(4) RPTP Committee Chair is Judge Sumter,
(5) Justice Evaluation and Reform Committee Chair is Commissioner Barton, and
(6) RHCP (Habitat Conservation) Committee Chair is Commissioner Ford

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to appoint a Chair for each standing committee as proposed by Commissioner Conley to be given the primary authority to determine scheduling, direction and appropriate times when the committee will bring issues before the court. All voting "Aye". MOTION PASSED

27115 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH MISSION CRITICAL, INC. FOR AN ASSESSMENT OF THE 911 COMMUNICATION SYSTEMS WITHIN HAYS COUNTY [T2-38]

County Auditor Bill Herzog recommended funding this service from the countywide consultant line item (001-645-00.5448) in the amount of $49,950. Special Counsel Mark Kennedy spoke of his review of the agreement and changes made. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement with Mission Critical, Inc. for an assessment of the 911 Communication Systems within Hays County. All voting "Aye". MOTION PASSED**

27116 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A STANDARD PROFESSIONAL SERVICE AGREEMENT WITH TOM FRANKE FOR SELECTIVE ASSISTANCE IN PLAN REVIEW AND AMEND THE BUDGET ACCORDINGLY [T1-1042]

RPTP Director Jerry Borcherding advised that development plans are being submitted that require extensive review by an engineer or EIT with specific experience in researching, studying,, and resolving difficult drainage issues. The complexity of the drainage issues at hand require that the plans be reviewed at a level far above our usual effort and is critical to insuring that property owners downstream of the development are protected. Jimmy Skipton made public comment. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute a standard Professional Service Agreement with Tom Franke for selective assistance in plan review and amend the budget accordingly in an amount not to exceed $7500. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

27117 PURCHASE A CHECK PRINTER FOR THE TREASURERS OFFICE [T1-1025]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to purchase a check printer for the Treasurer's Office. All voting "Aye". MOTION PASSED

27118 ALLOCATE $2,500 IN DISCRETIONARY FUNDS TO PALS (PREVENT A LITTER) TO HOST A THIRD SPAY AND NEUTER CLINIC AND AMEND THE BUDGET ACCORDINGLY [T2-204]

$7,500 was budgeted for PALS [Prevent A Litter] for three clinics, but only $5,000 was allocated to them initially for two clinics. PALS Director Sharri Boyett advised that they have successfully performed two spay and neuter clinics and she is here to request the remaining funds for a third clinic as requested by the court. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to allocate the $2,500 in discretionary funds to PALS that was set aside to host a third spay and neuter clinic and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27119 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SUBSCRIPTION PLAN AMENDMENT WITH LEXISNEXIS FOR THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE FOR THE USE OF LEGAL RESEARCH SOFTWARE [T2-315]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Subscription Plan Amendment with LexisNexis for the Hays County Criminal District Attorney's Office for the use of the legal research software. All voting "Aye". MOTION PASSED

27120 RECOGNIZE THE CONVEYANCE OF A 50.14 ACRE TRACT FROM THE HAYS COUNTY PARKS FOUNDATION, INC. TO THE CITY OF KYLE, FOR RECREATIONAL PUBLIC USE [T2-330]

Dale Linebarger donated this tract of land to the Hays Education Foundation which was then purchased by the Hays County Parks Foundation, Inc. using Hays County Park Grant Funds to hold for the City of Kyle to use as matching funds as the City applied for additional grants. The City of Kyle has successfully secured a $500,000 grant from the Texas Parks and Wildlife Department using the Linebarger tract as matching funds. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to recognize the conveyance of a 50.14 acre tract from the Hays County Parks Foundation, Inc. to the City of Kyle, for recreational public use. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #23 RE: *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.**

Clerk's Note: Agenda Item #24 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 25, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF MAY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH COUNTY JUDGE ELIZABETH "LIZ" SUMTER, COMMISSIONER PCT. 3 WILL CONLEY AND COMMISSIONER KAREN FORD ABSENT; THERE WAS NOT A QUORUM PRESENT, AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Clerk's Note: Agenda Item No. 1 RE: *Discussion and possible action regarding a Precinct 2 public meeting with veterans and their dependents to share information gathered by a County Veteran Task Force and receive input about transportation options for veterans* - **no minutes required due to no quorum.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 27, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF JUNE 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ingalsbe gave the invocation and led the court in the Pledge of Allegiance to the flags. Human Resources Director Dee Dee Baen introduced new county employees. Judge Sumter called the meeting to order.

PRESENTATION BY CITY OF DRIPPING SPRINGS REGARDING HARRISON RANCH PARK [T1-35]

Dripping Springs Mayor Todd Purcell gave an update on the Harrison Ranch Park project. The county was instrumental in acquiring this property (almost 64 acres) to preserve a legacy of the Dripping Springs foundation in farming and ranching, enabling future generations to remain rooted in the hill country lands and ways of life. Little Barton Creek runs through the property. Major achievements were obtaining a $500,000 grant from the Texas Parks & Wildlife Department to build new amenities, established Camp Lasso summer day camp in 2009 for 300 children, constructed new entrance and service road to the park through donations of time and labor from local companies, received GO TEXAN Boot Strap Bucks Grant from Texas Dept. of Agriculture for 2009 Wild West Fest publicity for $2,367, upgraded existing open arena to provide for current use, farmhouse improvements, sponsored the first annual Wild West Fest October 24, 2009 attracting 1,500 guests, attracted Texas Hill Country Barrel Racers Association for racing events, established wine & beer tasting events to bring more exposure to the park and to provide area citizens with an enjoyable evening under hill country skies, completed and adopted the conceptual plans and cost estimates for the new amenities, established Playday Buckle Series program as major fundraiser, received donation from the Salt Lick for fundraiser on August 7, 2010, received 501c(3) non-profit status through Greater Dripping Springs Community Foundation, and received GO TEXAN Hometown STARS grant from Texas Dept. of Agriculture for 2010 Wild West Fest publicity for $6,000. Potential programming: equestrian and agricultural events, exhibitions, private gatherings, festivals, trade shows, music events, outdoor seminars/classes, and the farmhouse can be used for wedding/parties/meetings.

PUBLIC COMMENT
[T1-308] Rusty Wallace made public comment regarding community meeting held in Rolling Oaks Subdivision. Jim Camp (member of Hays County Parks & Open Space Advisory Board) made public comment regarding the shooting sports complex. Chris North (Chair of the Hays County Parks & Open Space Advisory Board) made public comment regarding use of parks funds for the shooting sports complex.

PRESENTATION BY PLUM CREEK WATERSHED PARTNERSHIP REGARDING WATER QUALITY INITIATIVES IN THE WATERSHED IN EASTERN HAYS COUNTY AND IN CALDWELL COUNTY, AND FUTURE PLANS FOR THE PARTNERSHIP [T1-1193]

Nikki Dictson, gave a powerpoint presentation regarding implementing the Plum Creek Watershed Protection Plan. She spoke of pollutants (bacteria & nutrients) in the watershed and efforts to identify sources of that pollution. She spoke of funding that was received from TCEQ for outreach and education. Those funds were used to create a watershed protection campaign brochure, 2 NEMO-Urban Growth Workshops, 4 Online Modules (wastewater treatment plants: OSSFs; stormwater mgmt; and Fats, Oils and Grease), 8 Septic System Workshops, Illegal Dumping/Litter Campaign, TCEQ Fats, Oils, and Grease Workshops and Site Assessment Visits. The Plum Creek Watershed Partnership recommends hiring a local position to implement the Plum Creek Watershed Protection Plan. The position will be hired, supervised and housed by the GBRA or the Texas AgriLife Extension Service and would likely be physically located in Lockhart or Seguin, but will serve the entire watershed. Estimated annual cost for the project will total approximately $80,000, including funds for a computer, cell phone, supplies, publications, and travel.

27122 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of $899,099.79 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27123 APPROVE COMMISSIONER COURT MINUTES OF MAY 25, 2010

Commissioner Barton requested correction on item #27113: change spelling of Allen Aulick (MGT) to Allen Pollock. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of May 25, 2010 as presented by the County Clerk with recommended correction. All voting "Aye". MOTION PASSED**

27124 APPROVE SPECIFICATIONS FOR IFB #2010-B14 "ROAD IMPROVEMENTS/HOT-MIX OVERLAY" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for IFB #2010-B14 "Road Improvements/Hot-Mix Overlay" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

27125 APPROVE SPECIFICATIONS FOR RFP #2010-P16 "TIME MANAGEMENT SYSTEM" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

[T1-1659] $70,000 is budgeted for this item. County Treasurer Michele Tuttle spoke of research that has been done and ID cards that would need to be compatible with the new government center access code. Bob Hinkle (Broaddus & Associates) spoke of integration with the new government center. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve specifications for RFP #2010-P16 "Time Management System" and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED**

27126 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING OSSF AND FLOOD PLAIN PERMIT ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF MAY, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept report to Commissioners Court identifying OSSF and Flood Plain Permit Administrative Approvals issued during the month of May, 2010. All voting "Aye". MOTION PASSED

27127 APPOINT COMMISSIONER CONLEY AS THE HAYS COUNTY REPRESENTATIVE TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION, CONTINUE THE APPOINTMENT OF COMMISSIONER BARTON AS THE ALTERNATE AND APPOINT JUDGE SUMTER AS AN ALTERNATE FOR THE JUNE 2010 MEETING

A motion was made by Commissioner Barton, seconded by Commissioner Ford to appoint Commissioner Conley as the Hays County Representative to the Capital Area Metropolitan Planning Organization, continue the Appointment of Commissioner Barton as the Alternate and Appoint Judge Sumter as an Alternate for the June 2010 meeting. All voting "Aye". MOTION PASSED

27128 APPROVE BUDGET AMENDMENT FOR DISTRICT CLERK

District Clerk's Office has received a customer request for records on microfilm. A staff member was required to travel to Austin to use the reader machine that will produce this type of record. A total of $26 is required to reimburse the staff for mileage expenses for using personal vehicle. The District's Clerk's Office received Commissioners Court approval on March 23rd to hire temporary personnel for $702. The project has been completed and the final invoice was received, and an additional $37.50 is needed. Request is to move $26 from 001-609-00.5551(continuing ed) to 001-609-00.5501(travel) and move $37.50 from 001-609-00.5021(salary savings) to 001-609-00.5449(temp personnel). **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve budget amendment for District Clerk for additional cost related to temporary personnel and travel expense. All voting "Aye". MOTION PASSED**

27129 APPROVE BUDGET AMENDMENT FOR DISTRICT COURT REPORTERS

The rotating District Court Reporter's have covered their own continuing education expense and would like to use this savings to cover the cost of the local, state and federal Texas Rules of Court pamphlets and the cost of needed supplies. The request is for $500 from 001-608-02.5551 (continuing ed) to 001-608-02.5213 ($168.50 books & periodicals) and 001-608-02.5211 ($331.50 office supplies). **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve budget amendment for District Court Reporters for books and office supplies. All voting "Aye". MOTION PASSED**

27130 AUTHORIZE THE COUNTY JUDGE TO APPROVE PROPOSED ANNUAL RENEWAL APPLICATION FOR THE FY 2011 LOCAL PUBLIC HEALTH SERVICES CONTRACT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT IN THE AMOUNT OF $63,535.00

This is a renewal application between Hays County Personal Health Department and DSHS for funding of the local Public Health Services contract for FY 2011. The funding is for September 1, 2010 thru August 31, 2011. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to approve proposed annual renewal application for the FY 2011 Local Public Health Services Contract between the Texas Department of State Health Services (DSHS) and the Personal Health Department in the amount of $63,535.00. All voting "Aye". MOTION PASSED**

27131 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON FITZHUGH RD EAST, CR 101 [T1-2003]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation to establish a reduced speed limit zone of 35 mph on a section of Fitzhugh Road East in both directions between Trautwein Road, CR 185 and Preslar Circle. Current speed limit is 40 mph in this section. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulation to reduce speed limit to 35 MPH on Fitzhugh Road East (CR 101) in both directions between Trautwein Road (CR185) and Preslar Circle. All voting "Aye". MOTION PASSED**

27132 ACCEPT A ROAD DEDICATION OF OLD RED RANCH ROAD IN THE VISTA GRANDE SUBDIVISION [T1-2018

Old Red Ranch Road has been maintained by Hays County since accepting 1.5 miles of Old Red Ranch Road into county maintenance system on February 19, 2008. With few exceptions (e.g. roadway interlocals with municipalities), Hays County normally accepts dedication of any roadway on which maintenance is proposed at the same time is accepts the maintenance obligation. Accepting dedication of the roadway would reconcile the discrepancy. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road dedication of Old Red Ranch Road in the vista Grande Subdivision. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING A VARIANCE TO OSSF REGULATIONS SECTION 10.1, TO ALLOW THE FUTURE PERMIT OF AN ON-SITE SEWAGE FACILITY ON A 2.51 ACRE TRACT LOCATED OFF OF RR 12 [T1-3363]

Clint Garza, Programs Manager Development Services, explained the situation. Commissioner Conley spoke of RR 12 widening which will leave the property owner with an insufficient amount of property to obtain an OSSF permit in the future under current local rules. Special Counsel Mark Kennedy spoke of including the variance, if approved, in the closing documents for this property – court could limit the amount of flow for a permit to be issued.

27133 APPROVE THE SALE OF DELINQUENT TAX PROPERTY HELD IN TRUST [T1-3346]

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve the sale of delinquent tax property held in trust – Oakwood Manufactured Home situated on Space 50 Saddlebrook Mobile Home Park in San Marcos. All voting "Aye". MOTION PASSED

27134 APPOINT LUCY JOHNSON, MAYOR OF KYLE TO REPRESENT HAYS COUNTY ON THE CAPITAL AREA REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CARTPO) [T2-1987]

Mayor Johnson was recently elected in Kyle and previous experience serving on various boards. She understands the transportation challenges we are facing. Commissioner Conley feels like she would be a valuable asset to CARTPO and would like to appoint her to represent Hays County. Judge Sumter requested no action today until all cities are notified to see if others are interested in representing Hays County on the CARTPO board. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Lucy Johnson, Mayor of Kyle to represent Hays County on the Capital Area Regional Transportation Planning Organization (CARTPO) for a 12 month term. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

27135 APPROVE WORK AUTHORIZATION NO. 7 WITH KLOTZ ASSOCIATES, INC. FOR PROFESSIONAL SERVICES FOR DESIGN OF DRAINAGE WORKS ON EAST SUMMIT DRIVE [T2-1978]

Klotz Associates has finished the related studies and is ready to begin designing and producing construction plans. Monies are available from savings realized from lower contract costs on the Green Acres Bridge project. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Work Authorization No. 7 with Klotz Associates, Inc. for professional services for design of drainage works on East Summit Drive. All voting "Aye". MOTION PASSED**

27136 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT CSJ #0285-03-044 FOR RM 12 AT HUGO ROAD AND ADVANCED FUNDING AGREEMENT CSJ #0285-03-045 FOR RM 12 AT SINK CREEK [T2-1429]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute the Advance Funding Agreement CSJ #0285-03-044 for RM 12 at Hugo road and Advance Funding Agreement CSJ #0285-03-045 for RM 12 at Sink Creek. All voting "Aye". MOTION PASSED

27137 ADOPT A RESOLUTION APPROVING A HAYS COUNTY MEMBERSHIP OF THE TEXAS INDIGENT HEALTH CARE ASSOCIATION AND AMEND THE BUDGET ACCORDINGLY [T12038]

Texas Indigent Health Care Association was created in 2004 as a program of the Urban Counties with the cooperation with the Texas Association of Counties when Indigent Health Care directors asked for organizational assistance in response to the State's discontinuation of the Texas Department of Health Regional Coordinators the prior years. The basic goal of TIHCA is to provide timely information on upcoming legislative and state level changes as well as staff training on program administration. Membership fee is $200. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a Resolution approving a Hays County Membership of the Texas Indigent Health Care Association and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27138 RATIFY THE COUNTY JUDGE'S EXECUTION OF CLOSING DOCUMENTS ASSOCIATED WITH NUMEROUS RIGHT OF WAY (ROW) ACQUISITION PROJECTS; TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CLOSING DOCUMENTS ASSOCIATED WITH ROW ACQUISITION ON FM110 AND DACY LANE; AND TO AMEND THE RESOLUTION OF COMMISSIONERS COURT JUNE 23, 2009 THAT ADDRESSES COUNTY COMMISSIONERS' AND COUNTY JUDGE'S AUTHORITY TO PERFORM ROW ACQUISITION [T2-1439]

The Commissioners Court adopted a Resolution regarding ROW acquisition on or about June 23, 2009 that attempted to describe the authority court members have related to ROW acquisition. Since adoption of that resolution, staff and court members have been acting under the assumption that the County Judge could execute closing documents for negotiated ROW projects. Upon further review, however, the resolution requires that closing authorizations may only be granted by Commissioners Court. This item proposes to fix the closings that have been executed to date, and further proposes to grant broader authority to the Commissioner and the Judge to execute closings without bringing those items back to court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to ratify the County Judge's execution of closing documents associated with numerous Right of Way (ROW) Acquisition Projects; to authorize the County Judge to execute closing documents associated with ROW acquisition on FM 110 and Dacy Lane; specifically FM 110 Purchase Agreement for ROW acquisition Parcel 2; and to amend the Resolution of Commissions Court June 23, 2009 that addresses County Commissioners' and County Judge's authority to perform ROW acquisition to include Dacy Lane in 3rd paragraph of resolution and remove "plus five percent (5%) from item #6. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

27139 APPROVE THE SELECTION OF ROLANDO L. RIOS & ASSOCIATES, PLLC FOR REDISTRICTING OF PRECINCTS AND AUTHORIZE COMMISSIONERS CONLEY AND INGALSBE TO NEGOTIATE A CONTRACT [T2-100]

The redistricting committee met and reviewed the two RFQ's that were received. It was a unanimous decision to recommend Rolando L. Rios & Associates, PLLC for these services. Mr. Rios would like to begin gathering data in preparation for the redistricting process. This data will include downloading shape files for voting precincts, census blocks, census tracks, as well as voter registration and turnout data for the county voting precincts. This data is necessary to insure that the State, the Census Bureau and the County are working with the same shape files in preparation for redistricting. The actual process of appointing committees and drawing plans would not need to start until after November 2010. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the selection of Rolando L. Rios & Associates, PLLC for redistricting of precincts and authorize Commissioners Conley and Ingalsbe to negotiate a contract. All voting "Aye". MOTION PASSED**

27140 FUND PROPOSED BUILDING IMPROVEMENTS TO A COUNTY OWNED FACILITY LEASED BY THE LBJ MUSEUM OF SAN MARCOS [T1-497]

The LBJ Museum currently has a long term lease (50 years-terminating December 31, 2055), with Hays County. The Board of Directors is requesting $225,000 which can be split into two FY allocations if necessary, for renovations to our County facility. The money would be used to construct viable multi-use space on the second floor to include a new reading room, restrooms, exhibit area and auditorium, which would be available for public use in downtown, meeting space that downtown is currently lacking. Also a new HVAC, elevator for ADA requirements and access, fire alarm, a sprinkler system, plus all the electrical, lighting, plumbing and insulation required. [T1-545] Kelly Franks (San Marcos Main Street Manager), John Thomaides, Scott Gregson (representing the Downtown Association), Patricia Murdock (President of the LBJ Museum of San Marcos Board), Ed Mihalkanin (LBJ Museum of San Marcos Board), Theresa Schwartz, and San Marcos Mayor Susan Narvaiz spoke in support of the capital improvements to the LBJ Museum. Commissioner Conley suggested full funding from reserve funds or capital improvement funds [countywide operations line item #5741]. A commitment of funding is being requested. [T1-1030] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to fund the County owned facility leased by the LBJ Museum of San Marcos for capital improvements - renovation of the second floor to include the installation of an elevator to meet ADA requirements - in an amount of $225,000 out of countywide operations budget line item #001-645-00-5741 contingent on working out an MOU. All voting "Aye". MOTION PASSED**

27141 APPROVE THE PURCHASE OF A POST HOLE DIGGER/AUGER ATTACHMENT FOR THE SKID-STEER LOADER AT THE RPTP TRANSPORTATION DIVISION AND AMEND THE BUDGET ACCORDINGLY [T2-1102]

The RPTP Department/Transportation Division would like to purchase an auger attachment for the skid-steer loader in order to assume some of the guardrail repair/installation work, thus, reducing the need for contracted work. The funds that would be used are proceeds from auctioned equipment during the year. $2,948.45 from auction revenue deposited in 020-710-00.4635 and equipment to be purchased out of 020-710-00.5719. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the purchase of a post hole digger/auger attachment for the skid-steer loader at the RPTP Transportation Division not to exceed $3,000 and to amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27142 ADOPT A RESOLUTION SUPPORTING AND REQUESTING THE RE-DESIGNATION OR DUAL DESIGNATION OF PORTIONS OF FM 3407, RM 12, SH 21 AND SH 80 BY THE TEXAS DEPARTMENT OF TRANSPORTATION AND DECLARE AN EFFECTIVE DATE [T2-1132]

In order to change the IH 35 signage to direct Wimberley traffic to the Wonder World Extension, TxDOT has requested the City and County to adopt Resolutions for the following: Re-designate FM 3407 to RM 12 from SH 123 west to Wimberley; Re-designate RM 12 to SH 80 along what we call Hopkins; Dual-designate SH 80 and SH 21 from IH 35 East to the SH 21 Interstate. Because a portion of these ROW's are outside the city limits, the county will also need to adopt a resolution. The City Council acted on this at their June 1, 2010 meeting. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Resolution supporting and requesting the re-designation or dual designation of portions of FM 3407, RM 12, SH 21 and SH 80 by the Texas Department of Transportation and declare an immediate effective date. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27143 ACCEPT HAYS COUNTY GOVERNMENT CENTER, CHANGE ORDER #2, A DEDUCTION TOTALING $43,938 FOR THREE ELECTRICAL CHANGES [T1-2190]

Three deductions being considered are (1) substitute PVC underground for branch feeds in lieu of EMT overhead; (2) substitute 9 wire home runs in lieu of 5 wire home runs; (3) substitute MC cable in lieu of conduit/wire. Supplier, subcontractor and contractor in making substitution request or in using an approved substitution represent that they have personally investigated the proposed substitution and determined it is equal or superior in all respects to specified product or system and will perform intended function. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept Hays County Government Center, Change Order #2, a deduction totaling $43,938 for three electrical changes. All voting "Aye". MOTION PASSED**

27144 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INDEPENDENT CONTRACTOR AGREEMENT FOR PHYSICIAN SERVICES WITH AUSTIN MEDICAL EDUCATION PROGRAMS AND JASON J. BOSCO, M.D. [T1-2070]

This agreement represents the addition of one physician to assist with OB/GYN services that are being provided by the Hays County Personal Health Department. The agreement contemplates that this particular physician will operate solely out of the Kyle Office, will make 2 clinic visits per month, and will occasionally see patients at his office, on an as-needed basis. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute an Independent Contractor Agreement for Physician Services with Austin Medical Education programs and Jason J. Bosco, M.D. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27145 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH J.D. RAMMING PAVING CO., LTD FOR THE AMOUNT OF $34,001.00 FOR ROADWAY PAVEMENT REPAIRS ASSOCIATED WITH THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT

A grant was received from the office of Rural Community Affairs in July 2008 to assist Cedar Oaks Mesa Water Supply Corporation with installation of the new water lines in the Campfire No. 2 Subdivision near Wimberley. During the installation of the new lines, cuts were made within the paved roadway to place the lines under the road surface. Upon completion of the water line installation, weather conditions were not conducive at the time to permit permanent repair and repaving of the roadways, and temporary repairs were made and a credit was received from the contractor to allow this to occur at a later date. Specifications were developed by Hejl, Lee and Associates Inc., the engineer for the project, and quotes were solicited from six firms to conduct pavement repairs/restoration associated with this project. Two firms responded to this solicitation, and J.D. Ramming Paving Co., Ltd submitted the low quote at $34,001 for the work. It is recommended that this quote be accepted and the agreement be executed to finish the work associated with Phase I of the Cedar Oak Mesa Water System Improvement Project. This will come out of line item #146-753-99-045.5611. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an Agreement with J.D. Ramming Paving Co., Ltd for the amount of $34,001 for roadway pavement repairs associated with the Cedar Oak Mesa Water System Improvement Project. All voting "Aye". MOTION PASSED**

27146 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT CSJ #1754-02-019 FOR RM 1826 AT DARDEN HILL ROAD AND ADVANCE FUNDING AGREEMENT CSJ #1754-02-020 FOR RM 1826 AT FM 967 [T2-1146]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute the Advance Funding Agreement CSJ #1754-02-019 for RM 1826 at Darden Hill Road and Advance Funding Agreement CSJ #1754-02-020 for RM 1826 at FM 967 and authorize the County Judge to execute. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

AUTHORIZE THE COUNTY JUDGE TO SUBMIT A LETTER OF REQUEST FOR A FACILITY NEEDS ANALYSIS FROM THE TEXAS COMMISSION ON JAIL STANDARDS [T1-2300]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to submit a Letter of Request for a facility needs analysis from the Texas Commission on Jail Standards. Commissioner Ford and Judge Sumter voting "Aye". Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "No". **MOTION FAILED**

27147 ACCEPT A DATA REPORTING IMPROVEMENT PLAN PREPARED BY THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE [T2-1160]

The Hays County DA has prepared a Data Reporting Improvement Plan pursuant to HB 2730. The DA will be sending the plan to the Texas Department of Public Safety this week. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept a Data Reporting Improvement Plan prepared by the Hays County Criminal District Attorney's Office. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27148 AUTHORIZE THE COUNTY JUDGE TO SIGN A STATEMENT OF WORK FROM COLD SHOWER DESIGN FOR CONSULTING AND DESIGN SERVICES TO REVAMP THE COUNTY WEBSITE [T2-1174]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to sign a Statement of Work from Cold Shower Design for consulting and design services to revamp the County Website in an amount not to exceed $7500. All voting "Aye". MOTION PASSED

27149 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, COPS HIRING PROGRAM (CHP) FOR SUPPORT OF UP TO 5 NEW OFFICERS IN THE HAYS COUNTY SHERIFF'S OFFICE [T1-2101]

A motion was made by Judge Sumter seconded by Commissioner Conley to authorize the County Judge to submit a Grant Application to the U.S. Department of Justice, Office of Community Oriented Policing Services, COPS Hiring Program (CHP) for support of up to 5 new officers in the Hays County Sheriff's Office. All voting "Aye". MOTION PASSED

27150 AMEND CONSTABLE PCT 1 BUDGET [T2-1300]

Constable Pct 1 requires an addition $15 to reimburse his administrative assistant for meal expenses incurred while attending a Civil Process Course in New Braunfels on May 14th & 17th. A budget amendment is also need for a shortfall in telephone expenses. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to amend Constable Pct 1's budget as recommended by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

WORKSHOP – HAYS COUNTY STRATEGIC PLAN REVIEW [T2-140]

Chris Holtkamp, AICP Community and Economic Development with LCRA, spoke of meeting with citizens, elected officials and department heads. He gave a powerpoint presentation that reflected the purpose of the plan, plan topics, internal current activities, internal short term, internal mid term, water & wastewater, transportation, growth management, economic development, and quality of life issues. Dianne Wassenich (committee member) spoke of importance of the plan.

Court convened into closed meeting at 2:35 pm regarding the following executive session and reconvened into open meeting at 3:17 pm. No action was taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY WILLIAM MONTAGUE JR.

Court convened into closed meeting at 4:20 p.m. for the following executive sessions and reconvened into open meeting at 6:15 p.m. No action was taken

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EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING A REGIONAL SHOOTING SPORTS COMPLEX IN HAYS COUNTY

Clerk's Note: Jim Camp and Chris North were invited to this closed meeting in their capacity as members of the Parks & Open Space Advisory Board and J.B. Kolodzey as a partner & entity involved in the shooting sports complex.

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 JACOB'S WELL OPEN SPACE PROJECT

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING THE INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS FOR THE COMPLETION OF MCCARTY LANE AND FM110

San Marcos Mayor Susan Narvaiz made public comment regarding McCarty Lane completion prior to the court convening into closed meeting.

27151 DISCUSSION AND ACTION ON 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

Bob Hinkle (Broaddus & Associates) spoke of material testing proposals. He recommended contracting with Terracon. [T1-2259] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to select Terracon for material testing and authorize the County Judge to execute the contract once reviewed by legal counsel and program manager. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #40 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR was PULLED.* **No discussion and no action taken.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JUNE 8, 2010.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF JUNE 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**
GINA MENDOZA	**DEPUTY COUNTY CLERK**

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.

27152 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payments of county invoices in the amount of $ 2,099,470.66 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27153 APPROVE COMMISSIONER COURT MINUTES OF MAY 20 & 27 AND JUNE 8, 2010

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Commissioner Court Minutes of May 20 & 27 and June 8, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27154 ACCEPT DONATED FUNDS IN THE AMOUNT OF $1,050.00 TO THE SHERIFF'S OFFICE CRIME PREVENTION AND DEPOSIT INTO (SPECIAL PROJECTS) AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Barton, seconded by Judge Sumter to accept donated funds in the amount of $1,050 to the Sheriff's Office Crime Prevention and deposit into (Special Projects) and amend the budget accordingly. All voting "Aye". MOTION PASSED

27155 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SERVICE AGREEMENT RENEWAL WITH APPRISS FOR $30,710 FOR THE VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute the Service Agreement Renewal with Appriss for $30,710 for the Victim Information and Notification Everyday (VINE) Program. All voting "Aye". MOTION PASSED

27156 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RENEWAL OF THE SAVINS MAINTENANCE GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS FOR THE STATEWIDE VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) SYSTEM PROGRAM

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute Renewal of the Savins Maintenance Grant Contract with the Office of the Attorney General of Texas for the Statewide Victim Information and Notification Everyday (VINE) System Program. All voting "Aye". MOTION PASSED

27157 APPROVE CONTRACT FOR GREEN ACRES DRIVE REPLACEMENT BRIDGE IMPROVEMENTS AT WILSON CREEK AND AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Contract for Green Acres Drive replacement bridge improvements at Wilson Creek and authorize County Judge to execute Contract. All voting "Aye". MOTION PASSED

27158 APPROVE RECOMMENDED SELECTION OF PSC ENVIRONMENTAL SERVICES HOUSTON LLC FOR THE RFP 2010-P08 HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve recommended selection PSC Environmental Services Houston LLC for the RFP 2010-P08 Household Hazardous Waste Collection Event. All voting "Aye". MOTION PASSED

27159 APPOINT COMMISSIONER CONLEY AS THE HAYS COUNTY REPRESENTATIVE TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION AND CONTINUE THE APPOINTMENT OF COMMISSIONER BARTON AS THE ALTERNATE EFFECTIVE JUNE 15, 2010

A motion was made by Commissioner Barton, seconded by Judge Sumter to appoint Commissioner Conley as the Hays County Representative to the Capital Area Metropolitan Planning Organization and continue the appointment of Commissioner Barton as the Alternate effective June 15, 2010. All voting "Aye". MOTION PASSED

27160 AUTHORIZE THE COUNTY JUDGE TO APPROVE PROPOSED ANNUAL RENEWAL APPLICATION FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS FUNDING FOR FY 2011

County Auditor Bill Herzog advised that the actual amount is $160,859 with $15,422 county in-kind contribution. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to approve proposed Annual Renewal Application for Public Health Emergency Preparedness Funding for FY 2011. All voting "Aye". MOTION PASSED**

27161 CALL FOR A PUBLIC HEARING ON JUNE 29, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON ONION CREEK RANCH ROAD [T1- 136]

RPTP Director Jerry Borcherding advised that the proposed traffic regulation is a "No Parking" zone at the dead-end/cul-de-sac portion of the road. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 29, 2010 to establish traffic regulations on Onion Creek Ranch Road. All voting "Aye". MOTION PASSED**

27162 CALL FOR A PUBLIC HEARING ON JUNE 29, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN HERITAGE OAKS SUBDIVISION [T1-147]

RPTP Director Jerry Borcherding advised that the proposed traffic regulation is a "No Parking" zone on Heritage Oaks Drive on the east side of the road just north of the intersection with SH 290. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 29, 2010 to establish traffic regulations in Heritage Oaks Subdivision. All voting "Aye". MOTION PASSED**

27163 CALL FOR A PUBLIC HEARING ON JUNE 29, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN DEER CREEK SUBDIVISION [T1-158]

RPTP Director Jerry Borcherding advised that the proposed traffic regulation is to establish a STOP sign on Green Oak Drive at Deer Creek Circle. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 29, 2010 to establish traffic regulations in Deer Creek Subdivision. All voting "Aye". MOTION PASSED**

27164 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR RIM ROCK SUBDIVISION, PHASE 2 SECTION 2 AND PHASE 3 SECTION 2 [T1-188]

RPTP Director Jerry Borcherding gave staff recommendation for release and acceptance as presented. **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 2 Section 2 and Phase 3 Section 2. All voting "Aye". MOTION PASSED**

27165 **RE-SUBDIVISION OF LOT 63, ROLLING OAKS SUBDIVISION, SECTION 3** (#10-7-4, 4 LOTS) **APPROVAL OF FINAL PLAT** [T1-212]

Clint Garza (Programs Manager Development Services) gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to approve final plat of resubdivision of Lot 63 Rolling Oaks Subdivision Section 3. All voting "Aye". MOTION PASSED**

27166 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROJECT GRANT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR SECTION 5310 FUNDING IN THE AMOUNT OF $74,640.00 FOR THE HAYS COUNTY VETERANS AFFAIRS OFFICE** [T1-250]

Grants Administrator Jeff Hauff spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute a Project Grant Agreement with the Texas Department of Transportation for Section 5310 funding in the amount of $74,640 for the Hays County Veterans Affairs Office. All voting "Aye". MOTION PASSED**

27167 **AUTHORIZE REIMBURSEMENT FROM BOND PROCEEDS TO THE GENERAL FUND FOR EXPENSES INCURRED FOR THE GOVERNMENT CENTER PRIOR TO THE ISSUANCE OF THE DEBT** [T1-501]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize reimbursement from Bond Proceeds to the General Funds for expenses incurred for the Government Center prior to the issuance of the debt. All voting "Aye". MOTION PASSED

27168 **AUTHORIZE THE EMPLOYMENT OF A TEMPORARY EMPLOYEE AS A DEPUTY CONSTABLE IN PRECINCT 5 WHILE AN EXISTING DEPUTY CONSTABLE IS ON EXTENDED LEAVE** [T1-431]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the employment of Jason Payne as a temporary employee/Deputy Constable in Precinct 5 while an existing Deputy Constable is on extended leave to be paid out of the temporary employment line item in the countywide operating budget. All voting "Aye". MOTION PASSED

27169 **APPROVE PURCHASE OF A LTI 20-20 ULTRALYTE LRB (LASER RADAR GUN) FOR BENEFICIAL USE IN NORTHWEST HAYS COUNTY BY DEPT OF PUBLIC SAFETY TROOPERS AND BY SHERIFF OFFICE TRAFFIC DEPUTIES ASSIGNED TO PCT. 4 AREA** [T1-49]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve purchase of a LTI 20-20 Ultralyte LRB (Laser Radar Gun) for beneficial use in Northwest Hays County by Department of Public Safety Troopers and by Sheriff's Office Traffic Deputies assigned to the Precinct 4 area in the amount of $2,695. All voting "Aye". MOTION PASSED

27170 **ALLOW THE HAYS COUNTY 4H HORSE PROJECT TO USE THE CIVIC CENTER AND WAIVE THE FACILITY FEES** [T1-1914]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to allow the Hays County 4H Horse Project to use the Civic Center one weekend in July and one weekend in August and waive the facility fees. All voting "Aye". MOTION PASSED

27171 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ANCHONDO RESEARCH MANAGEMENT & STRATEGIES (ARMS) FOR ASSISTANCE WITH COMMUNITY OUTREACH AND EDUCATION MEETINGS WITH THE RESIDENTS OF THE HILLSIDE TERRACE SUBDIVISION AND APPROVE A ONE-TIME WAIVER OF COUNTY PURCHASING POLICY** [T1-1972]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement with Anchondo Research Management & Strategies (ARMS) for assistance with Community Outreach and Education meetings with the residents of the Hillside Terrace Subdivision and approve a one-time waiver of County Purchasing Policy with funds to come out of the Countywide Consulting line item. All voting "Aye". MOTION PASSED

27172 AUTHORIZE THE PARK AND OPEN SPACE COMMITTEE AND THE PARKS DEPARTMENT STAFF TO DEVELOP AN RFQ TO RE-WRITE AND EVALUATE HAYS COUNTY'S PARKS AND OPEN SPACE PLAN [T1-373]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the Park and Open Space Committee and the Parks Department Staff to develop an RFQ to re-write and evaluate Hays County's Parks and Open Space Plan. All voting "Aye". MOTION PASSED

27173 APPROVE BID ALTERNATES AND A COST SAVINGS INCENTIVE PLAN WITH BALFOUR BEATTY FOR THE HAYS COUNTY GOVERNMENT CENTER [T1-611]

Bob Hinkle and Brenda Jenkins (Broaddus & Associates) spoke. [T1-1244] **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to award FFE Design/Bid Documentation to HDR and to proceed with implementation of the project web cam (already budgeted). All voting "Aye". MOTION PASSED** [T1-1252] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to proceed with the Design/Bidding for the Salleyport Canopy over the parking area not to exceed $108,302.00. Commissioner Ingalsbe, Commissioner Barton, and Judge Sumter voting "Aye". Commissioner Conley and Commissioner Ford voting "No". MOTION PASSED** [T1-1337] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to proceed with the Design/Bidding of the empty conduits for Solar Feeds. All voting "Aye". MOTION PASSED** [T1-1349] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to proceed with Design/Bidding for the Stormwater Collection/Detention System. MOTION WITHDRAWN Discussion was had regarding the cost savings incentive plan – would be a split between Hays County and Balfour Beatty on any savings in the general conditions and the design/build contingencies. [T1-1700] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner to Conley to approve a cost savings incentive plan with Balfour Beatty for the Hays County Government Center (75%-25% split on General Conditions and 80%-20% split on Design/Build Contingencies). All voting "Aye". MOTION PASSED**

27174 APPROVE SPECIFICATIONS AND AUTHORIZE BROADDUS AND ASSOCIATES AND/OR HAYS COUNTY PURCHASING TO SOLICIT REQUEST FOR QUALIFICATION FOR COMMISSIONING SERVICES FOR THE HAYS COUNTY GOVERNMENT [T1-1800]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve specifications and authorize Broaddus and Associates and/or Hays County Purchasing to solicit request for Qualification for Commissioning Services for the Hays County Government Center which includes mechanical, electrical, HVAC (including supply air and exhaust air), environmental control and testing, adjusting and balancing services. All voting "Aye". MOTION PASSED

27175 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CLINICAL COMPETENCY AGREEMENT AND CLINICAL EXTERNSHIP AGREEMENT BETWEEN HAYS COUNTY AND KAPLAN UNIVERSITY [T1-2393]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute a Clinical Competency Agreement and Clinical Externship Agreement between Hays County and Kaplan University. All voting "Aye". MOTION PASSED

27176 ACCEPT SURPLUS ROW FROM THE STATE OF TEXAS [T1-2406]

The surplus property is a drainage easement located on the southwest corner of the CR210 bridge and a corner clip on the northwest corner of IH 35 and CR210. **A motion was made by Commissioner Barton, seconded by Judge Sumter to accept surplus ROW from the State of Texas. All voting "Aye". MOTION PASSED**

27177 ALLOW DOUBLE FILL THE ADMINISTRATIVE ASSISTANT II POSITION IN THE FAMILY JUSTICE DIVISION OF THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE POSITION FOR A PERIOD NOT TO EXCEED 5 WEEKS [T1-2638]

Through attrition the DA's office will have the salary savings to cover the shortage. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to allow the double fill of the Administrative Assistant II position in the Family Justice Division of the Hays County Criminal District Attorney's Office position for a period not to exceed 5 weeks. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Commissioner Ford voting "Aye". Judge Sumter voting "No" MOTION PASSED**

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-625]

Bob Hinkle (Broaddus & Associates) spoke of calendar.

Clerk's Note: Agenda Item #28 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

INSTRUCT STAFF TO REQUEST THAT THE CITY OF SAN MARCOS CEASE CONSTRUCTION ACTIVITIES ON FM 110/MCCARTY LANE UNTIL THEY COME INTO COMPLIANCE WITH THE AGREED UPON TERMS OF THE INTERLOCAL AND FIRST AMENDMENT AGREEMENT BETWEEN THE CITY OF SAN MARCOS, TEXAS AND HAYS COUNTY FOR THE COMPLETION OF THE MCCARTY LANE AND FM 110 (SAN MARCOS LOOP) ROADWAY IMPROVEMENT PROJECTS DATED APRIL 29, 2008 AND FIRST AMENDMENT DATED ON OR ABOUT JANUARY 12, 2010 [T1-2930]

A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to table this item. Motion was withdrawn (rescinded). No action taken this date. Commissioner Ingalsbe spoke of meeting with TxDot and the City of San Marcos. TxDot supports our position and she requested that she be allowed to continue to deal with this issue. Judge Sumter spoke of terms of interlocal agreement with the City of San Marcos and need to address the terms. Commissioner Ingalsbe spoke of need to hear from the Feds to see if action by the City of San Marcos will affect reimbursement to the County. Judge Sumter had concern that the City of San Marcos failed to get TxDot approval of design and a letter from the Federal Government to move forward without federal environmental clearance. Commissioner Ingalsbe spoke of need to get a firm answer from the Feds – this should not affect our reimbursement. The City of San Marcos has invested over $9 million into the project. Commissioner Ford requested that the minutes reflect that "if it is a portion then we offset it by not issuing that debt".

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JUNE 15, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29TH DAY OF JUNE 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27178 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,569,964.40 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27179 APPROVE COMMISSIONER COURT MINUTES OF JUNE 15, 2010

Commissioner Ingalsbe requested that the minutes be amended. Need to reflect that Judge Sumter was concerned that the City of San Marcos failed to TxDot approval of design and a letter from the Federal Government to move forward without federal environmental clearance. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of June 15, 2010 as amended. All voting "Aye". MOTION PASSED**

27180 AUTHORIZE THE COUNTY JUDGE TO REQUEST FUNDS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS ASSOCIATED WITH UNCLAIMED CAPITAL CREDITS RECEIVED FROM ELECTRIC COOPERATIVES AND TO CERTIFY THAT USE OF THE FUNDS WILL BE FOR A PROGRAM AS SPECIFIED UNDER LOCAL GOVERNMENT CODE, SECTION 381.004

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to request funds from the Texas Comptroller of Public Accounts associated with Unclaimed Capital Credits received from Electric Cooperatives and to certify that use of the funds will be for a program as specified under Local Government Code, Section 381.004 for a program as specified under Local Government Code, Section 381.004. All voting "Aye". MOTION PASSED

27181 RATIFY SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FY10 COPS TECHNOLOGY PROGRAM FOR UP TO $40,000.00 FOR REPLACEMENT OF THE RADIO COMMUNICATIONS SYSTEM IN THE COUNTY JAIL

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to ratify submission of a Grant Application to the U.S. Department of Justice Office of Community Oriented Policing Services FY10 Cops Technology Program for up to $40,000 for replacement of the radio communications system in the County Jail. All voting "Aye". MOTION PASSED

27182 AUTHORIZE USE OF COUNTYWIDE SELF INSURANCE TO FUND PARTIAL COST OF PURCHASING A REPLACEMENT VEHICLE IN THE SHERIFF'S OFFICE

T1-98 County Auditor Bill Herzog mentioned another vehicle in the Sheriff's Office was wrecked and wanted to include it with this item but was told it was taken care within the Department. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize use of Countywide Self Insurance to fund partial cost of purchasing a replacement vehicle in the Sheriff's Office. All voting "Aye". MOTION PASSED**

27183 APPROVE BUDGET AMENDMENT FOR JUSTICE OF THE PEACE 1-2

Budget amendment: transfer $163 from office supplies line item and $162 from postage into continuing education . Additional funds are needed for Judge Hernandez to attend the Texas Justice Court Judges Association conference. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve budget amendment for Justice of the Peace 1-2 as requested. All voting "Aye". MOTION PASSED**

27184 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH MILLIMAN, INC. TO PROVIDE ACTUARIAL EQUIVALENCE TESTING FOR THE RETIREE DRUG SUBSIDY (RDS)

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into a Contract with Milliman, Inc. to provide actuarial equivalence testing for the Retiree Drug Subsidy (RDS). All voting "Aye". MOTION PASSED

27185 APPROVE ON-LINE AUCTION WITH RENE BATES AUCTIONEERS FOR THE DISPOSAL OF SURPLUS, SEIZED, WRECKED AND ABANDONED VEHICLES FOR THE SHERIFF'S DEPARTMENT AND AUTHORIZE PURCHASING TO SET DATE AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve on-line auction with Rene Bates Auctioneers for the disposal of surplus, seized, wrecked and abandoned vehicles for the Sheriff's Department and authorize purchasing to set date and advertise. All voting "Aye". MOTION PASSED

27186 APPROVE RENEWAL OF EXISTING BID #2006-B17 "FURNISH AND INSTALL GUARDRAIL" WITH ROADWAY SPECIALTIES INC. FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of existing bid #2006-B17 "Furnish and install Guardrail" with roadway Specialties Inc. for one additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

27187 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN DEER CREEK SUBDIVISION [T1-148]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation. This will establish a stop sign on Green Oak Drive at Deer Creek Circle. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of STOP sign on Green Oak Drive at Deer Creek Circle in the Deer Creek Subdivision. All voting "Aye". MOTION PASSED**

27188 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HERITAGE OAKS SUBDIVISION [T1-135]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation. This will establish a "No Parking Zone" on Heritage Oaks Drive on the East side of the road just north of the intersection with SH 290. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of "No Parking Zone" on Heritage Oaks Drive on the east side of the road just north of the intersection with SH 290 in the Heritage Oaks Subdivision. All voting "Aye". MOTION PASSED**

27189 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON ONION CREEK RANCH ROAD [T1-159]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation. This will establish a "No Parking Zone" at the dead-end cul-de-sac portion of the road. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of "No Parking Zone" at the dead-end cul-de-sac portion of Onion Creek Ranch Road. All voting "Aye". MOTION PASSED**

27190 ACTION REGARDING COUNTY MAINTENANCE RESPONSIBILITIES FOR ROW ALONG THE PORTION OF BELL SPRINGS ROAD THAT RUNS ATOP THE LENGTH OF RIVER OAKS RANCH DAM [T1-175]

A recent TCEQ inspection of the River Oaks Ranch Dam concluded that the dam is in poor condition. Commissioner Ford spoke of question of ownership – the HOA advised that they do not pay taxes on the property and they claim no ownership to the land under the road. She feels like the county should maintain the dam. RPTP Director Jerry Borcherding spoke of cost to repair the dam would exceed $200,000. **A motion was made by Commissioner Ford, seconded by Commissioner Conley that the County will pursue the fixing of the dam and to will seek an engineer that has dam structural experience for the River Oaks Ranch Dam and will bring this back to the Court. All voting "Aye". MOTION PASSED**

27191 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR THE VINEYARD SUBDIVISION, PHASE 1 [T1-399]

RPTP Director Jerry Borcherding gave staff recommendation to release bond and accept for county maintenance. **A motion was made by Commissioner Ford, seconded by Judge Sumter to release the Maintenance Bond and accept for Maintenance all road and drainage improvements within county ROW for the Vineyard Subdivision Phase 1. All voting "Aye". MOTION PASSED**

CLERK'S NOTE: AGENDA ITEM #15 RE: *AMENDED PLAT OF LOTS 130, 154, AND 155 OF WIMBERLEY CAMPFIRE #2, SECTION 3 [10-3-10 – 3 LOTS] WAIVE PRELIMINARY PLAN AND NOTIFICATION REQUIREMENTS GRANT A VARIANCE FROM SECTION 10.1 OF HAYS COUNTY OSSF REGULATIONS AND APPROVE FINAL PLAT* **WAS PULLED.**

27192 REVISED PLAT OF 159A AND 159B, SPRINGLAKE SUBDIVISION [10-3-11 – 2 LOTS] **WAIVE PRELIMINARY PLAN AND NOTIFICATION REQUIREMENTS AND APPROVE FINAL PLAT** [T1-2735]

Programs Manager/Development Services Clint Garza spoke of property owner wanting to reconfigure the lots – he gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan and notification requirements and approve final plat of revised plat of lots 159A and 159B Springlake Subdivision. All voting "Aye". MOTION PASSED**

27193 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES WORK AUTHORIZATION NO.5 TO THE PROFESSIONAL SERVICES AGREEMENT WITH JACOBS CARTER BURGESS [T1-417]

Jeff Watson spoke of modifications and additional survey services regarding the northern segment of FM 1626. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract for engineering services Work Authorization No. 5 to the Professional Services Agreement with Jacobs Carter Burgess. All voting "Aye". MOTION PASSED**

27194 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REDISTRICTING AGREEMENT BETWEEN HAYS COUNTY AND ROLANDO L. RIOS & ASSOCIATES, PLLC [T2-1620]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Redistricting Agreement between Hays County and Rolando L. Rios & Associates, PLLC. All voting "Aye". MOTION PASSED

27195 WAIVE DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY [T2-1626]

A motion was made by Commissioner Conley, seconded by Judge Sumter to waive development fees for the Wimberley Valley Habitat for Humanity. All voting "Aye". MOTION PASSED

CLERK'S NOTE: AGENDA ITEM #20 RE: *ALLOW COMMISSIONER FORD TO NEGOTIATE A PROFESSIONAL SERVICES CONTRACT WITH RAMSEY ENGINEERING, LLC FOR FEASIBILITY STUDY AND ENGINEERING DESIGN OF IMPROVEMENTS TO ELDER HILL ROAD* **WAS PULLED.**

27196 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FOLLOWING (REVISED) ADVANCE FUNDING AGREEMENTS CSJ#1754-02-017 RM 1826 AT NUTTY BROWN RD. AND CSJ#1754-02-018 RM 1826 AT GOLDENWOOD [T2-1634]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute the following (revised) Advance funding Agreements CSJ #1754-02-017 RM 1826 at Nutty Brown Road and CSJ #1754-02-018 RM 1826 at Goldenwood. All voting "Aye". MOTION PASSED

27197 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT CSJ #0683-03-031 FOR RR 12 AT SPORTS PARK DRIVE [T2-1645]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute the Advance funding Agreement CSJ #0683-03-031 for RR 12 at Sports Park Drive. All voting "Aye". MOTION PASSED

27198 PUBLISH NOTICE AND CALL FOR PUBLIC HEARING FOR A PROPOSAL TO IMPROVE A PRIVATE ROAD IN PRECINCT 2 -- INDIAN CREEK ROAD ALSO KNOWN AS INDIAN CREEK LANE TO COUNTY STANDARDS; TO ACCEPT THE ROAD FOR PUBLIC MAINTENANCE; AND TO ASSESS ALL OR PART OF THE COSTS FOR THE IMPROVEMENT PRO RATA AGAINST THE RECORD OWNERS OF REAL PROPERTY IN THE ADJOINING SUBDIVISION, PENDING THE OUTCOME OF BALLOTING WITHIN THE SUBDIVISION [T1-2835]

RPTP Director Jerry Borcherding spoke of possible need for survey to determine right-of-way (approx. $10,000). The estimated cost for improvements is $107,000. Road = 3,020 linear feet of roadway with approximately 6-7 property owners. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to request County Clerk to publish Notice and call a public hearing for a Proposal to improve a private road in precinct 2 – Indian Creek Road also know as Indian Creek Lane – to county standards; to accept the road for public maintenance; and to assess all or part of the costs for the improvement pro rate against the records owners of real property in the adjoining subdivision; pending the outcome of balloting within the subdivision in an amount not to exceed $117,000. All voting "Aye". MOTION PASSED**

27199 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MOTOR VEHICLE LICENSE REGISTRATION POINT OF SALE EQUIPMENT LEASE AGREEMENT BETWEEN HAYS COUNTY, THE HAYS COUNTY TAX ASSESSOR/COLLECTOR AND HEB GROCERY COMPANY, LP [T1-3144]

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to execute a Motor Vehicle License Registration Point of Sale Equipment Lease Agreement between Hays County, the Hays County Tax Assessor/Collector and HEB Grocery Company, LP. All voting "Aye". MOTION PASSED

27200 ACTION REGARDING THE ESTABLISHMENT OF A CRIMINAL JUSTICE COORDINATING COMMITTEE FOR THE PURPOSE OF REVIEWING AND IMPLEMENTING RECOMMENDATIONS FROM THE CRIMINAL JUSTICE SYSTEM ASSESSMENT AND JAIL POPULATION STUDY FOR HAYS COUNTY AND CONSIDER A PROPOSAL BY MGT OF AMERICA, INC., TO ACT AS A FACILITATOR FOR THE COUNTY IN THIS EFFORT [T1-3233]

Natasha Wagner (MGT of American Inc.) spoke of creating a Criminal Justice Coordinating Committee which would help the county capitalize on the momentum created by the stakeholders' involvement in the criminal justice system assessment. MGT would facilitate the establishment of the committee and creation of its formal structure. Cost for assistance with creation of a Criminal Justice Coordinating Committee and facilitation of the prioritization process for the assessment report's recommendation is $22,000. Judge Sumter suggested using the Tarrant County model – create a committee and let them proceed on their own. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to accept proposal for the second phase of work between MGT and Hays County and authorize Commissioner Barton to work with Special Counsel Mark Kennedy and MGT to develop a contract for execution by the County Judge with MGT of America Inc. and to report back to the court in regards to formation of the Criminal Justice Coordinating Committee. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

27201 APPOINT TOM WEBER AND MICHAEL AULICK TO THE BOARD OF THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT [T2-1656]

A motion was made by Commissioner Ford, seconded by Judge Sumter to appoint Tom Weber and Michael Aulick to the Board of the Driftwood Economic Development Municipal Management District. All voting "Aye". MOTION PASSED

27202 APPROVE ADD ALTERNATES SUBMITTED BY BALFOUR BEATTY FOR THE HAYS COUNTY GOVERNMENT CENTER, SPECIFICALLY (A) A STORM WATER COLLECTION STUDY, (B) THE PLACEMENT OF CONDUIT TO FUTURE ELECTRIC CAR RECHARGING PARKING LOCATIONS, AND (C) THE PLACEMENT OF CONDUITS FOR POWER TO PLAZA FOR EXTERIOR LOADS (MAINTENANCE WORK, HOLIDAY LIGHTING, ETC.) [T1-1733]

Bob Hinkle (Broaddus & Associates) spoke of request for Change Order 11 for providing 120v power to the front Plaza area for maintenance and other uses (design documentation cost is $3,112.02) and Change Order 11 for future (4 assumed) electric car charging stations in front parking area (design documentation cost is $3,363.61). He also spoke of "Stormwater Collection for Irrigation that would also collect Condensation" from the air conditioning system, and propose reversing the focus based on calculations to consider "Condensation Collection for Irrigation that would also Collect Stormwater" – cost savings per year is predicted to be $9,412/yr per City of San Marcos commercial rates for irrigation without sewerage (design documentation cost is $13,560). Court would like to see estimated construction costs for stormwater collection before voting on design documentation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Ad Alternates submitted by Balfour Beatty for the Hays County Government Center, specifically the placement of conduit for future electric car recharging parking locations and placement of conduits for power to plaza for exterior loads with design documentation costs of $6,475.63. All voting "Aye". MOTION PASSED**

27203 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT CSJ #0285-02-012 FOR FM 2325 – FISCHER STORE ROAD TO CARNEY LANE [T2-1690]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute the Advanced Funding Agreement CSJ #0285-02-012 for FM 2325 – Fischer Store Road to Carney Lane. All voting "Aye". MOTION PASSED

27204 ACTION TO RATIFY THE EXECUTION OF THE ADVANCE FUNDING AGREEMENT FOR FM 2001 REALIGNMENT, CSJ #1776-02-015 [T2-1698]

A motion was made by Judge Sumter, seconded by Commissioner Barton to ratify the execution of the Advance Funding Agreement for FM 2001 Re-alignment. All voting "Aye". MOTION PASSED

27205 ACTION TO TRANSFER $10,000.00 FROM THE COUNTY-WIDE CONTINGENCY FUND TO THE DISPUTE RESOLUTION CENTER ACCOUNT [T1-855]

Anna Bartkowski gave a powerpoint presentation. She spoke of phone calls being received, referrals being made and mediations since January 2010. Walter Wright spoke of financial aspects of the DRC and he spoke of the DRC's benefit to the county. Anna Bartkowski requested additional funding to carry them through the fiscal year. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve transfer of $10,000 from the countywide consultant line item to the Dispute Resolution Center Account. All voting "Aye". MOTION PASSED**

27206 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HRM CONSULTANTS, INC. [T2-1715]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Contract for Engineering Services Supplemental Agreement No. 1 to the Professional Services Agreement with HRM Consultants Inc. All voting "Aye". MOTION PASSED

27207 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA) UNDER THE FY10 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS PROGRAM FOR EQUIPMENT FOR THE DISTRICT ATTORNEY'S OFFICE IN THE AMOUNT OF $12,342 [T1-3165]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to submit a Grant Application to the U.S. Department of Justice, Bureau of Justice Assistance (BJA) under the FY10 Edward Byrne Memorial Justice Assistance Grants Program for equipment for the District Attorney's Office in the amount of $12,342.00. All voting "Aye". MOTION PASSED

CLERK'S NOTE: AGENDA ITEM #33 RE: *DISCUSSION AND POSSIBLE ACTION TO ADOPT THE HAYS COUNTY STRATEGIC POLICY AND IMPLEMENTATION PLAN* **WAS PULLED. NO DISCUSSION AND NO ACTION TAKEN**

PRESENTATION FROM HDR ENGINEERING TO REVIEW STATUS OF THE HAYS COUNTY WATER AND WASTEWATER REGIONAL FACILITIES PLAN [T2-632]

Tony Bagwell (HDR Engineering) gave a status report regarding the Hays County Water and Wastewater Facilities Plan. Next steps are to model forecasts being vetted with regional/local utilities; public meeting in Dripping Springs in mid-July; draft report to TWDB, County and other stakeholders in early August; public meeting in Wimberley in mid-August; and final report to TWDB, County and others in mid-September.

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 [T1-1743]

Bob Hinkle (Broaddus & Associates) spoke.

CLERK'S NOTE: AGENDA ITEM #36 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **WAS PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JUNE 29, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF JULY 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27208 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,235,157.09 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27209 APPROVE COMMISSIONER COURT MINUTES OF JUNE 29, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of June 29, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27210 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A GRANT AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR THE FY2010 EMERGENCY MANAGEMENT PERFORMANCE GRANT, IN THE AMOUNT OF $22,000.00

The grant has been awarded in the amount of $22,000 and will provide funding for a portion of the salary and benefits for the EMC. This amount must be matched at least equally by the County, which is accomplished by the annual budgeting process for the EMC position. This grant funding has been received in previous years for support of the Emergency Management office. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to accept and execute a Grant Agreement with the Texas Department of Public Safety, Division of Emergency Management for the FY2010 Emergency Management Performance Grant, in the amount of $22,000. All voting "Aye". MOTION PASSED**

27211 APPROVE SPECIFICATIONS FOR IFB #2010-B18 "CONCRETE CONTRACTOR FOR THE HAYS COUNTY ROAD DEPARTMENT" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for IFB #2010-B18 "Concrete Contractor for the Hays County Road Department" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

27212 AUTHORIZE THE COUNTY AUDITOR TO AMEND DEPARTMENTAL BUDGETS FOR FUEL AS NEEDED FOR THE REMAINDER OF FY10, NOT TO EXCEED $244,980

The Court set aside $244,980 in County-Wide budget for FY09-10, due to the increased prices of fuel & added usage for some, additional funds are needed for some departments through the remainder of FY10. County Auditor Bill Herzog requested permission to add R&B Dept. $45,000 to the fuel line item from the insurance line item. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Auditor to amend departmental budgets for fuel as needed for the remainder of FY10, not to exceed $244,980. All voting "Aye". MOTION PASSED**

27213 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT ONE TO CONTRACT NO. 728190 WITH THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT

Amendment One will extend the grant contract termination date from June 22, 2010 to September 21, 2010. This will allow the cost of pavement repairs to be covered with the grant funds awarded to the project. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Amendment One to Contract No 728190 with the Texas Department of Rural Affairs for the Cedar Oak Mesa Water System Improvement Project. All voting "Aye". MOTION PASSED**

27214 APPROVE PAYMENT OF AN INVOICE FROM ENVIROSOPH TECHNOLOGIES, LP FOR REPAIRS MADE AT THE YORK CREEK RD, LOW-WATER CROSSING EARLY WARNING SYSTEM, NOT TO EXCEED $4,035.00 [T1-71]

Envirosoph Technologies, LP recently repaired the electronics at the York Creek Road location, which was damaged and not functioning due to a lightning strike in a storm during the week of June 7, 2010. Sensor boards and equipment connections were replaced and that location is now operational. Currently, there are no funds available in line item 020-710-00-5411 (Equipment Maintenance & Repair) for these repairs. The RPTP Dept/Transportation Division is looking for emergency funds for this repair. County Auditor Bill Herzog suggested taking funds out of the self insurance line item. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of an invoice from Envirosoph Technologies, LP for repairs made at the York Creek Road, low-water crossing early warning system, not to exceed $4,03 from the self insurance line item. All voting "Aye". MOTION PASSED**

27215 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF AGREEMENT (MOA) BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND HAYS CALDWELL COUNCIL ON ALCOHOL AND DRUG ABUSE (HCCADA) [T1-97]

The purpose of this MOA is to formalize the existing relationship between the PHD and HCCADA to provide mental health counseling to first responders after an emergency preparedness event. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Memorandum of Agreement (MOA) between Hays County Personal Health Department PHD) and Hays Caldwell Council on Alcohol and Drug Abuse (HCCADA). All voting "Aye". MOTION PASSED**

27216 AUTHORIZE COUNTY STAFF TO PURSUE AND NEGOTIATE A PROFESSIONAL SERVICES CONTRACT WITH URS CORPORATION IN AN AMOUNT NOT TO EXCEED $4,332 FOR THIRD PARTY REVIEW OF MS4 PHASE II STORM WATER QUALITY PROGRAM DOCUMENT DRAFT [T1-104]

A Storm Water Management Program draft document has been prepared by staff to meet the regulatory requirements of the Texas Pollutant Discharge Elimination Program (TPDES) Phase II General Storm Water Permit TXR040000 for storm water discharges from Small separate Storm Sewer Systems (MS4s). A portion of Hays County falls within the Austin "Urbanized Area", as determined by the U.S. Bureau of Census, and must obtain authorization under this permit for the discharge of pollutants in storm water runoff. Approval will allow for third party review of document and SWMP final draft will be brought back to court for consideration before submission of document and Notice of Intent to TCEQ. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize county staff to negotiate a Professional Services Contract, along with the County Judge, and furthermore to authorize the County Judge to execute contract with URS Corporation, a pre-certified firm, in an amount not to exceed $4,332 for third party review of MS4 Phase II Storm Water Quality Program Document Draft. All voting "Aye". MOTION PASSED**

27217 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF AGREEMENT (MOA) BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) [T1-164]

DSHS requests the execution of this MOA so that if needed, DSHS may borrow or utilize Emergency Preparedness staff, supplies and equipment during an emergency event. According to the MOA, DSHS will reimburse the PHD for any services used according to the projected budget submitted with the MOA. This MOA will be in effect through June 30, 2011. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Memorandum of Agreement (MOA) between Hays County Personal Health Department (PHD) and Texas Department of State Health Services (DSHS). All voting "Aye". MOTION PASSED**

27218 AUTHORIZE THE GRANTS ADMINISTRATION AND EMERGENCY MANAGEMENT DEPARTMENTS TO PROCEED WITH INITIAL PLANNING EFFORTS FOR REVISION OF THE COUNTY HAZARD MITIGATION PLAN [T1-190]

This request is to authorize response to the included e-mail to request pre-award cost approval so that the planning process may proceed on the expectation of future reimbursement through grant funds. In addition to also proceed with development of a Request for Proposals to enlist consultant services for preparation of the plan, which will be placed on a future Court Agenda for approval, and to secure commitments from local partners for contributions to complete the plan revisions. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the Grants Administration and Emergency Management Departments to proceed with initial planning efforts for revision of the County Hazard Mitigation Plan. All voting "Aye". MOTION PASSED**

27219 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL #2 TO THE PROFESSIONAL SERVICES AGREEMENT AND SUPPLEMENTAL #3 TO WORK AUTHORIZATION NO.1 WITH URS [T1-249]

URS is the Design Engineer for the RM 15 Realignment; Work Authorization Supplemental #2 to the PSA and Supplemental #3 to Work Authorization #1 will allow for the completion of: 1) additional archeological work within portion of prehistoric archeological site 2) utility coordination for the relocation of existing utilities 3) redesign of storm sewer system within vicinity of retaining walls per TxDOT request 4) addition of driveway curb cut to accommodate driveway access to property owner per County request. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Contract for Engineering Services Supplemental #2 to the Professional Services Agreement and Supplemental #3 to Work Authorization No. 1 with URS on FM150 and IH35. All voting "Aye". MOTION PASSED**

27220 AWARD THE DACY LANE CONSTRUCTION CONTRACT TO CAPITAL EXCAVATION INC. IN THE AMOUNT OF $5,724,468.14 [T1-314]

The Engineer's estimate for the Dacy Lane project was $8.2 million and we have come in 30% below that number with the low bid. There were five bids that were submitted for this project and after review for completeness and accuracy, recommend the bid be awarded to Capital Excavation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to award the Dacy Lane Construction Contract to Capital Excavation Inc. in the amount of $5,724,468.14. All voting "Aye". MOTION PASSED**

27221 APPROVE THE SELECTION OF AN ENERGY AUDITING FIRM IN RESPONSE TO RFQ #2010-P14 "PROFESSIONAL ENERGY AUDIT/ANALYSIS" AS RECOMMENDED BY THE REVIEW COMMITTEE AND AUTHORIZE COMMISSIONER FORD TO NEGOTIATE A CONTRACT [T1-399]

Nine proposals were received in response to Request for Qualifications (RFQ) No. 2010-P14, "Professional Energy Audit/Analysis" for a firm to conduct energy audits of County buildings under a grant from the State Energy Conservation Office. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve the selection of an Energy auditing firm in response to RFQ #2010-P14 "Professional Energy Audit/Analysis" as recommended by the review committee and authorize Commissioner Ford to negotiate a Contract to be brought back to the court for approval. All voting "Aye". MOTION PASSED**

27222 APPROVE OUT OF STATE TRAINING TRAVEL TO CORONADO, CALIFORNIA FOR MARISOL ALONZO, VICKIE WILHELM, ANDREA SOTO, & KIMBERLI HOELLE (AUDITOR'S OFFICE), BRITNEY RICHEY, LAURA JUAREZ (TREASURER'S OFFICE), SUSAN DAVIS, AND SHARI MILLER (HUMAN RESOURCES OFFICE), AND AMEND THE BUDGET ACCORDINGLY [T1-450]

The New World Financial Systems is holding its Executive Customer Conference on September 12-14, 2010. The conference sessions will provide the opportunity to schedule one-on-one training sessions to address issues and questions we have about the software. The session will include hands-on training labs. The NWS will be replacing their Human Resources package with a Next Generation package which will be highlighted at the conference. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve out of state training travel to Coronado, California for Marisol Alonzo, Vickie Wilhelm, Andrea Soto & Kimberli Hoelle (Auditor's Office), Britney Richey, Laura Juarez (Treasurer's Office), Susan David & Shari Miller (Human Resources Office) and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27223 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CLOSING DOCUMENTS ASSOCIATED WITH ROW ACQUISITION OF PARCELS 12, 18, AND 19 ON RR12

[T1-460] The court convened into closed executive session at 9:32 a.m. and reconvened into open meeting at 9:55 a.m. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute closing documents associated with ROW Acquisition of Parcels 12, 18 and 19 on RR12. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

27224 AMEND THE ESD OPERATING BUDGET TO INCLUDE OVERTIME COMPENSATION

[T1-494] As part of the FY10 budget process, Hays County budgeted salaries for 10 Emergency Communication Officers and created the ESD Dispatch department within the general fund. Overtime compensation was inadvertently omitted from their budget. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to amend the ESD Operating Budget in the amount of $2,000 (transfer from line item #001-725-00.5021 into line item #001-725-00.5031) to include overtime compensation. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

27225 ACCEPT THE HAYS COUNTY STRATEGIC POLICY AND IMPLEMENTATION PLAN

[T1-555] Judge Sumter spoke of committee member's contributions being invaluable in guiding the development of this plan. The committee has worked for 16 months conducting public meetings, reviewing public input, survey results and plan to ensure the Hays County Strategic Plan accurately reflected the desires of various organizations (ISD's, Municipalities, EDS's, Social Services, Chambers of Commerce, Economic Development Boards, Senior Citizen organizations, Builders, Developers, Business Owners, etc. **A motion was made by Judge Sumter, seconded by Commissioner Ford to accept the Hays County Strategic Policy and Implementation Plan for implementation and partnership. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT OF A VETERAN SERVICES OFFICER. ACTION MAY FOLLOW IN OPEN COURT [T1-1051]

Court convened into closed executive session at 1:20 and reconvened into open meeting at 3:05. No action taken.

Clerk's Note: Agenda Item #20 RE: *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.**

Clerk's Note: Agenda Item #21 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

INSTRUCTION ON HOW TO USE THE NEW WORLD SYSTEM FOR BUDGET HEARINGS, ANALYSIS, ETC. [T1-1058]

Vickie Wilhelm (Auditor's Office) instructed the court on accessing budget information online through the New World Systems. Judge Sumter spoke of budget process.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 6, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF JULY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Justice of the Peace

JoAnne Prado, JP 1-1, requested her part-time employee become a full-time employee. Currently her office handles all the magistrations for all County offices. With that work load, she feels that the request is justified. There was a question about Time Payment Fee, the amount in the budget versus the amount actually used. Commissioner Conley asked about the revenues that have gone down in the last 4 years. JP Pct 3 Andy Cable spoke of revenues in his office in the last 3 months have gone up. There was a discussion about indigents and how it's determined. JP's spoke of people not being able to make payments. Hortencia Urrutia represented JP 1-2, their office is requesting part-time to full-time. Clerk currently handles the hot checks and is needed to handle truancy cases. JP 1-2's Civil Case workload has increased and needs the extra assistance. Beth Smith JP Pct 2 spoke of 500 school cases filed in the past year. Judge Smith complemented the Court for the computer system that we use that helps minimize the amount of people needed in the office. She spoke of doing a salary/staff comparison of similar counties. Other Counties with similar revenues usually have more staff and pay more. There was a question about autopsies and where does Hays County send them. In the past year this is the number of inquests done: Pct 1 – 31, Pct 2 – 28, Pct 3 – 35, Pct 4 – 16, Pct 5 – 9. FY2010's budget for inquests is $250,000 and year to date expenses are $125,000. There was a question about JP Pct 2's Office and Computer Supplies line item: requested $5,000 not sure why it would be so high. Andy Cable JP Pct 3 spoke of salary study and asking if Court would consider a salary increase for all the JP's. Judge Cable spoke of a re-grade for one employee and not a salary increase. Judge Cable was asking for an increase in longevity pay for County Employees from $60 to $100 per year, as an incentive for an employee. Judge Sumter spoke of Judge Cable needing more money in Bond line item for a new bond. Terry Kyle JP 4 had to leave for an emergency, Judge Smith, spoke on his behalf. Judge Kyle's has asked for an increase in Continuing Ed line item almost doubled. Judge Smith spoke of requirement for new Clerk to attend classes for the first 5 years. Scott Cary JP Pct 5 spoke of being a newly appointed and has tried to keep his budget to a minimum but is requesting a pay increase for his staff. The Court discussed salary increases for elected officials and already having a salary schedule that could be used.

Court's Recommendations:

JP 1-1: Office Supplies - $2,000, Continuing Ed - $500. JP 2: Office & Computer Supplies $4,000, Postage $250. JP 4: Office Supplies $2,000, Postage $1,000, Continuing Ed $1,000. JP 5: Books & Periodicals $300, Postage $800.

Constables

David Peterson Constable Pct 1 requested 2 replacement vehicles. 1) '99 with 115K miles 2) '02 with 105K miles. Constable Peterson is also requesting light bars, cages and decals for new vehicles. James Kohler Constable Pct 2 is requesting a replacement vehicle which currently has over 135K miles. He is also requesting a new Deputy. If he's given the new hire he will also need a car, car radio, walkie talkie, uniforms. The Court discussed when Law Enforcement will have to come into compliance with the new radios. It will be in 2013. Constable Kohler also requested a salary increase for himself and a 4% increase for his deputies and Andrea Espinosa in his office. Darrell Ayres Constable Pct 3 requested a replacement vehicle. He also asked for a salary increase for himself and a 4% step increase for his deputies and a 2% cola for his clerk. Constable Ayres requested one additional taser. Ron Hood Constable Pct 4 requested one new vehicle and if approved all the equipment that he requested for it. Matt Mancillas Constable Pct 5 requested one new vehicle a Ford 150 with requested items for it. Currently the replacement vehicle has 119K miles and will become their backup vehicle. Constable Mancillas is also requesting a new deputy

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 8, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF JULY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Information Technology

Jeff McGill, Director of Information Technology spoke of requests for equipment for various offices. He spoke with each department and reviewed the inventory before making requests for each one. He spoke of the majority of replacement equipment is out of the Sheriff's Office. He mentioned that Microsoft offers a software license (Enterprise Agreement) that you pay a flat rate per year instead of purchasing a license per computer. For the first three years the fee would be $154,000 then it would drop annually. This would also help his department by not having to file each license for each computer and updates would be much easier to handle. This would help standardize all the computers for the County. He suggested implementing a Computer Replacement Policy to help in determining who might need new computers from year to year. Commissioner Ford changed her request for a MAC desk top to a PC lap top. Jeff McGill mentioned that typically, his budget usually had Co-Wide telephone/data lines/cell phones but he wasn't able to determine the cost per this line item with the new telephone. Jeff McGill spoke of car pooling when going to do support in different County offices.

Human Resources

Shari Miller of the Human Resources Department spoke of Salary Survey done in 2008 which is still being used today. In 2009, it was updated and the only changes made then were re-grades. For the current year we've approved 10 pay increases for new employees up to the 25th percentile, which leads HR to believe that the County is on target with the salary range. Dee Dee Baen Human Resources Director quoted unemployment stats from 2008 at 4.5% nationwide and county wide at 4%. In 2010 the rate is 8% nationwide and county wide at 6.9%. Shari Miller spoke of Market Survey that Hays County currently uses, includes public, private and non-profit companies. She explained that our benchmarks have stayed about the same. HR Department recommends 4.34% salary increase for County Employees, 2% COLA + 2.34% Merit for the Market Adjustment. County Auditor explained that every 1% increase in salaries it would equal $100,000 in the budget. The Court discussed that 4% increase for the Sheriff's Office is in the proposed budget. Shari Miller explained that if the Court had given at least a 2% increase to employees last year they wouldn't have recommended a 4.34% increase this year. Shari Miller spoke of employees in their salary range (aka – Comporatio). She also spoke of re-grades that weren't requested in the budget. Commissioner Conley is requesting that his Assistant be considered for an increase. Dee Dee Baen said she will come back with figures for the Court to consider. Shari Miller spoke of visiting with each department and evaluating the need for the re-grades. Court spoke of addressing pay increases by maybe doing a little bit each year until we can come up to a percentage of the Ray Study done in 2008. Dee Dee Baen spoke of her budget requests. She spoke of using a lot more paper for Task Force meetings. Contract Services uses are for interpreters, publicity documents, and temporary help for county wide offices. If cuts are needed, they could be cut from line #5462 down to $1,000 and #5448 down to $1,200. She is asking for $50 monthly allowance for cell phone use.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 9, 2010.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF JULY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Family Law
Judge Brenda Smith outlined her budget. The only increase she asked for is #5551 - $850.

District Court
Jimmie Kitchen Court Administrator for District Court spoke of requested budget. She mentioned that item #5391 could be cut to $200. Jimmie Kitchen explained that the Continuing Ed should stand as requested they are having to send Bailiffs to more classes.

Compliance
Judy Seim, Compliance Director spoke of her budget requests. She is asking an increase in postage due to sending out numerous mail outs. She spoke of her office collecting $242,000 and the District Court assessing $213,000. Her office is also collecting old money. Judy Seim explained that by the end of the year her office would have collected almost $2,000,000. She explained that she's able to collect money from the Inmate Trust Fund. Most county misdemeanors are paid off in 90 days.

Court Recommendations
Court recommended cuts will bring down requested amounts in District Court Budget - Office & Computer Supplies - $3,500; Books & Periodicals - $1,500; Indigent Pretrial & Trial - $65,000; Pretrial & Trial - $30,000; Miscellaneous - $200; Court Appointed Attorneys Felony - $450,000; Court Appointed Attorneys Civil - $140,000. Compliance – Postage $1,500; Contract Services - $3,600; Printing Services - $1,000. Human Resources – Office & Computer Supplies - $6,000; Employment Testing - $1,000; Contract Services - $1,200; Public Notice - $1,000; Travel - $1,500; Continuing Ed - $3,500.

District Clerk
Cecelia Adair District Clerk explained why she needs an increase in different line items. She needs an increase to store the microfilm in San Antonio. She also spoke of sending certified mail for service and sending jury notices. She is also asking for re-organization in her office. She and her Chief Deputy don't have the time to do training. She feels that with the re-organization there would be enough people that will be doing the training.

County Clerk
Linda Fritsche County Clerk explained her budget. She will need an increase in Bonds to $1,000. She spoke of cuts, she said Office Supplies could be cut, if needed. She requested that if the court was going to give any raises, she would be in favor of Merit Raises.

District Attorney
Sherri Tibbe, District Attorney, explained her budget. She is requesting 7 new positions. She needs **1** Victims Asst. Advocate, **1** – Admin I, **3** – Admin II, **2** – Attorney II. She needs an Appellate Attorney who will also handle a small amount of Felony cases. Mark Kennedy, Chief Deputy Civil Division, spoke of the Attorney positions, starting at Attorney I up to III. Sherri Tibbe is requesting a re-grade for a couple of Attorney II's to Attorney III's. Dee Dee Baen spoke of Policy for pay increases for the County and the Sheriff's office and the Attorney's are exempt. The Court discussed re-writing the policy to include the Attorney's eligible to acquire a merit increase. Sherri Tibbe also requested an increase for all her employees, COLA or Merit. Judge Sumter suggested that Sherri Tibbe get together with Dee Dee Baen and re-write the policy. Sherri Tibbe requested re-grading a few Admin II's to Admin III"s, staff is already performing the duties and just need their grade to reflect it.

Tax Assessor/Collector

Luanne Caraway Tax Assessor/Collector, spoke of postage increases. Her office will be implementing a new process on the internet a web page for public to access 24 hours a day. She thanked the Court for the Check Remittance System. It has worked very well, saved a lot of time for her during tax time. Luanne Caraway was asked if she would prefer COLA or Merit increases for her staff, she preferred merit. She spoke of needing an increase in Continuing Ed, in prior years she was able to use interest earned in another account. In previous years the money earned every year was over $100 and now it's earning around $20.

Court Recommendations

District Clerk – Postage $9,000; Continuing Ed $4,800. County Clerk- Office & Computer Supplies $12,000; Postage $12,000; Books & Periodicals $400; Membership Fees & Bonds $1,000. Tax Assessor/Collector – Postage $78,000; Equipment Lease $8,400. District Attorney – Travel Allowance $12,352, Office & Computer Supplies $15,000, Postage $5,500, Witness Reimbursement $3,000, Public Notice $200, Travel $1,250, Continuing Ed $15,000

County Court at Law

Judge Anna Martinez Boling explained her budget. She explained the Indigent Pretrial & Trial, there are Motion to Suppress Hearings. Psych evaluations are $1200 to $1500 per person to see if they are mentally competent to stand trial. She spoke of persons applying for indigent defense usually need it. Court suggested CCAL use Compliance Department for verifying Indigency. Judge Linda Rodriguez stated that people apply for indigency while still in jail and by law they only have a certain amount of time to make a decision. Judge Rodriguez stated that it wouldn't be feasible to include Compliance Department in that process. She spoke of mental commitments that go to a state hospital.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 12, 2010.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF JUNE 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENT
Melinda Mallia (POSA Board Vice Chair) read a letter from the Parks & Open Space Advisory Board regarding the proposed land purchase for a Shooting Sports Complex. In summary the Board has a general concern that the use of 2007 bond funds reserved for habitat and open space to purchase land for a shooting sports complex is inconsistent with the intent of the bond initiative approved by voters; the Hillert tract does not meet the minimum selection criteria, developed as directed by the Commissioners Court to evaluate suitable tracts for parks, recreation, open space and habitat; and if the bond funds are used to purchase the Hillert tract, the opportunity to acquire a large natural area with plentiful acreage for habitat preserve and compatible recreation could be lost.

27226 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payments of county invoices in the amount of $359,972.80 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27227 APPROVE COMMISSIONER COURT MINUTES OF JULY 6, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of July 6, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27228 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING MONTH OF JUNE 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept report to Commissioner Court identifying Administrative Approvals issued during month of June 2010. All voting "Aye". MOTION PASSED

27229 APPROVE RENEWAL OF RFP 2006-P07 COMMISSARY SERVICES FOR THE HAYS COUNTY JAIL FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL PROPOSAL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve renewal of RFP 2006-P07 Commissary Services for the Hays County Jail for one (1) additional year as provided for in original proposal. All voting "Aye". MOTION PASSED

27230 APPROVE RENEW AGREEMENT FOR INMATE DENTAL SERVICES WITH DENTRUST DENTAL TEXAS P.C. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AGREEMENT

Only noted change is on item 12 changed from two year renewal to a three year period. They are willing to extend the 2006 pricing schedule an additional year. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Renewal Agreement for Inmate Dental Services with Dentrust Dental Texas P.C. and authorize the County Judge to execute the Agreement. All voting "Aye". MOTION PASSED**

27231 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve permit #816 on Panorama Drive to PEC; permit #817 on Jerrys Lane to PEC; permit #818 on Hays Country Acres Road to PEC; permit #819 on Mt. Gainor to Verizon as submitted by the County Road Department. All voting "Aye". MOTION PASSED

27232 AUTHORIZE THE USE OF THE COUNTYWIDE SELF INSURANCE LINE ITEM TO FUND TWO REPLACEMENT VEHICLES IN THE SHERIFF'S OFFICE

Two additional vehicles have been wrecked & totaled in the Sheriff's Office. Insurance proceeds (amount to be determined) will cover most of the cost. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the use of the Countywide Self Insurance Line Item to fund two replacement vehicles in the Sheriff's Office. All voting "Aye". MOTION PASSED**

27233 APPROVE BUDGET AMENDMENT FOR COUNTY COURT AT LAW 2

Budget amendment request is to take $619 from #001-612-00.5061 (Longevity) to #001-612-00.5212 (Postage). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve budget amendment for County Court at Law 2. All voting "Aye". MOTION PASSED**

27234 ALLOW COMMISSIONER FORD TO NEGOTIATE A PROFESSIONAL SERVICES CONTRACT WITH DAN ROGERS OF RDS, INC. FOR FEASIBILITY STUDY AND ENGINEERING DESIGN OF IMPROVEMENTS TO ELDER HILL ROAD [T1-195]

Elder Hill Road (CR 170) has a series of three sharp curves (dog-legs) that require study to determine safety improvements, exploration of alternatives, and engineering design. Approval of this item will allow for negotiation of a contract that will be brought back to Court for consideration. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to allow Commissioner Ford to negotiate a Professional Services Contract with Dan Rogers of RDS, Inc. for feasibility Study and Engineering Design of Improvements to Elder Hill Road. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

27235 APPROVE REQUEST FOR ADDITIONAL SERVICES IN THE AMOUNT OF $13,285.00 AS REQUESTED BY CLAYTONLEVYLITTLE ARCHITECTS FOR THE RESTORATION OF THE OLD HAYS COUNTY JAIL [T1-206]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve request for additional services in the amount of $13,285 as requested by ClaytonLevyLittle Architects for restoration of the Old Hays County Jail. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

Clerk's Note: Agenda Item #11 RE: *EXECUTE A FIVE-YEAR LICENSE AND SUPPORT AGREEMENT WITH HART INTERCIVIC FOR COUNTY VOTING EQUIPMENT IN ORDER TO TAKE ADVANTAGE OF A FREEZE ON RATES FOR THE DURATION OF THE AGREEMENT* **was PULLED.**

27236 ACCEPT AND APPROVE CONSTRUCTION DOCUMENTS AND THE UPDATED GUARANTEED MAXIMUM PRICE PROPOSAL, AS PRESENTED BY FLYNN CONSTRUCTION AND POLKINGHORN GROUP [T1-3707]

Codi Newsom of Broaddus & Associates spoke of Submittal #3. Once the GMP is adopted they cannot deviate from the list. The Court discussed maybe adopting the GMP without considering the electrical until another date. The Court was wanting to find a local electrician. Codi Newsom will find out more information on the electrical and get back with the Court. She spoke of the Add Alternates: (1) one additional operable partition for $8,000, and (2) add entry vestibule $15,000. **A motion was made by Judge Sumter seconded by Commissioner Ford to include the Add Alternate of one additional operable partition for $8,000. Commissioner Conley voting "No". Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". MOTION PASSED** A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to include the Add Alternate of an entry vestibule for $15,000. Commissioner Conley, Commissioner Ford and Judge Sumter voting "No". Commissioner Ingalsbe, Commissioner Barton voting "Aye". MOTION FAILED **A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to accept and approve construction documents and the updated Guaranteed Maximum Price Proposal, as presented by Flynn Construction and Polkinghorn Group. All voting "Aye". MOTION PASSED**

27237 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A BILL OF SALE TO 1997 CIRCLE N RANCH LIMITED FOR THE PURCHASE PRICE OF $2000.00 FOR DELINQUENT TAXES AND APPROVE ASSOCIATED RESOLUTION [T1-227]

A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute a Bill of Sale to 1997 Circle N Ranch Limited for the purchase price $2,000 for Delinquent Taxes and approve associated Resolution. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

27238 APPROVE ADD ALTERNATES SUBMITTED BY BALFOUR BEATTY FOR THE HAYS COUNTY GOVERNMENT CENTER, SPECIFICALLY A WATER COLLECTION SYSTEM FOR IRRIGATION AND FUTURE UNDERGROUND ELECTRICAL CONDUIT AND POWER CONSTRUCTION COST [T2-430]

The construction cost estimate has been reduced from $280,000 to $149,247. Bob Hinkle of Broaddus & Associates gave the Court a handout and explained the Add Alternates. The two Add Alternates he's bringing to court today are: (1) Alternate F – Sustainable Site Irrigation/Condensate Water Capture w/$149k Construction estimate, (2) Underground Electrical for Future (Design and Construction Cost) cost and scope totaling $72,159.72. The cost savings to the County for using the water capture would be around $9,000 per month.
A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to approve Add Alternate submitted by Balfour Beatty for the design of the Site Irrigation/Condensate Water Capture for the Hays County Government Center. All voting "Aye". MOTION PASSED
A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to approve Add Alternates submitted by Balfour Beatty for the Underground Electrical which includes design and construction for the Hays County Government Center. All voting "Aye". MOTION PASSED

27239 SELECT A COMMISSIONING AGENT AS RECOMMENDED BY BROADDUS AND ASSOCIATES AND THE BUILDING COMMITTEE; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR COMMISSIONING SERVICES ONCE REVIEWED BY PROGRAM MANAGER AND LEGAL COUNSEL [T2-780]

Commissioning Services generally includes, but is not limited to, providing commissioning services for the following systems: mechanical, electrical, HVAC(including supply air and exhaust air), environmental control and testing, adjusting and balancing services. All services are to be performed by persons licensed and registered under state laws governing their particular area of expertise. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to select a Commissioning Agent as recommended by Broaddus and Associates and the building committee; and to authorize the County Judge to execute a Contract for Commissioning Services once reviewed by Program Manager and Legal Counsel not to exceed budget. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #16 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND MGT OF AMERICA, INC. FOR SERVICES RELATED TO IMPLEMENTATION OF RECOMMENDATIONS FROM THE MGT CRIMINAL JUSTICE SYSTEM ASSESSMENT AND JAIL POPULATION STUDY FOR HAYS COUNTY* **– was pulled**

27240 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CLOSING DOCUMENTS ASSOCIATED WITH ROW ACQUISITION OF PARCEL 20 ON RR12 [T1-448]

The Court adopted a resolution regarding ROW acquisition on or about June 23, 2009. That resolution was amended on June 8, 2010 to account for, among other things, the possibility that some ROW acquisition would be performed at a price slightly greater than market value. The resolution stated that any proposed price that exceeds market value by more than 10% would need to be brought back to Court for consideration. That is the basis for this item. Although the counteroffer from the owners of this parcel does exceed market value plus, 10%, HRM (Hays County's consultant for ROW acquisition) recommends execution of closing documents. There are a number of similar counteroffers that are not recommended by HRM, and those parcels have not been placed on the agenda for consideration. The court convened into closed executive session (along with Jeff Watson) at 9:35 a.m. and reconvened into open meeting at 10:10 a.m. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to execute closing documents associates with ROW Acquisition of Parcel 20 on RR12. All voting "Aye". MOTION PASSED**

MERGE THE VETERANS SERVICES OFFICE AND THE PERSONAL HEALTH DEPARTMENT

[T1-243] Judge Sumter spoke of merging the Veterans Services Office with the Personal Health Department. She spoke of getting the program out to the public through health fairs, etc. Priscilla Hargraves, Health Dept. Director, spoke in favor of this merger. Commissioner Ingalsbe requested additional time to consider this action. Mike Mendoza, Interim Veterans Affairs Officer, requested more time to consider. Judge Sumter requested that this item be back on the agenda as soon as possible. Commissioner Ford suggested the first week in August.

DEPARTMENTAL BUDGET REVIEW [T1-470]

SHERIFF'S DEPT/JAIL/ANIMAL CONTROL/ESD

Sheriff Tommy Ratliff and Major Brad Robinson spoke of increases being requested. $8300 was deducted from line item #5719 Misc. Equipment. Discussed number of Officers being requested for Government Center Security. Private security might be an option for screening purposes. Commissioner Ingalsbe will get with Broaddus & Associates to get their input regarding security options. Captain Mike Davenport spoke of request for other new officers: 1 Crime Analyst, 1 Crime Prevention Deputy, 1 Mechanic, 2 Deputy Instructors, and 1 Admin Asst I position for the training academy. Commissioner Ingalsbe asked the Sheriff to prioritize these positions. Sheriff Ratliff stated that the his #1 priority would be the Crime Analyst. 5 CopsHire Grant Deputies are on the list if the grant is received. Re-grades being requested: Admin Asst II increased to Admin Asst III and to increase an Admin Asst I to Admin Asst II. Discussed various other line item increases. The Court asked the Sheriff if he could prioritize his needs so they could make necessary cuts.

Recommendations

Jail – Inmate Supplies = $17,000, Law Enforcement Supplies = $3,000, Building Mtc Supplies = $65,000, Janitorial Supplies = $53,000, Postage = $5,000, Food Supplies = $525,000, Membership Fees & Bonds = $1,500, Employment Testing = $7,500, Contract Inmate Detention = $325,000, Prisoner Transfer = $15,000, Equipment Mtc & Repair = $10,000, Medical Services = $315,000, Bldg Mtc & Repair = $40,000 & move $20,000 into Co-Wide line item, Utilities Jail = $360,000, Communication Equipment = $40,000 moved to Co-Wide line item, Misc Equipment - $8,300 (already paid by Broaddus) add $8,000 to Revenues (fingerprinting scanner) $1,000 for mower & come back with more clarification. **Sheriff** – Office & Computer Supplies = $11,000, Miscellaneous = $2,000, Equipment Mtc & Repair = $8,000, Vehicle Mtc & Repair = $105,000, Printing Svs = $4,000, Utilities Sheriff = $40,000, Continuing Ed = $50,000, Office Equipment – will ask Sheriff to prioritize on these with a limit of $8,000 or ask them to wait, Vehicles – need more details prior to making a decision, Misc Equipment – ask Sheriff to prioritize with a limit of $13,000.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A VETERAN SERVICES OFFICER. ACTION MAY FOLLOW IN OPEN COURT [T2-3500]

Court convened into closed executive session at 4:50 p.m. and reconvened into open meeting at 5:25 p.m. No action taken.

Clerk's Note Agenda Item #21 – RE: *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* **– was pulled**

Clerk's Note Agenda Item #22 – RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 13, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF JULY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH COMMISSIONER PCT 3 WILL CONLEY ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Historical Commission
Kate Johnson of the Historical Commission spoke of budget requests. She spoke of applying for Grants especially one for Heritage Tourism. She also spoke of needing to add a Travel Line Item. Kate Johnson spoke of the recent vandalism at the Kyle Cemetery. She spoke of seeking funding for repair and even contacting Robert Redford, his family is buried at the cemetery. She spoke of moving money they had in the Historical Trust Reserve and moved that over for them to be able to use. Normally, the Court would budget $2,000 this year they moved $18,000 into that account.

Treasurer
Michele Tuttle, Hays County Treasurer, spoke of the interest rate currently being at .25%. She spoke of needing to increase her Office & Computer Supplies line item. She also requested a couple of filing cabinets. She spoke of having boxes of information of historical value and also needs to keep in a secure place. Commissioner Ingalsbe spoke of Commissioner Conley not being present due to an early morning break-in at one of his businesses. The Court spoke of ticket system for the Transfer Station. Michele Tuttle spoke of having boxes of stubs from the Transfer Station. She spoke of Transport Receipt Books for transporting deposits from an outlying office to the Treasurer's Office. Michele Tuttle spoke of Britney Richey's position being considered a promotion rather than a regrade, prompting a 6% increase. She also spoke of changes in the payroll edition of New World System that will need to be implemented by next year. Michele Tuttle spoke of a citizens' study that suggested an increase to her salary. She asked the Court for their consideration. She spoke of the Time Keeping System and the software maintenance that will be charged yearly. The cost for software maintenance will be $7,000 yearly. She spoke of working closely with Broaddus & Associates for the new Government Center. Britney Richey spoke on behalf of the Retiree Committee. The Committee is recommending no changes to current retirement plan: 1) Rule of 75, (2) 8 year vesting, (3) 30 years of service, (4) 225% matching rate, and no changes to current retiree insurance: (1) Humana Medical & Dental, (2) Humana Medical Advantage for Medicare eligible retirees, (3) Aetna Choice Silver for Medicare eligible retirees. The Committee is also recommending other than retirees – county employees and spouses to be allowed to participate in Humana Medicare Plan at their own cost. This is consistent with TAC's policy for Aetna's Choice Silver Plan. The Committee also recommended making no changes to Section 5.05 in the Personnel Policy. The Committee did recommend a 2% cost of living increase for retirees.

Auditor
Bill Herzog, Hays County Auditor asked for a part-time person for Accounts Payable. Currently, they are using a CSR person to scan. Court spoke of having a Contract person in the Auditor's Office.

Recommendations
Auditor – Office & Computer Supplies = $6,000, Postage = $1,400, Printing Services = $3,000, Travel = $1,500. Historical – Contract Services = $1,500, Printing Services = $600, Public Notice = $100, Continuing Ed = $1,000, Travel = $250. Treasurer – Printing Services = $1,500.

County Judge/Commissioners Court
County Judge – Office & Computer Supplies $1,500, Printing Services $500, Equipment Lease $6,000. **Commissioner Pct 1** – Books & Periodicals $200, Membership Fees & bonds $100, Temporary Personnel $1,500, Travel $750. **Commissioner Pct 2** – Books & Periodicals $250, Membership Fees & Bonds $300, Temporary Personnel $5,000, moved Special Projects to Community Program Expense. **Commissioner Pct 4** Signs & Barricades $750, Books & Periodicals $100, Membership Fees & Bonds $280, Community Program Expenses $1,250, Temporary Personnel $1,500, Continuing Ed $2,000, Travel $600. **Commissioner Pct 3** - Did not discuss.

Dee Dee Baen, Human Resources Director gave a handout that listed the Cost of Living Index, CPI, CPI Summary/Urban Areas, and Turnovers for Hays County

Commissioner Conley came to the meeting at this time.

Juvenile Probation

Shelly Williams, Director of Juvenile Probation explained budget requests. She spoke of request for a new vehicle. Shelly Williams explained what Inmate Supplies are (clothing, hygiene products, shoes etc.) and she explained that there are 8 vehicles in the Juvenile Department. Commissioner Ford asked that in the future the Court be given a list of vehicles that each department has and mileage on each vehicle, so that they can make a more qualified recommendation on whether to replace or supply more money in the Vehicle Maintenance & Repair. Shelly Williams explained that Medical Services line is for psych evaluations. She requested that a Probation Officer be moved from Juvenile Detention to the Juvenile Probation Department.

Juvenile Detention Center

Brett Littlejohn Director of the Juvenile Detention Center explained that the facility, one year ago housed around 127 juveniles and currently housing around 75. The State requires 1 Correction Officer to 8 juveniles ratio. Referrals are down but the numbers that we do have, are currently housing juveniles from other counties that have a lot of problems. Brett Littlejohn explained that Boot Camp alone does not work. It needs to be coupled with counseling for it to have a positive impact on the juvenile. They also provide counseling to the parents. Shelly Williams explained that the local kids benefit from the dual counseling and aren't the ones that are the problem. Most of the juveniles in Hays County are processed in a very timely manner. Hays County Juvenile Department was monitored by the State and rated at an 89. Hays County's goal is to house around 90 kids per day to stay afloat. Commissioner Conley asked about the staff and their salaries. County Auditor is predicting that the Juvenile Detention Center will have a shortfall of $1 million dollars. Brett Littlejohn explained that postage is supplied to each Juvenile at 2 each per child. He also explained Contract Services which is for Resident Counseling on Drug & Alcohol abuse, Sex Offenders & Mental Health.

Recommendations:

Juvenile Detention – Inmate Supplies = $23,000, Janitorial Supplies = $38,000, Postage = $1,800, Miscellaneous = $3,500, Vehicle Maintenance & Repair = $6,000, Contract Services = $245,000, Utilities Juvenile Detention Center = $130,000, Travel = $2,000.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 15, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH DAY OF JULY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Personal Health
Priscilla Hargraves explained requests from PHD. She spoke of Tuberculosis program. Hays County has had 1 TB nurse for about 40 years. The workload has increased but we still only have one TB nurse. She is requesting an LVN position to assist the TB-RN. Priscilla Hargraves is also asking for a CMA for the Personal Health Department. The CMA would assist with both clerical and medical assistant duties. Billing purposes, current unpaid bill total +/- $26,000. The CMA & LVN can assist each other in completion of prescription assistance program paperwork, ordering, follow-up, check in of medications, verifying meds against order in char, contacting clients to pick up meds, and educating clients on taking medications and possible side effects/adverse reactions. Priscilla Hargraves is also requesting an Administrative Assistant II for Indigent Health Care. There has been an increase in clients, and 40 – 50 new applicants weekly. Appointments for interviews are 5 weeks behind. Priscilla Hargraves spoke of not including $4,500 maintenance for Security Entrance into the PHD. Last year, the State provided the H1N1 vaccine free to the County so, we didn't have to pay for it. This year, the H1N1 will be combined the flu shot.

Fire Marshal
Mark Chambers explained requests for his budget. The Fire Code will be brought to the Court around January and may be implemented shortly thereafter. With the Fire Code adoption, there's a need for 3 positions, 2 Code Enforcement Inspectors and 1 Administrative Assistant II. If the Fire Code is not adopted there will be no need for additional staff. Mark Chambers spoke of revenues that would be brought into his budget with the Fire Code implemented. The budget might be self supporting. The only increases requested are due to the Fire Code being adopted. Mark Chambers spoke of the Fire Code being ready for adoption. He understood that the Court wanted to wait until 2011 to adopt/implement the Fire Code. New businesses and over 50% new construction to an existing building will be affected by the Code. Fire Districts can adopt a Fire Code. Buda's Fire District has currently adopted a Fire Code. When Hays County does adopt a Fire Code, they will need to have their code be as stringent as the one we have. Mark Chambers spoke of submitting a budget request with the Fire Code and without the Fire Code adoption.

Emergency Management
Jeff Turner explained his budget request. He spoke of not requesting an additional staff person due to budget constraints. He spoke of General Supplies line item, this is one of those items it's hard to budget for, due to the fact that you don't know when an emergency is going to happen. The Court could cut it, if they will adjust it if needed in an emergency.

Recommendations
Emergency Management – General Supplies = $2,500, Office & Computer Supplies = $500, Uniforms = $500, Communication Equipment = $660. Personal Health Dept – Office Supplies = $6,000, Vaccines = $50,000, Misc = $1,500, Vehicle Mtc & Repair = $500, Contract Services = $12,400, Printing = $250, Continuing Ed = $4,000. Indigent Health – Medical & Safety Supplies = $250,000, Medical Services = $350,000, Travel = $100, Continuing Ed = $1,000. Office & Computer Supplies = $500. Family Clinic – Medical & Safety Supplies = $2,700, Insurance = $1,462, Printing = $100, Travel = $100.

DPS
Darrel Jarial [DPS] explained his budget request. The Telephone & Data Lines went down from $18,000 to $13,000 which includes 13 phone lines and that there are 2 employees that work at DPS but are funded and employed by the County.

DPS L&W
Ted Riojas [DPS L&W] explained his budget request. He has 1 person that works at DPS but is funded and employed by the County. He explained that Hays County has 3 scales, North bound IH 35, South bound IH 35 and on Hwy 21. The only one currently being used is the South bound IH 35. The North bound scale is not being used, because of safety concerns. The one on Hwy 21 has no power outlet. Commissioner Conley suggested that DPS L&W get with the Court to see if they can get the other two working. The weigh strips were built in the 70's but we have outgrown the facility. It needs to be renovated to handle to amount of traffic that travels on IH 35.

Elections
Joyce Cowan Elections Administrator – explained her budget request. She needs extra money in Printing Services every other year due to elections. She spoke of E-pole books, which will operate in real time updates. This would help in transitioning to vote centers. There would be a maintenance fee of $25,555 yearly. Joyce Cowan spoke of ability to use Chapter 19 funds that need to be used by August 15, 2010. If not, she'll loose the money. She spoke of wanting to update her office but wants the backing of the Court for the yearly maintenance fees.

Grants
Jeff Hauff Grants Administrator – explained his budget. He is asking for an additional person, if the economy improves.

Civic Center
Barry Nelson Civic Center Director – explained his budget. He would like to put in an irrigation line to help lower utilities.

Recommendations
Civic Center – Miscellaneous Equipment = $56.64, General Supplies - $16,000, Misc Capital Improvements = $8,600, Equipment Lease = $1,000. Grants – Office & Computer Supplies = $1,500, Printing Services = $400, Travel = $200. Elections – Software = $0 (move $50,000 to County Wide), Postage = $14,000. DPS – Delete one position out of the two budgets, Telephone & Data Lines = $10,000, Law Enforcement Supplies = $300. DPS L&W – Law Enforcement Supplies = $300, Office & Computer Supplies = $800, Miscellaneous = $200, Contract Services = $3,900, Telephone & Data Lines = $9,000. Extension – Cut one of the Agents, Office & Computer Supplies = $5,000, Continuing Ed = $1,500. Commissioner Pct 3 – Computer Supplies = $600, Postage = $400, Books & Periodicals = $200, Temporary Personnel = $1,500.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 19, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF JUNE 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27241 ADOPT A PROCLAMATION DECLARING JULY 18TH THROUGH THE 24TH AS PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK IN HAYS COUNTY

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt a Proclamation declaring July 18th through the 24th as Probation, Parole and Community Supervision Week in Hays County. All voting "Aye". MOTION PASSED

PUBLIC COMMENT

[T1-167] Patricia Graham (also speaking on behalf of John Hodges) made public comment regarding condemnation at Fischer Store Road and Blanco River. [T1-293] Deborah Ellis, [T1-375] Cynthia Marion, and [T1-439] Larry Fick made public comment regarding re-paving of Flite Acres Road.

27242 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested addition of invoice in the amount of $4,000 from Anchondo Research Management & Strategies for professional services re: Hillside Terrace. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payments of county invoices in the amount of $2,632,939.38, with addition of a $4,000 invoice, as recommended and submitted by the County Auditor. All voting "Aye". MOTION PASSED**

27243 APPROVE COMMISSIONER COURT MINUTES OF JULY 8,9,12 & 13, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of July 8, 9, 12 & 13, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27244 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL LETTER OF AGREEMENT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS TO CONTINUE OUR PARTICIPATION IN THE REGIONAL EMERGENCY NOTIFICATION SYSTEM

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute a Renewal Letter of Agreement with the Capital Area Council of Governments to continue our participation in the Regional Emergency Notification System. All voting "Aye". MOTION PASSED

27245 APPROVE SPECIFICATIONS FOR BID #2010-B19 REGULATORY, WARNING & OTHER ROAD SIGNS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for bid #2010-B19 regulatory, warning & other road signs and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

27246 CALL FOR A PUBLIC HEARING ON AUGUST 3, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION PHASE 2 SECTION 2 AND PHASE 3 SECTION 2 [T1-486]

Proposed traffic regulations are to establish a STOP sign on Seep Rock Cove at Shelf Rock Road, on Shelf Rock Road as it "T's" into itself, on Pastoral Cove at Bluff Woods Drive, on Bluff Woods Drive at Sad Willow Pass (one from each direction for a two-way STOP), on Prairie Grass Cove at Bluff Woods Drive, on Applewood Drive at Bluff Woods Drive, on Sarahs Spring Cove at Bluff Woods Drive, a separate STOP sign on Bluff Woods Drive at Sad Willow Pass as it comes back around and "T's", and a SPEED LIMIT on all roads of 25 MPH. **A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on August 3, 2010 to consider establishing traffic regulations in Rim Rock Subdivision Phase 2 Section 2 and Phase 3 Section. All voting "Aye". MOTION PASSED**

27247 CALL FOR A PUBLIC HEARING ON AUGUST 3, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON ALPINE TRAIL, CR 384 IN THE HIGHLANDS EAST SUBDIVISION [T1-495]

Proposed traffic regulations are to establish a STOP sign on Alpine Trail at Hilliard Road, and a SPEED LIMIT of 35 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on August 3, 2010 to establish traffic regulations on Alpine Trail, CR 384 in the Highlands East Subdivision. All voting "Aye". MOTION PASSED**

27248 AMEND THE ROAD & BRIDGE BUDGET TO INCREASE OVERTIME AND ROAD MATERIAL & SUPPLIES [T1-2205]

Requested budget amendment: Transfer $61,000 from 020-710-00.5021/Staff Salaries to 020-710-00.5031 Overtime and $6283.82 from 020-710-00.4635/Auction Sales Revenue to 020-710-00.5351/Road Material & Supplies. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend the Road & Bridge budget as requested to increase overtime and road material and supplies. All voting "Aye". MOTION PASSED**

27249 APPROVE CONTINUATION OF HIRING/CONTRACTING OF TEMPORARY STAFF IN THE OFFICE OF JUDGE MARGIE HERNANDEZ, JP1-2 [T1-518]

On April 6, 2010 the court approved the hiring or contracting of temporary staff in Judge Margie Hernandez's office in an amount not to exceed $6,494. Judge Hernandez spoke of an employee that would be out due to medical issues and the need for temporary assistance so they do not fall too far behind with their workload. Judge Hernandez feels, based on the high number of cases, she continues to need additional help. Per Human Resources, the employee that had been out due to medical issues, returned back to work, on and off, April 12, 2010. The amount being requested ($6,346.20) will keep a person on for 3 additional months. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to continue the hiring or contracting of temporary staff in the office of Judge Margie Hernandez, JP 1-2. All voting "Aye". MOTION PASSED**

27250 AUTHORIZE A BUDGET AMENDMENT FOR THE HAYS COUNTY CIVIC CENTER

[T1-617] Requested budget amendment: Transfer $2,000 from misc. equipment line item #001-646-00.5719 as follows: $1,000 into general supplies #001-646-00.5201 and $1,000 into vehicle maintenance line item #001-646-00.5413. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize a budget amendment for the Hays County Civic Center. All voting "Aye". MOTION PASSED**

27251 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND MGT OF AMERICA, INC. FOR SERVICES RELATED TO IMPLEMENTATION OF RECOMMENDATIONS FROM THE MGT CRIMINAL JUSTICE SYSTEM ASSESSMENT AND JAIL POPULATION STUDY FOR HAYS COUNTY [T2-1086]

MGT recently completed a study of the criminal justice process in Hays County and reported both findings and recommendations back to the Hays County Commissioners Court. These were based on almost a year's analysis of data and repeated meetings with internal stakeholders, with input and oversight from Broaddus. While the Court has recognized that many of the study's recommendations would be beneficial to the criminal justice process in Hays County, existing human resource workloads dictate that Hays County staff will not likely be able to implement those recommendations without external assistance. Two weeks ago the Court instructed

Special Counsel Mark Kennedy to work with MGT to bring back a proposed agreement for "Phase 2" services. This Agreement for additional work will help the county create an on-going Criminal Justice Steering Committee and work with those early efforts around recommendations that have broad support, urgency, and possibilities for immediate pay-off in efficiencies and cost savings for taxpayers. The study itself was presented to the Commissioners Court in draft form over the winter, revised, then presented in final draft in April and formally accepted at the end of May. The Agreement was prepared by Mr. Kennedy in concert with MGT, as requested by the Court. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to execute a Professional Services Agreement between Hays County and MGT of America, Inc. for services related to implementation of recommendations from the MGT Criminal Justice System Assessment and Jail Population Study for Hays County. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED**

27252 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL CONTRACTS FOR THE PROGRAM MANAGEMENT SERVICES TO WORK AUTHORIZATIONS NO. 10, 11, 12, AND 14 WITH PRIME STRATEGIES, INC [T1-695]

Mike Weaver (Prime Strategies) spoke. Supplemental Contracts to Work Authorizations No. 10, 11, 12 & 14 will allow for the continuation of program management services including but not limited to: (1) Agency Coordination (2) Management of Design Activities 3) Project Administration. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental Contracts for the Program Management Services to Work Authorizations No. 10, 11, 12 and 14 with Prime Strategies, Inc. All voting "Aye". MOTION PASSED**

27253 APPROVE DOUBLE FILL OF THE SITE MANAGER POSITION AT THE WIMBERLEY TRANSFER STATION [T1-635]

The Site Manager will be absent from work at the Wimberley Station due to FMLA between 9/22 through 11/3/10. It is anticipated that the employee may need to leave sooner than 9/22. The County currently allows temporary staffing for small office (defined as 1-2 people) without Court approval. There is money budgeted County Wide for these expenses. This department is unique in that while it has 5 employees, they are all deployed in specific site locations. There is 1 Site Manager at the Wimberley station and 1 Site Manager/Tech at the Driftwood Station, with one Assistant Manager that floats from the two stations as well as other transporting/trouble shooter/managerial duties. The other employee is assigned to the park. To ensure continuity of service and support of the Wimberley Station we ask the court to allow the hiring of temporary staff from September 22 through September 30. Staffing beyond that point will be discussed at budget workshop. Additionally, we would like funding available in case the employee needs to leave work prior to September 22nd. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve double fill of the Site Manager Position at the Wimberley Transfer Station. All voting "Aye". MOTION PASSED**

27254 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES (KFA) FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO A FEASIBILITY STUDY AT POST ROAD WHERE IT CROSSES THE BLANCO RIVER NORTH OF SAN MARCOS, A PRIORITY ROAD BOND PROJECT, AND TO AUTHORIZE COMMISSIONERS FORD AND INGALSBE AND JERRY BORCHERDING TO ENTER CONTRACT NEGOTIATIONS AND SIGN OFF ON SUBSEQUENT WORK AUTHORIZATIONS [T1-1714]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement with K Friese & Associates (KFA) for Professional Engineering Services related to a feasibility study at Post Road where it crosses the Blanco River north of San Marcos, a Priority Road Bond Project, and to authorize Commissioners Ford & Ingalsbe and Jerry Borcherding to enter contract negotiations and sign off on subsequent Work Authorizations. All voting "Aye". MOTION PASSED

CLERK'S NOTE: AGENDA ITEM #15 RE: *ALLOW COMMISSIONER FORD TO NEGOTIATE A PROFESSIONAL SERVICES CONTRACT WITH FREESE AND NICHOLS, INC. FOR ENGINEERING SERVICES RELATED TO THE COUNTY'S PLAN AND RESPONSE TO TCEQ'S DAM SAFETY REPORT ON THE RIVER OAKS RANCH DAM* **WAS PULLED**

27255 APPROVE 100% COMPLETION OF CONSTRUCTION DOCUMENTS ASSOCIATED WITH THE HAYS COUNTY GOVERNMENT CENTER [T1-1808]

Bob Hinkle (Broaddus & Associates) spoke and presented copies of the Building Permit #BL-10-01122 issued by the City of San Marcos, a letter of compliance from Texas Commission on Jail Standards, and a Request for Change Order No. 015/CE No. 0034 Design-Build Contractor's Contingency Expenditure Request for 100% Construction Documents. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve 100% completion of construction documents associated with the Hays County Government Center and transfer of funds in the amount of $252,919 from contingencies. All voting "Aye". MOTION PASSED**

27256 AUTHORIZE THE PURCHASE OF A COUNTYWIDE MICROSOFT ENTERPRISE LICENSE [T1-659]

IT Director Jeff McGill had discussed with the Court the recommendation to purchaser the Microsoft Enterprise License for $154,000. He recommends doing it now and begin saving the costs of individual licenses that we are incurring this year. **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the Purchase of a Countywide Microsoft Enterprise License. All voting "Aye". MOTION PASSED**

27257 SUPPORT THE CITY OF SAN MARCOS IN MOVING FORWARD WITH THE CHANGE ORDER TO CONSTRUCT THE RE-CONFIGURED INTERSECTION OF THE CITY'S MCCARTY LANE PROJECT WITH EXISTING MCCARTY LANE [T1-930]

Commissioner Ingalsbe spoke of request from City of San Marcos for letter of support. Mike Weaver (Prime Strategies) spoke. Discussion was had regarding relocation of traffic counters and funding reimbursement. Judge Sumter voiced her concerns. [T1-2550] Mark Borenstein (HDR) spoke of change in the intersection at McCarty Lane and FM110. San Marcos Mayor Susan Narvaiz and Interim City Manager Laurie Moyer spoke. Commissioner Ingalsbe advised that she will continue to stay on top of the issues. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to support the City of San Marcos in moving forward with the Change Order to construct the re-configured intersection of the City's McCarty Lane Project with existing McCarty Lane. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Judge Sumter and Commissioner Ford voting "No". MOTION PASSED**

27258 EXECUTIVE SESSION, PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A VETERAN SERVICES OFFICER WITH ACTION

Court convened into closed executive session at 10:48 a.m. and reconvened into open meeting at 11:20 a.m. [T1-1749] **A motion was made by Judge Sumter, seconded by Commissioner Conley to hire Mike Mendoza as Veteran Services Officer with salary set at the mid-point range effective immediately. All 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 THE ACQUISITION OF ROW ON THE FISCHER STORE ROAD PROJECT IN PRECINCT 3 [T2-1070]

Court convened into closed executive session at 6:40 p.m. and reconvened into open meeting at 7:00 p.m. No action taken.

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 PARKS AND OPEN SPACE ADVISORY BOARD'S CALL FOR PROJECTS

Court convened into closed executive session at 2:25 p.m. and reconvened into open meeting at 3:35 p.m. No action taken.

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS [T1-2052]

Brenda Jenkins (Broaddus & Associates) spoke of committee meeting to be held regarding the jail facility. She spoke of need to reduce insurance requirements for R&B facility project (from $5 million to $2.5 million).

CLERK'S NOTE: AGENDA ITEM #22 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN* **WAS PULLED**

DEPARTMENTAL BUDGET REVIEW [T2-504]
Liz Provencio gave a powerpoint presentation giving an update regarding collective bargaining negotiations. Human Resources Director Dee Dee Baen advised that the increased cost is $1,360,383 over a three year period (does not include fringe benefits - add 20%). Liz Provencio spoke of Overtime proposal. The Court convened into closed executive session at 4:20 p.m. and reconvened into open meeting at 6:30 p.m. No action was taken.

27259 APPROVE AWARD TO HUNTER INDUSTRIES FOR BID #2010-B-14 ROAD IMPROVEMENTS/HOT MIX OVERLAY AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT [T1-2455]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award to Hunter Industries for bid #2010-B-14 Road Improvements/Hot Mix Overlay and authorize the County Judge to execute contract. All voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 20, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF JULY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Extension Office
Susan Schramm – Extension Agent explained requests. She is requesting cell phones for the office they are currently using their personal cell phones. She also announced that she will be retiring on August 31, 2010.

Building Maintenance
Ron Knott – Building Maintenance Director explained his budget requests. He requested that this fall he'd like to go out for bid for building supplies. In Janitorial Supplies he's making changes in what they currently use. He spoke of windows in the Courthouse in need of repair. There are 72 windows in the Courthouse. The Texas Historical Commission has strict requirements in restoration. If the Building Maintenance Department is able to do it, it would save the County a lot of money. Ron Knott is also requesting an additional part-time Custodial position.

Veteran's Services
Mike Mendoza – Veteran Service Officer explained his budget requests. He's requesting that we not use CARTS as recommended by the Transportation Committee. He's requesting increasing the driver's hours to 29 hours per week. He's requesting the Travel line item at $1,100.

Parks & Transfer Station
Jerry Pinnix – Parks & Transfer Station Director explained his budget requests. He spoke of participating in the Household Hazardous Waste with the City of San Marcos. The cost to the City is $80,000 and our contribution is $15,000. He's requesting an addition $5,000 to give to the City. He also spoke of the balers needing to be maintained. In Operating Expenses Hays County delivers glass to Blanco County to be crushed. At this time it isn't cost effective. Commissioner Conley asked about applying for a Grant for assistance in acquiring a baler. Parks - Jerry Pinnix spoke of security at the Park. He has one that comes in the morning and one that works in the evening with a 4-hour overlapping period. We pay a Security Company around $17 an hour. We also pay for Port-a-Potty's for the Parks. During the winter months the parks are open fewer hours, from 9 am to 6 pm and during the summer months the park is open from 9 am to 9 pm. He spoke of the security cameras being set up at the new area at 5-Mile Park by the City of San Marcos. Court spoke of possibly connecting to the security system for County use.

Recommendations
Parks – Contract Services $25,000, Maintenance & Repair $25,700, Equipment Mtc & Repair $1,500, Miscellaneous $200, Travel $0. Transfer Station – Contract Services $15,000, Trash Hauling $132,000, Continuing Ed $1,000, Equipment Mtc & Repair $6,000. Veteran's Administration – Office Supplies $500, Vehicle Mtc & Repair $750 and move the rest to County Wide. Building Maintenance – Building Mtc Supplies $34,000, Ground Mtc Supplies $1,200, Office & Computer Supplies $500, Postage $25, Contract Services $12,000, Bldg Mtc & Repair $70,000, Trash Hauling $14,000, Janitorial Services $25,000, Equipment Lease $400, Uniforms $5,000, Misc Equipment $3,700 and move the rest to County Wide.

Resource Protection Transportation & Planning Department
Lisa Wright – County Planning Director explained budget requests. She spoke of reducing the costs by leasing only one color and one black copier. **Recommendations** – Environmental Health – Office & Computer Supplies $6,000, Books & Periodicals $1,000, Miscellaneous $3,000, Office Equipment $0 –moved to County Wide, Travel $250, Contract Services $1,000 Temporary Personnel $4,500. 911 Adressing/GIS – Office & Computer Supplies $1,000, Temporary Personnel $4,500, Miscellaneous $0, Travel $400, Continuing Ed $5,000

Resource Protection Transportation & Planning Department

Road & Bridge – Jerry Borcherding spoke of budget requests. He spoke of the position for Construction Coordinator. He'd like to hire someone who'd be able to assist him with Capital Improvement Projects and would review the subdivision plans & would be able to highlight details. He also would like to hire a bookkeeper. He'd like to hire someone that would be trained by the current bookkeeper. The Court is supportive of a lap of jobs for 3-4 months in the bookkeeper position. **Recommendations** – Signs & Barricades $50,000. The Court asked Jerry Borcherding to come back on Monday with a more trimmed budget, between 10.5 & 10.8 million. Tim Vandevorde explained the difference between chip seal and slurry seal (hot mix surface).

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 22, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26TH DAY OF JULY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH COMMISSIONER PCT 2 JEFFERSON W. BARTON NOT PRESENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Resource Protection Transportation & Planning Department
Jerry Borcherding – explained his budget requests. Court recommended Maintenance & Repair at $10,000 for Dam Maintenance. He explained about roads that would be repaired in FY11. There are a few roads in certain cities that will be repaired by the Road Department and be reimbursed by the cities. Commissioner Barton came to Court at this time. Recommended - Miscellaneous Equipment $10,000. Tim Vandevorde spoke of different areas that the traffic counters have been throughout the County that not only count vehicles/bicycles but also note the speed. He has sent out that information to the Sheriff's Department.

Auditor
Bill Herzog – spoke of preliminary numbers that he's gotten from the Central Appraisal District. The Tax Roll will be certified today around noon. Preliminary numbers are $10,947 Billion which is $50 Million over last year.

New Employee Requests
Jail – Eliminate 2 Jail Mtc people but put more money in Jail Bldg Mtc & Repair $60,000. Personal Health Dept – Hire LVN and eliminate Medial Asst and Admin II. HCSO – Convert 1 position coming from Buda to Crime Analyst. Eliminate Lieutenant request for Govt Center. Auditor – Bill Herzog will look into requested position being funded out of Bond Money – he will bring back details. DA – Victims Asst Advocate – Re-grade only and not add a new full time position. Sheriff – Positions of Crime Analyst, Crime Prevention, and Instructor are to be absorbed by Deputy positions coming from Buda. RPTP – R&B - will fund Construction Coordinator and Bookkeeper ½ time for dual filled position.

Social Services
Court discussed different Social Services and amounts requested. They want to speak with a few organizations on Thursday July 29, 2010. They discussed Kyle Volunteer EMS and Kyle Volunteer Fire Department that were covering more than their district, but now there's Caldwell/Hays EMS that covers the area that Kyle used to cover. Commissioner Barton will look into this. Judge Sumter requested that Health Care Coalition, CTMC Hospice Care, The Friends Foundation come in on Thursday to address the Court. The Court will also discuss CountyWide Operating on Thursday.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 26, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF JULY 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT BUDGET PRESENTATION BY DISTRICT BOARD SKIPTON [T2-1136]

Mark Key, Secretary/Treasurer of the Hays-Trinity GCD, spoke of the budget. Education and community outreach request is $30,000. Requesting a budget of $182,000 from the County. HTGCD President Jimmy Skipton spoke of cuts that will have to be made if full funding is not received. Commissioner Ingalsbe will request assistance for HTGCD in redistricting along with the county.

PUBLIC COMMENT
Ray Whisenant made public comment regarding 2007 Park/Open Space Bond Funds. June Baumoel, Ginger Faught (representing Dripping Spring Mayor Todd Purcell), Michelle Fischer (Dripping Springs City Administrator), Rex Miller, Spider Williams (Dripping Springs City Councilman), Terry Polk (Harrison Ranch Park Commission & Dripping Springs AG Booster), Ronald Twining, Bob Richardson, David Edwards, Donna Moore, Brenda DeWitt, and Jimmy Skipton requested park funds for Harrison Ranch Park. [T1-492] Alan Cameron made public comment regarding local veterans services.

27260 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of $894,649.95 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

27261 APPROVE COMMISSIONER COURT MINUTES OF JULY 15, 19 & 20, 2010

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of July 15, 19 & 20, 2010 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

27262 APPROVE RENEWAL FOR ANNUAL BID #2007-B09 "FUEL FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal for annual bid #2007-B09 fuel for one (1) additional year as provided for in the original bid. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

27263 APPROVE RENEWAL FOR ANNUAL BID #2009-B14 "BOTTLED WATER FOR HAYS COUNTY OFFICES" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal for annual bid #2009-B14 "bottled water for Hays County Offices" for one (1) additional year as provided for in the original bid. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

27264 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL CONTRACT FOR UP TO $63,535 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE RLSS-LOCAL PUBLIC HEALTH SERVICES GRANT

This is to renew annual contract between the Texas Department of State Health Services (TDSHS) and the Hays County Personal Health Department (HCPHD), to fund Communicable Disease surveillance and reporting. The contract provides funding for the program from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a renewal contract for up to $63,535 from the Department of State Health Services for the RLSS-Local Public Health Services Grant. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27265 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL CONTRACT FOR UP TO $192,341 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) TO SUPPORT THE IMMUNIZATION PROGRAM OF THE PERSONAL HEALTH DEPARTMENT

This is a renewal contract in the amount of $192,341 between DSHS and the Personal Health Department to fund the Immunization program. The contract provides funding for the program from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a renewal contract for up to $192,341 from the Texas Department of State Health Services (DSHS) to support the immunization program of the Personal Health Department. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

CLERK'S NOTE: AGENDA ITEM #8 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM FOR FY 2011, IN THE AMOUNT OF $145,902* **was PULLED.**

27266 ACCEPT DONATIONS TO THE HISTORICAL COMMISSION OPERATING BUDGET AND AMEND THE BUDGET ACCORDINGLY

The Historical Commission is in the process of preparing a documentary of Buck Winn and has collected $14,500 to date in donations. These funds will be used for general supplies, contract services and travel costs associated with this project. Budget Amendments are as follows: 001-787-00-055.4610 Contributions - $15,500, 001-676-00-055.5201 General Supplies $5,000, 001-676-00-055.5448 Contract Services $8,000, 001-676-00-055.5501 Travel $2,500. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept donations to the Historical Commissioner operating budget and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27267 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE VEHICLE ENGINE ANALYZER FOR USE IN COUNTYWIDE SHOP

Sheriff Ratliff was intending to request this equipment in FY11. The Court had suggested finding funds in the current budget. The Sheriff was able to fund purchase of the engine analyzer and now needs authorization to purchase it from FY10 funds. This purchase would come out of Misc Equip line item #001-618-00.5719 in the amount of $5,784. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to purchase vehicle engine analyzer for use in Countywide shop. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27268 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS FOR MCCARTY LANE EAST, CR 233 [T2-1491]

Staff recommends acceptance of construction of the road and drainage improvements within the County ROW. The RPTP Department-Transportation Division has inspected and approved the improvements. **A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Barton to accept road construction and drainage improvements for McCarty Lane East, CR 233. All voting "Aye". MOTION PASSED**

27269 **RIM ROCK PHASE 2 SECTION 2 [10-4-15 – 90 LOTS] ACCEPT AFFIDAVIT OF PLAT CORRECTION** [T2-1502]

Programs Manager/Development Services Clint Garza explained the problems with the final plat for Rim Rock Phase 2, Section 2 in Pct 4 which consists of 90 lots, of which 89 are residential. The Final Plat was approved on February 13, 2007 and at the time of recording the plat contained errors on various building line setback distances throughout the section. The actual distances represented on the plat are accurate and are the result of an obvious error in labeling. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept Affidavit of Plat Correction for Rim Rock Phase 2 Section 2. All voting "Aye". MOTION PASSED**

DISCUSSION TO PROVIDE GUIDANCE TO THE JAIL COMMITTEE [T2-678]

The Jail committee is looking for guidance from the court. Does the Court want the Jail Committee to assess operational costs associated with the additional 96 beds and expansion of common areas? Does the court want an assessment of the current location to include the maximum amount of beds that could be built with common areas built out to maximum future capacity? Does the court want an operational costs assessment; building 96 beds with common areas built out to maximum future capacity with operational costs; building an entire mezzanine system in another location with 426 beds or at maximum build out of current location plus operational costs. Having operational costs associated with each option will help the court assess the best course of action for the immediate and long-term future. Commissioner Conley spoke. He recommended adding 96 beds, renovating the 330 beds and build-out the common areas. Brenda Jenkins (Broaddus & Associates) spoke of the current site capable of having up to 700 beds (new addition and current facility). The laundry, infirmary, and common areas are capable of handling a 700 bed facility. Committee can also consider building out to maximum of 700 beds.

27270 **ACCEPT THE COMMITTEES' RECOMMENDATION FOR RFP 2010-P12 FOR A COUNTY-WIDE WIRELESS COMMUNICATION SYSTEM; ALLOW STAFF TO NEGOTIATE A CONTRACT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT** [T2-570]

Commissioner Barton not present for this item. Committee members Jeff McGill, Steve Floyd, and Lisa Wright led by Terry Whitman from Broaddus and Associates reviewed the responses and recommend AT&T. **A motion was made by Judge Sumter, seconded by Commissioner Conley to accept the Committees' recommendation for RFP 2010-P12 for a county-wide wireless communication system and allow staff to negotiate a contract and authorize the County Judge to execute the contract. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

27271 **APPROVE THE DESIGN AND CONSTRUCTION COST FOR THE CANOPY STRUCTURE OVER THE LICENSE PLATE PNEUMATIC TUBE SYSTEM AND DRIVE-UP** [T2-304]

Bob Hinkle (Broaddus & Associates) spoke. The drive-up was part of the GMP that was approved by court but the Canopy Structure and Large Tube for the License Plates was not part of the original contract. This structure is necessary to support the larger tube for the license plates. Tax Assessor-Collector Luanne Caraway and the Building Committee feel like this canopy is important to protect customers from increment weather. Design cost would be $21,666.26 for one tube. Discussion was had regarding increasing that number to two tubes. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the design and construction cost for the canopy structure over the license plate pneumatic tube system and drive-up not to exceed $25,000. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

27272 **AUTHORIZE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY, CITY OF SAN MARCOS AND TEXAS STATE UNIVERSITY REGARDING THE DEVELOPMENT OF AN UPPER SAN MARCOS WATERSHED PROTECTION PLAN** [T2-120]

Commissioner Barton was not present for this item. This Interlocal agreement and fund request will allow the Rivers Systems Institute at Texas State University-San Marcos to work with cooperating partners to identify goals and prepare data and documents to submit to TCEQ for a 319 grant to enable a full-blown watershed protection planning process, much like what is currently in progress for Cypress Creek in Wimberley and for Plum Creek Watershed near Kyle. $3,000 expense to be paid from LCRA funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to sign Interlocal Agreement between Hays County, City of San Marcos and Texas State University regarding the development of an Upper San Marcos Watershed Protection Plan. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present for vote. MOTION PASSED**

27273 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND U.S. FOODSERVICE, INC [T1-559]

Commissioner Barton spoke of previous agreement regarding this issue. John Fowler from U.S. Foodservice Inc. provided information regarding project facts, employment & salaries ($58,442-$99,849), projected total jobs of 405, proposed Buda Distribution Center, proposed Hays County Commitment of $2,689,160, and loan amortization schedule. Special Counsel Mark Kennedy spoke of the agreement being considered and changes that have been made. Public comment was made by Executive Director of Buda Economic Development Corp. Warren Ketteman, Carl Urban, Tommy Poer, Buda Asst. Manager/Planner Brian LaBorde, and Betsy Urban. Commissioner Barton spoke of Buda business men and women who support this project. He spoke of substandard streets in the area that will be improved because of this project and will increase the value of property. He spoke of support from the City of Buda. George Murphy (Engineer) spoke of cost estimates. Discussion was had regarding number of jobs that will be created. Stanley Fees, Buda City Engineer spoke. Commissioner Barton advised that the Interlocal agreement with the City of Buda is not ready for action today. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute an Economic Development Agreement between Hays County and U.S. Foodservice, Inc. as presented by Special Counsel. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

27274 AWARD IFB #2010-B064 FOR THE CEDAR OAK MESA WSC GROUND STORAGE TANK TO CENTRAL TEXAS WATER MAINTENANCE, IN THE AMOUNT OF $163,210.90 AND AUTHORIZE THE COUNTY JUDGE TO SIGN CONTRACT DOCUMENTS [T2-1527]

Grants Administrator Jeff Hauff explained the project. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to award IFB #2010-B064 for the Cedar Oak Mesa WSC Ground Storage Tank to Central Texas Water Maintenance, in the amount of $163,210.90 and authorize the County Judge to sign contract documents. All voting "Aye". MOTION PASSED**

CONSIDER AUTHORIZING THE COUNTY JUDGE TO EXECUTE LETTER AMENDMENTS TO INTERLOCAL AGREEMENTS FOR THE MAINTENANCE OF ROADWAYS BETWEEN HAYS COUNTY AND PARTICIPATING MUNICIPALITIES

[T1-2280] Commissioner Barton was not present for this item. Commissioner Conley spoke of agreements with municipalities giving the county the right and authority to maintain roads that are integral to the county road system and gives municipalities the ability to make project-specific requests for maintenance of city roads. The amendment allows the county to provide notice of maintenance and improvements to the participating city, but would not propose to invoice the participating city for material costs on its portion(s) of the roadway. By executing the letter amendment, a participating city would be deemed to have consented to the work upon receipt of notice from the county. Cynthia Marion and Denise Jackson (representing Wagon Wheel Property Owners Association) made public comment regarding Flite Acres Road. Consent from the City would be required before performing the road maintenance. Commissioner Ingalsbe advised that she would like to see financial participation from the cities. Special Counsel Mark Kennedy advised that he could add a clause setting out a consent procedure. Action was postponed. [T2-1550] Commissioner Conley advised that he will meet with the City Council of Wimberley to get their consent.

27275 WORKSHOP WITH POSSIBLE ACTION REGARDING RECOMMENDATIONS FROM VA TRANSPORTATION COMMITTEE [T2-1721]

Commissioner Conley spoke of committee recommendations. They did a pilot program with CARTS but there was not enough activity to proceed with that service. Recommendation is to obtain a grant for a VA bus. There were town hall meetings which indicated that services are needed to assist veterans in getting the benefits they deserve. Alan Cameron spoke of need to keep CARTS in the picture for possible services in the future. VA Transportation Committee recommendations:

Maintain a part-time employee (29 hrs) to service veterans Tuesday – Thursday
On call services to be available Monday – Friday
Move forward on applying for a grant with TxDot to get a bus/van
Extension of CARTS contract until grant is received (possibly by the end of Sept) – NTE $4,000

Committee will continue to meet and evaluate the services needed even further [T2-2353] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept the recommendations of the VA Transportation Committee and move forward with those recommendations as soon as possible. All voting "Aye". MOTION PASSED**

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER, PRECINCT OFFICE; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS

Bob Hinkle of Broaddus & Associates explained different documents that the Court previously adopted which included Change Order #2 incentive split for general conditions and contingency. He also spoke of changes made with court approval a couple of weeks ago with rainwater collection and irrigation changed to condensate collection and irrigation which also included the underground electrical and it didn't have any changes.

CLERK'S NOTE: AGENDA ITEM #22 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled.**

CLERK'S NOTE: AGENDA ITEM #23 RE*: DISCUSSION OF DEPARTMENTAL BUDGET. POSSIBLE ACTION MAY FOLLOW* **WAS PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 27, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29TH DAY OF JULY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH COMMISSIONER PCT 3 WILL CONLEY BEING ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Social Service Agencies

Karen Glass of The Friends Foundation explained what their organization does. They rely on volunteers with little overhead. Debra Harris explained their services. They assist with meals on wheels at a cost of $4.97 per meal. They serve around 30 people 3 times a week. They target the 50 + group and some of them don't qualify for Medicaid/Medicare. Kathy Carriker spoke of one of the screenings that they offer such as osteoporosis. They spoke of one their fundraisers on October 7, 2010 at the Salt Lick in Driftwood starting at 7:00 pm. They currently have 20 volunteer drivers for the meals on wheels and they have around 60 volunteers they can call on at any given time.

Lisa Adams of CTMC Hospice Care introduced Abel Rodriguez and Linda Lopez. Abel Rodriguez explained that they help families deal with grief and they also help with case management. They also have a teaching kitchen that includes the empty chair. They've helped 320 clients year to date. Linda Lopez explained the organization has been around since 1991. She explained that the money they are requesting is for remodeling of the building, equipment and supplies. Linda Lopez explained they would like to provide a teen bereavement group. They will also have a Chapel, Multi Use, and conference room in the building and will be ADA accessible. Linda Lopez explained that they also work closely with Seton Hospital in Kyle. Abel Rodriguez spoke of working in collaboration with the Juvenile Probation and Scheib Center. Currently, 90% of the clients are Hays County residents.

Bobbi Ryder of Health Care Coalition explained the organization. They help with health, oral and mental care of migrant workers. She has 2 requests for Hays County to consider: 1) Cultivando La Salud (Breast Cancer education/screening), for this they are requesting an additional $20,0000; 2) Healthy Communities Collaborative (decrease dependence on those resources by improving the health of the community). Future/Goals – Inventory Hays County health and social services resources and identify gaps; County-wide coordinated campaign to adopt healthier behaviors and lifestyles; Improve access to oral and mental health services; Explore other options to reduce the incidence of chronic illness and the cost to residents, employers, area providers.

TABC – Pete Champion explained the services they provide. They currently have 6 people working out of the San Marcos office serving Hays and surrounding counties. The revenues this year have almost doubled and stand at $13,370. We collect ½ the state fees for renewals and permits/notices. The hub area used to be in New Braunfels and moved here under County Judge Don Rains. Pete Champion will be retiring next month after 32 years of service.

Commissioner Ingalsbe spoke with Jerry Borcherding about helping with answering telephone calls for Fire Marshall when he moves into the RPTP Building. Jerry Borcherding said he would get Carlos or a couple of Environmental Health Admin's to help.

Recommendations

Commissioner Conley came to Court at this time. Social Services – Almost all Social Services will stay at the same amount that was funded in FY10. The Court is requesting to hear from Hays County Crime Stoppers, RP Search Services, Kyle Volunteer Fire Department, Kyle Volunteer EMS, Greater SM Youth Council. The Court agreed to fund Calaboose African/Am Museum $2,000, Indigeneous Cultures $2,000, Commissioner Ingalsbe and Commissioner Barton will fund Centro Cultural Hispano De San Marcos out of their funds. The Friends Foundation the Court will do a one-time payout of $5,000 coming out of Reserves. Hays Trinity Groundwater Conservation $100,000 for Operations and $14,000 for Education Outreach. Court wants to speak with Hays County Crime Stoppers, RP Search Services, Kyle Volunteer Fire Dept, Kyle Volunteer EMS and Greater SM Youth Council before making any other decisions. County Wide – Consultant 01-414-5443 General $50,000 for Consulting and $25,000 for Transportation, Predatory Animal Control $28,200, Re-Districting $25,000, Small Business Insurance – $36,000 moved to Tobacco Funds, Dispute Resolution – Contract Services $10,000, Total for Consultant is $398,200 [$138,200 + $260,000 (out of Reserves)]. Contingencies – 01-414-5399 – General $150,000 ($25,000 earmarked for training for new Commissioners), Employee Appreciation $15,000, South Tx Co Judge/Comm Host Conference $0, Total for Contingencies - $165,500. Membership Fees -01-414-5321 General $5,000. Salary Adjustments – 01-414-5091 - $50,000, Community Program Expense $30,000, Legal Services $125,000.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 JULY 29, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF AUGUST 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**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COMMISISONER PCT. 2 JEFFERSON W. BARTON ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27276 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payments of county invoices in the amount of $1,021,073.66 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

27277 APPROVE COMMISSIONER COURT MINUTES OF JULY 22, 26 & 27, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commissioner Court Minutes of July 22, 26 & 27, 2010 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

27278 APPROVE SPECIFICATIONS FOR IFB #2010-B17 GENERAL CONTRACTOR FOR THE STABILIZATION PROJECT FOR THE (HISTORICAL) OLD HAYS COUNTY JAIL AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve specifications for IFB #2010-B17 General Contractor for the Stabilization Project for the (Historical) Old Hays County Jail and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

27279 APPROVE THE AMENDED OCTOBER AND NOVEMBER 2009, JANUARY, FEBRUARY AND MARCH 2010 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve the Amended October and November 2009, January, February and March 2010 Treasurer's Reports and Investment Reports as submitted by the County Treasurer. All present voting "Aye". MOTION PASSED

27280 AMEND DISTRICT COURT AND COUNTY COURT @ LAW BUDGETS FROM CONTINGENCIES IN GENERAL FUND AND BUDGET GOVERNMENT CENTER FUNDS RECEIVED FROM PROCEEDS OF CERTIFICATES OF OBLIGATION SERIES 2010

A motion was made by Commissioner Ford, seconded by Commissioner Conley to amend District Court and County Court @ Law Budgets from Contingencies in General Fund and Budget Government Center Funds received from proceeds of Certificates of Obligation Series 2010. All present voting "Aye". MOTION PASSED

27281 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM FOR FY 2011, IN THE AMOUNT OF $145,902.00

This is a contract between the Hays County personal Health Department and the Texas Department of State Health Services for Public Health Emergency Preparedness funds for FY 2011. The award is for $145,902 there is a requirement for an in-kind match of $14,590. The funding is for August 1, 2010 through July 31, 2011. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute the Contract for the Public Health Emergency Preparedness Program for FY 2011, in the amount of $145,902. All present voting "Aye". MOTION PASSED**

27282 AMEND JUVENILE PROBATION TJPC X GRANT TO CORRECT REVENUE FUNDING PER THE GRANT CONTRACT AND TO PURCHASE COMPUTER EQUIPMENT, A BULLETIN BOARD & CONTRACT SERVICES FOR THE GED PROGRAM

The Texas Juvenile Probation Commission award for the ICBP Grant is $48,655. This amendment will correct the budgeted amount in revenue and expenditures with no matching funds required from the County. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to amend Juvenile Probation TJPC X Grant to correct revenue funding per the Grant Contract and to purchase computer equipment, a bulletin board & contract services for the GED Program. All present voting "Aye". MOTION PASSED**

27283 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS ON ALPINE TRAIL, CR 384 IN THE HIGHLANDS EAST SUBDIVISION [T1-39]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation to establish a stop sign on Alpine Trail at Hilliard Road, and a speed limit of 35 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish traffic regulations of a STOP sign on Alpine Trail (CR 384) at Hilliard Road and a 35 MPH speed limit on Alpine Trail (CR384) in the Highlands East Subdivision. All present voting "Aye". MOTION PASSED**

27284 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION PH. 2, SEC. 2 AND PH. 3, SEC. 2. [T1-51]

Judge Sumter opened the public hearing. No public input was received. Public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation to establish a stop sign on Seep Rock Cove at Shelf Rock Road, a stop sign on Shelf Rock Road as it "T's" into itself , a stop sign on Pastoral Cove at Bluff Woods Drive, two stop signs Bluff Woods Drive at Sad Willow Pass (one from each direction for a two-way stop), a stop sign on Prairie Grass Cove at Bluff Woods Drive, a stop sign on Applewood Drive at Bluff Woods Drive, a stop sign on Sarahs Spring Cove at Bluff Woods Drive, a separate stop sign on Bluff Woods Drive at Sad Willow Pass as it comes back around and "T's" , and a speed limit on all roads of 25 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations establishing STOP signs on Seep Rock Cove at Shelf Drive, on Shelf Rock Road as it "T's" into itself, on Pastoral Cove at Bluff Woods Drive, on Bluff Woods Drive at Sad Willow Pass (one from each direction for a 2-way stop), on Prairie Grass Cove at Bluff Woods Drive, on Applewood Drive at Bluff Woods Drive, on Sarah's Spring Cove at Bluff Woods Drive, on Bluff Woods Drive at Sad Willow Pass as it comes back around and "T's", and a speed limit on all roads in Rim Rock Phase 2 Section 2 and Phase 3 Section 2 of 25 MPH. All present voting "Aye". MOTION PASSED**

27285 APPROVE DOUBLE FILLING THE POSITION OF ASSISTANT TAX ASSESSOR-COLLECTOR FOR MORE THAN THE STANDARD TWO WEEK PERIOD [T1-72]

The Assistant Tax Assessor-Collector is retiring on 9/30/2010 and in order to train someone to assume this position Luanne Caraway, Tax Assessor-Collector would like to hire as soon as possible to allow that additional training time. There's a position that has not been filled since March 11, 2010 and with those savings there will be enough to cover the expense of this request. This will also give enough time to at least have this individual partially trained before we get into the busy tax season. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve double filling the position of Assistant Tax Assessor-Collector for more than the standard two week period. All voting "Aye". MOTION PASSED**

27286 AMEND CONSTABLE PCT. 3 BUDGET TO COVER A SHORTAGE IN CONTINUING EDUCATION LINE ITEM [T1-93]

Constable Ayres is requesting to move funds from Law Enforcement Supplies and Equipment Maintenance & Repair to be moved into continuing Ed line item to cover the expenses accrued during a civil process class taken by his assistant, Matt Farris. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to amend the Constable Pct 3 budget by moving $152.76 from Law Enforcement Supplies(001-637-00-5206) and $86.56 from Equipment Maintenance & Repair(001-637-00-5411), for a total of $239.32, into Continuing Education line item #001-637-00-5551 to cover expenses. All present voting "Aye". MOTION PASSED**

27287 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH VOTEC FOR SOFTWARE AND SERVICES [T1-100]

This is for the purchase of electronic poll book software. Elections Administrator Joyce Cowan has been preapproved for reimbursement fro the Secretary of State, Texas for purchase of this equipment. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute a Contract with VOTEC for software and services. All present voting "Aye". MOTION PASSED**

27288 AWARD IFB #2010-B15 FOR THE WINTER'S MILL PARKWAY TRAIL TO MYERS CONCRETE CONSTRUCTION, LP, IN THE AMOUNT OF $367,417.20, AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT DOCUMENTS AND AMEND THE BUDGET ACCORDINGLY [T1-116]

On March 30, 2010 the Commissioners Court authorized Purchasing to advertise for bids for the Winter's Mill/Blue Hole Loop Trail Project. Bids were received on June 28, 2010 with ten firms responding. The low bidder was Myers Concrete Construction, LP with a bid of $367,417.20. The bid has been reviewed by both the engineering firm for the project and the Texas Department of Transportation (TxDOT), and is within the budget allocated. It is recommended that the project be awarded to this firm. This project is funded in part through an Advance Funding Agreement with TxDOT, which will provide 80% of the project costs. The remainder will consist of County matching funds. The amount is $367,417.20 – TxDOT Funds 80%; County Funds 20% coming out of line item 020-710-99-048.5611 & 145-813-97-048.5611. **A motion was made by Commissioner Conley, seconded by Judge Sumter to award IFB #2010-B15 for the Winter's Mill Parkway Trail to Myers Concrete Construction, LP, in the amount of $367,417.20; authorize the County Judge to execute contract documents; and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

DISCUSSION REGARDING DIRECTION TO STAFF AND THE CITIZEN PARKS AND OPEN SPACE ADVISORY BOARD REGARDING CRITERIA AND PROCESS FOR RECREATION-FOCUSED PROJECTS IN REGARDS TO REMAINING DOLLARS IN 2007 PARKS AND OPEN SPACE BOND FUNDS [T1-505]

In the Court's discussion on September 15, 2009, it was agreed to move forward with call for projects for conservation land acquisition, but to postpone finalizing the recreation criteria, application and a specific call for recreational projects. Patty Willis (SWIMBERLEY), Michelle Fischer (Dripping Springs City Administrator), Carl Owens (SWIMBERLEY), and Jim Camp (Chair of the Hays County Parks & Open Space Board) made public comment. Commissioner Ford spoke of proposed guidelines for parks & recreation project evaluation. She suggested putting a call out for recreational projects that would meet the proposed criteria.

PRESENTATION BY ZARA ENVIRONMENTAL REGARDING THE HAYS COUNTY KARST INVERTEBRATE STUDY AND REPORT [T1-175]

Grants Administrator Jeff Hauff spoke. Kathleen O'Connor (Zara Environmental) presented a draft report regarding the completed study. No action was taken.

27289 TERMINATE EXISTING INTERLOCAL AGREEMENTS FOR THE 911 ADDRESSING RESPONSIBILITIES IN VARIOUS MUNICIPALITIES THROUGHOUT HAYS COUNTY [T1-370]

Clint Garza spoke of currently having Interlocal Agreements in place with the Cities of Buda, Kyle, Dripping Springs, Niederwald, and Uhland. Staff has proposed a revised Agreement that complies with most recently adopted Hays County Development Regulations and will replace the existing Agreements as well as serve the Municipalities who do not currently have addressing staff or an Agreement in place. **A motion was made by Commissioner Ford, seconded by Judge Sumter to terminate existing Interlocal Agreements for the 911 Addressing responsibilities in various Municipalities throughout Hays County. All present voting "Aye". MOTION PASSED**

27290 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SERIES OF INTERLOCAL AGREEMENTS FOR THE 911 ADDRESSING RESPONSIBILITIES IN VARIOUS MUNICIPALITIES THROUGHOUT HAYS COUNTY [T1-429]

Currently Hays County Development Services staff is responsible for the assignment of 911 addresses throughout most of Hays County. This area includes the unincorporated areas and all municipalities except the City of San Marcos. It has been 10 years since the adoption of the original agreements and the revised agreements and the revised agreement will ensure compliance with currently adopted development regulations. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a series of Interlocal Agreements for the 911 Address responsibilities in various Municipalities throughout Hays County. All present voting "Aye". MOTION PASSED**

27291 APPROVE WORK AUTHORIZATION/AMENDMENT TO THE MASTER AGREEMENT BETWEEN LOCKWOOD, ANDREWS & NEWNAM, INC (LAN) AND HAYS COUNTY FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR THE DACY LANE PROJECT [T1-462]

The Court awarded the Dacy Lane Construction Contract to Capital Excavation Inc. The bid came in at $5.7M, 30% below the engineer's estimate of $8.2M. This action would allow for Construction Administration and Inspection Services as outlined in the back-up. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Work Authorization/Amendment to the Master Agreement between Lockwood, Andrews & Newnam, Inc (LAN) and Hays County for construction administration and inspection services for the Dacy Lane Project. All present voting "Aye". MOTION PASSED**

27292 APPROVE DEPARTMENT REORGANIZATION FOR THE DEVELOPMENT SERVICES DIVISION OF THE RESOURCE PROTECTION, TRANSPORTATION, AND PLANNING (RPTP) DEPARTMENT, APPROVING THE NEW AND/OR REVISED JOB DESCRIPTIONS, AND AUTHORIZING HUMAN RESOURCES TO POST THE POSITIONS [T1-485]

On July 22, 2010, the Commissioners Court approved, in theory, a further reorganization of the Resource Protection, Transportation, and Planning (RPTP) Department to create a Natural Resources Program under the Development Services Division under which all current and future environmental compliance and conservation staff members will operate. The Court directed staff to place the item on a future agenda for formal approval and post the new/revised positions. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Department Reorganization for the Development Services Division of the Resource Protection, Transportation, and Planning (RPTP) Department, approving the new and/or revised job descriptions, and authorizing Human Resources to post the positions. All present voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #20 RE: *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.**

Clerk's Note: Agenda Item #21 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

DISCUSSION OF DEPARTMENTAL BUDGET

[T1-1215] Judge Sumter spoke of request from "Healthy Communities Collaborative" and "Hays County Breast Cancer Education Program". **Recommendation:** $10,000 for Breast Cancer Education Program – contingent on contributions from other entities. $20,000 for Healthy Communities Collaborative.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 3, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF AUGUST A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

County Auditor Bill Herzog gave a recap of the budget with the current recommendations. He spoke of the numbers received from the Central Appraisal District. We are currently at a tax rate of 46.92¢. Commissioner Ingalsbe spoke of workshop about Courthouse Security planned for next Tuesday. The Court discussed recommended expense budget transaction report. The Court also discussed employee pay increases.

Mark Kennedy spoke of requirements for posting an Agenda, HB3601 was passed in June of 2009, that spoke of posting electronically instead of posting on the Courthouse Door, which is under Chapter 82 of the Local Government Code its not the Open Meetings Act and in his opinion, we need to adhere to the Open Meetings Act Requirement when notice is being posted for that, which states that if we maintain an internet posting then we have to post at both on the Courthouse Door and on the internet and meet the posting requirements on both places. In light of this, in his opinion, we need to cancel today's meeting. Clerk's Note: Agenda was posted on the Courthouse Door and it was not posted on the internet.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 9, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF AUGUST 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Dee Dee Baen, Human Resources Director introduced new county employees.

PUBLIC COMMENTS
Ray Whisenant, Jr. (Dripping Springs), Patrick Cox (Wimberley), and Rex Miller (Dripping Springs) spoke on Parks and Open Space funds. Jean McMeans (Wimberley) and Larry Calvert (Wimberley) spoke of AgriLife Extension 4-H position. Dripping Springs City Administrator Michelle Fischer spoke of Park Bond Funds for Harrison Ranch Park. Melodie Greider (Dripping Springs), David Edwards (Dripping Springs Chamber of Commerce), Cristina Chavez (Dripping Springs), Carlotta McLean (Dripping Springs) and June Baumeol (Dripping Springs) spoke of Harrison Ranch Park

27293 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $2,339,007.57 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27294 APPROVE COMMISSIONER COURT MINUTES OF JULY 29 & AUGUST 3, 2010

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of July 29 & August 3, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27295 APPROVE HEALTH SERVICES AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND COMMUNITY ACTION INC., OF HAYS, CALDWELL, & BLANCO COUNTIES FOR SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2011

This is an agreement renewed annually between the PHD and Community Action, Inc., of Hays, Caldwell & Blanco Counties for the PHD to provide the annual physicals for the Head Start students. If the students have Medicaid or CHIP insurance, the PHD bills these entities for the services. Community Action reimburses the PHD for students without Medicaid or CHIP at the rate of $25 per exam and $15 for lead testing. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve Health Services Agreement between Hays County Personal Health Department (PHD) and Community Action Inc., of Hays Caldwell & Blanco Counties for September 1, 2010 through August 31, 2011. All voting "Aye". MOTION PASSED**

27296 APPROVE RENEWAL OF CONTRACT FOR MR. JOHN CARSON, R.PH TO PROVIDE PHARMACY SERVICES TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT

This is an annual contract for Mr. John Carson R.Ph to provide pharmacy consultation services and monthly audits to the Hays County personal Health Department. Retention of a professional Pharmacist-in-Charge (PIC) is required due to the Health Department's designation as a Class D Pharmacy. The Texas State Board of Pharmacy requires a monthly inspection and an annual inservice. These services will be provided from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of contract for Mr. John Carson R.PH to provide pharmacy services to Hays County Personal Health Department. All voting "Aye". MOTION PASSED**

27297 APPROVE RENEWAL OF CONTRACT FOR DR. CHARLES P. ANDERSON, M.D. TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

This is a contract for Dr. Charles Anderson to provide consultation and supervisory services to the Hays County Personal Health Department Women's Health clinic and its Family Nurse practitioner. Dr. Anderson will provide these services for the clinic's family planning clients. These services will be provided from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Charles P. Anderson, M.D. to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED**

27298 APPROVE RENEWAL OF CONTRACT FOR DR. ALBERTO SANTOS III, D.O., TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

This is annual contract for Dr. Alberto Santos to provide consultation and supervisory services to the Hays County Personal Health Department Family Clinic and its Family Nurse Practitioner. Dr. Santos provides these services on a rotating schedule with the Medical Director/Health Authority. These services will be provided from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Alberto Santos III, D.O., to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED**

27299 APPROVE CONTRACT FOR DR. CHARLES P. ANDERSON, M.D., TO PROVIDE CONSULTATION AND SUPERVISORY SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S' HEALTH CLINIC

This is an annual renewal for Dr. Anderson to provide services as the Local Health Authority to Hays County and Hays County Personal Health Department Women's Health clinic and its Family Nurse Practitioner. Dr. Anderson will provide these services for the clinic's family planning clients. These services will be provided from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve contract for Dr. Charles P. Anderson, M.D., to provide consultation and supervisory services for the Hays County Personal Health Department Women's Health Clinic. All voting "Aye". MOTION PASSED**

27300 APPROVE RENEWAL OF DOCTORS' ANNUAL CONTRACTS TO PROVIDE PHYSICIAN SERVICES AND SUPERVISION FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC AND ITS NURSE PRACTITIONER. THE COLLABORATING DOCTORS ARE: DR. BETH D. REID, MD, DR. BARRETT RANDALL BLAUE, M.D., AND DR. TERESA IRWIN, MD

These are annual contracts fro Doctors' Reid, Blaue, and Irwin to provide physician services, consultation, and supervision for maternity and post-partum clients of the Hays County Personal Health Department Women's Clinic. Under the Title V grant program they will also provide prenatal visits at their location for high risk clients and tubal ligations as they are able. These services will be provided from September 1, 2010 through August 31, 2010. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of Doctors' annual contracts to provide Physician Services and supervision for the Hays County Personal Health Department Women's Health Clinic and its Nurse Practitioner. The Collaborating Doctors are: Dr. Beth D. Reid, MD, Dr. Barrett Randall Blaue, MD, and Dr. Teresa Irwin, MD. All voting "Aye". MOTION PASSED**

27301 APPROVE RENEWAL OF CONTRACT RE-APPOINTING DR. CHARLES P. ANDERSON, MD AS THE LOCAL HEALTH AUTHORITY OF HAYS COUNTY PURSUANT TO CHAPTER 121, SUBCHAPTER B OF THE TEXAS HEALTH & SAFETY CODE

This is an annual renewal for Dr. Anderson to provide services as the Local Health Authority to Hays County and Hays County personal Health Department. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve renewal of contract re-appointing Dr. Charles P. Anderson, MD as the Local Health Authority of Hays County Pursuant to Chapter 121, Subchapter B of the Texas Health & Safety Code. All voting "Aye". MOTION PASSED**

27302 APPROVE AWARD OF BID #2010-B18 CONCRETE CONTRACTOR (ON AN AS NEEDED BASIS) TO MYERS CONCRETE CONSTRUCTION

Three responses were received with Myers Concrete Construction having the lowest bid. After review of the bids it is the recommendation to award to Myers Concrete Construction. Award of the bid was based on the lowest per man-hour rate, and the experience and ability to meet requirements. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve award of bid #2010-B18 Concrete Contractor (on an as needed basis) to Myers Concrete Construction. All voting "Aye". MOTION PASSED**

27303 AMEND PERSONAL HEALTH, IMMUNIZATION BUDGET TO RECORD ADDITIONAL PROGRAM INCOME AND EXPENDITURES

The Personal Health Department is contracted with the Department of State Health Services for the Immunization program. Per the contract, funds received as a result of services provided through the Immunization program must be rolled back into the program. This will be funded with program income received for immunization services. Budget Amendment - Program Income #120-675-99-018.4440 - $20,000, Office Supplies #120-675-99-018.5211 + $5,155, Medical Supplies #120-675-99-018.5231 + $5,000, Telephone #120-675-99-018.5489 + $2,200, Misc. Equipment #120-675-99-018.5719 + $7,645. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to amend Personal Health, Immunization Budget to record additional program income and expenditures. All voting "Aye". MOTION PASSED**

27304 APPROVE THE APRIL 2010 TREASURER'S REPORT

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve the April 2010 Treasurer's Report as submitted by the County Treasurer. All voting "Aye". MOTION PASSED

27305 APPROVE REDUCTION IN HAYS COUNTY EXCESS OR UMBRELLA LIABILITY INSURANCE COVERAGE FOR THE RPTP FACILITY ADDITION TO NOT LESS THAN $2,500,000 PER OCCURRENCE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CHANGE ORDER

Considering the total construction cost and expected value of the existing building, Broaddus recommends reducing the requested Excess or Umbrella Liability insurance coverage to not less than $2,500,000 per occurrence. This reduction in insurance coverage will be reimbursed to the Contractor's Contingency through the required change order procedures outlined in the Contract. Court considered this matter on July 20th and gave positive input toward reducing the coverage amount, however the Court needs to finalize that decision before action can be taken. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve reduction in Hays County excess or umbrella liability insurance coverage for the RPTP Facility Addition to not less than $2,500,000 per occurrence and authorize the County Judge to execute the change order. All voting "Aye". MOTION PASSED**

27306 CALL FOR A PUBLIC HEARING ON AUGUST 24, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON CREEK RD, CR 190

Traffic regulation to be considered at the public hearing is to establish a YIELD sign on Creek Road (CR 190) on the east side of the low-water crossing (for westbound traffic to yield) at Onion Creek, approximately one-half mile west of the City of Dripping Springs. **A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to call for a public hearing on August 2, 2010 to establish traffic regulations on Creek Road CR 190. Commissioner Conley not present for vote. All present voting "Aye". MOTION PASSED**

27307 PARTIAL VACATE AND RE-PLAT OF LOT 3 & 4, F&W SUBDIVISION, SECTION 2 [10-16-4 – 2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON SEPTEMBER 7, 2010**

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 vacated/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. 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. **A motion was made by Commissioner Ford seconded by Judge Sumter to approve preliminary plan and call for a public hearing on September 7, 2010 for a partial vacate and re-plat of lots 3 & 4 F&W Subdivision Section 2. All voting "Aye". MOTION PASSED**

27308 OFFICIALLY SELECT A CONSERVATION PROPERTY AND DIRECT STAFF TO WORK WITH THE NATURE CONSERVANCY IN PERFORMING DUE DILIGENCE REQUIRED FOR ACQUISITION

On February 9, 2009, the Commissioners Court voted to reserve about $8 million of the park and open space bond funds for "habitat, open space, and water quality/quantity/access projects, including that amount necessary to initiate the recommendations of the Regional Habitat Conservation Plan." Since then, the process has included development of criteria and a scoring matrix by the Parks and Open Space Advisory Board (POSAB); a public call for projects in Oct 2009; review and scoring of the 15 responding proposals by POSAB; acceptance of top six scoring projects for further assessment by the County's selected real estate partner, TNC; biological assessment and habitat surveys by the County's environmental biology team, Loomis Partners; and review and recommendation from the local consulting agent of the US Fish & Wildlife Dept. Commissioner Ford is recommending Nicholson Ranch and asking to purchase 1,000 acres. The price is $5,000 per acre for a total of $5,000,000. Cliff Ladd of Loomis Partners and Rachel Ranft of the Nature Conservancy spoke. Bill Bryant of Austin and representing Lazy Oaks Ranch LP spoke. Dirk Johnston of Driftwood, and representing Lazy Oaks Ranch LP. Jim Camp of the Hays County Parks & Open Space Board spoke. J.B. Kolodzey of Buda and HCSSTF/TXSSC spoke. **A motion was made by Commissioner Ford seconded by Commissioner Conley to officially acknowledge …and direct staff 722….. for acquisition of property of Nicholson Ranch and we need to get a commitment from the Nature Conservancy before we move forward. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING CLARIFYING THE PROCESS FOR PARK AND OPEN SPACE GRANT-FUNDED PROJECTS THAT CHANGE IN SCOPE, PURPOSE OR PLACE [T1- 1371]

Carl Owens of Wimberley and representative of Swimberley spoke. Jim Camp of Hays County Parks & Open Space Board spoke. J.B. Kolodzey of Buda and HCSSTF/TXSSC spoke. Kerry Urbanowicz of City of Kyle Parks Department Director spoke. Nancy Gilkyson member of Parks and Open Space Advisory Board spoke. Jim Camp of the Parks and Open Space Advisory Board spoke. Jeff Hauff Director of Grants Administration spoke.

27309 AMEND THE ROAD & BRIDGE BUDGET FOR MISCELLANEOUS CAPITAL IMPROVEMENTS FOR THE RPTP ADDITION [T2-3224]

Additional funds are needed in the Misc. Capital Improvements line item for fencing ($2,671), relocate sewer lines ($3,013) and wheel stops ($1,080) due to the expansion. **A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to amend the Road & Bridge budget for Miscellaneous Capital Improvements for the RPTP Addition. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27310 AMEND THE ROAD & BRIDGE BUDGET FOR THE PURCHASE OF A CONCRETE CUT-OFF SAW [T2-3236]

Additional funds are needed in the Misc. Equipment line item to purchase a replacement concrete cut-off saw. Take $1,214.99 from line item #020-710-00.5441 Legal Services to line item #020-710-00.5719 Misc Equipment. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to amend the Road & Bridge budget for the purchase of a concrete cut-off saw. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27311 APPOINT COMMISSIONER FORD AS A REPRESENTATIVE TO THE CAPCOG GENERAL ASSEMBLY [T2-3246]

Hays County has a general assembly representative vacancy. It is important that this position be filled so that we vote our full strength on budget and officer appointment issues. **A motion was made by Judge Sumter seconded by Commissioner Conley to appoint Commissioner Ford as a Representative to the CAPCOG General Assembly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27312 AMEND THE BUILDING MAINTENANCE BUDGET TO PURCHASE A VEHICLE WITH FY10 SALARY/FRINGE BENEFITS SAVINGS [T2-3263]

The Building Maintenance Department is in need of an additional vehicle. This would be replacing a vehicle with 160,000 miles that is in need of a new transmission. The cost of this repair exceeds the current blue book value of the truck. Due to vacancies in some custodian positions throughout the year, there is enough salary/fringe benefit savings to cover the cost of this vehicle with FY10 funds and will remove the request from the FY11 budget. Budget Amendment – 001-695-00.5021 -$5,161, 001-695-00.5101 - $769, 001-695-00.5160 - $8,306, 001-695-00.5713 + $14,236. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to amend the Building Maintenance Budget to purchase a vehicle with FY10 salary/fringe benefits savings. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27313 AMEND THE JAIL FACILITY BUDGET FOR OVERTIME COMPENSATION [T2-3222]

The Jail Facility is in need of additional funding for overtime compensation. Due to corrections training academy and coverage for staff absences, military leave, etc., an additional $20,000 is the projected need for the remainder of FY10. Budget Amendment – 001-618-03.5160 - $20,000, 001-618-03.5031 + $20,000. **A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to amend the Jail Facility Budget for overtime compensation. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27314 INCREASE VETERANS SERVICES BUDGET FOR ADDITIONAL STAFF SALARY AND AMEND THE BUDGET ACCORDINGLY [T2-3410]

Additional funds are needed in staff salary due to the recent staffing of a transport driver and the payout of vacation hours for the previous administrator. This will be funded with insurance savings. Budget Amendment : 001-720-00.5160 Insurance Benefits - $5,800, 001-720-00.5021 Staff Salary + $5,800. **A motion was made by Commissioner Conley seconded by Commissioner Barton to increase Veterans Services Budget for additional staff salary and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27315 AMEND THE CIVIC CENTER BUDGET TO INCREASE HOURS FOR PART-TIME STAFF [T2-3426]

The Civic Center has exceeded their budget for staff salaries. Due to the increased number of arena activities booked this year, additional man hours are needed to prepare for these. Savings in miscellaneous equipment can be used to fund 128 hours at $12 per hour. As of July 30th payroll they are 30 hours over budget. This will leave a total of 98 hours available for August & September. Budget Amendment – 001-646-00.5719 - $1,810, 001-646-00.5021 + 1,536, 001-646-00.5101 + 274. Additional hours may be needed pending the Courts decision on level of service for the remainder of this fiscal year. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to amend the Civic Center budget to increase hours for part-time staff. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27316 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 1 TO THE CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD TO INCREASE THE GRANT AWARD BY $175,000 FOR A FLOOD PROTECTION PLANNING STUDY IN NORTHERN HAYS COUNTY [T2-3480]

This additional funding has been awarded by the TWDB, and is in the form of an Amendment to the Original Contract that will increase the total contract amount to $389,225. Matching funds of $130,000 have been already allocated for FY10, and an additional $259,225 is needed to meet the required match for the grant. There is additional work associated with the drainage studies that the USACE cannot match but it is anticipated that local communities will partner with additional funds. **A motion was made by Judge Sumter seconded by Commissioner Barton to authorize the County Judge to execute Amendment 1 to the Contract with the Texas Water Development Board to increase the Grant Award by $175,000 for a Flood Protection Planning Study in northern Hays County out of the 2001 Budget and the rest out of Reserves. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

27317 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROPERTY ACQUISITION AGREEMENT BETWEEN HAYS COUNTY AND THE NATURE CONSERVANCY, FOR 50.199 ACRES OF REAL PROPERTY [T1- 1949]

Carl Owens of Wimberley and representative of Swimberley spoke. Eric Eskelund Mayor of Woodcreek spoke. Lucy Johnson Mayor of Kyle spoke. Jim Camp of Hays County Parks and Open Space Board spoke. Jimmy Skipton of Dripping Springs spoke. Jack Hollon of Wimberley and of the Wimberley Valley Watershed Association spoke. Mark Key of Austin spoke. Charles O'Dell of Austin and Hays CAN spoke. [T2-1990] **A motion was made by Commissioner Conley seconded by Commissioner Ford to authorize the County Judge to execute a Property Acquisition Agreement between Hays County and the Nature Conservancy to 50.199 acres of real property. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

27318 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT AND MODIFICATION TO THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND WIMBERLEY VALLEY WATERSHED ASSOCIATION REGARDING COMMITMENT OF PARK BONDS FUNDS TO THE JACOB'S WELL PROJECT

[T1-2052] David Baker gave a powerpoint presentation on Jacob's Well Natural Area. June Baumoel of Dripping Springs spoke. [T2-1990] **A motion was made by Commissioner Conley seconded by Commissioner Ford to execute an Amendment and Modification to the Memorandum of Understanding between Hays County and the Wimberley Valley Watershed Association regarding commitment of Park Bond Funds to the Jacob's Well Project the commitment being that the County is making a $1.7 Million commitment over a three year period of time and for $850,000 to come out of the 2007 Park Bond Funds to meet the equity needed to under the terms and conditions needed for the Nature Conservancy loan to the County and the money being set aside today for Jacob's Well will not interfere with other projects that were discussed today and to instruct staff to place an item on the agenda next week to dedicate/reserve funding for the Kyle Parks Project and the Harrison Ranch Park. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

Clerk's Note: Court recessed until 9:00 am October 11, 2010.

27319 AUTHORIZE THE COUNTY JUDGE TO EXECUTE LETTER AMENDMENTS TO INTERLOCAL AGREEMENTS FOR THE MAINTENANCE OF ROADWAYS BETWEEN HAYS COUNTY AND PARTICIPATING MUNICIPALITIES [T3-29]

Summary: The Interlocal Agreements Hays County has entered with many municipalities across the county need to be amended. The sections of the agreements that pertain to CITY ROADS are working well for Pct 3 and the rest of the County. The sections in relation to the COUNTY ROAD SYSTEM have limited the ability of the County and it's EX-OFFICIO Road Commissioners to provide appropriate service to our road system. Commissioner Conley would like to amend the Interlocal Agreements to simply follow the rule of law as it exists in the State of Texas and is consistent with Hays County Policy. Under state law an EX-OFFICIO Road Commissioner authority given to us by the State and LONG standing policy of Hays County clearly states County Commissioners may maintain a section of roadway in the city's jurisdiction if that roadway is part of the COUNTY ROAD SYSTEM. The only requirement under State Law is that the Commissioner MUST notify the City of this request and must have CONSENT from the City before moving forward with the work. In our current Interlocal Agreement it states the City must pay for these road materials. Although we should always try to get assistance from municipalities on our road system, it is simply not practical for most of these municipalities to contribute what is needed to maintain a safe road system. This is why the County for many years has functioned in the traditional manner and should continue to function in this manner in order for us to maintain an appropriate County Road System. [T3-415] Residents of Wimberley Charlie Johnson, Cynthia Marion, Roberta Shoemaker Beal, Larry Fick, and Jimmie Robinson made public comment. Commissioner Barton and Special Counsel Mark Kennedy spoke of small cities in the county that need assistance in road improvements, etc. RPTP Director Jerry Borcherding spoke of recent drainage work and improvements to Flite Acres Road. Mark Kennedy spoke of requested changes: delete words "still & ongoing" in paragraph b and delete "TO EXHIBIT B' in paragraph beginning with EXCEPT FOR …… Commissioner Ford suggested a cap on how much the county can do in a city without coming back to the court for approval. A lengthy discussion was had. [T3-1730] [T3-3120] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Letter Amendments to Interlocal Agreements for the Maintenance of roadways between Hays County and participating municipalities with revisions made today – craft language that the court will scrutinize carefully and we look for cities to contribute. Motion was withdrawn.** Special Counsel Mark Kennedy spoke of additional changes to be made to the First Amendment. [T4-422] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to Amend Interlocal Agreements for roadway maintenance and repairs with the amended language between Hays County and participating Municipalities. Commissioner Barton, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Ingalsbe not present to vote. MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO RECEIVE INFORMATION ONLY ON PROJECT SUNBURST AND PROJECT MACH [T3-1978]

Court convened into closed executive session at 10:45 a.m. and reconvened into open meeting at 11:13 a.m. No action was taken.

Clerk's Note Agenda Item #30 RE: *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* **- was pulled**

Clerk's Note Agenda Item #31 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note Agenda Item #32 RE: *DISCUSSION OF DEPARTMENTAL BUDGET. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 10, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

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

ELIZABETH "LIZ" SUMTER	**COUNTY JUDGE**
DEBBIE GONZALEZ INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Clerk's Note: Commissioner Ingalsbe was not present at the beginning of the meeting.

DEPARTMENTAL BUDGET REVIEW

Constable Pct 2 James Kohler requested a new Deputy. He spoke of the revenues his office collects and the money he has collected would pay for an additional Deputy. The Effective Tax Rate is 48.30¢ and the Proposed Tax Rate is 48.30¢.

RE-GRADES – Commissioners Assistants will be re-graded from Admin II at a Grade 108 to an Admin III at a Grade 110. This Court would also like to place Commissioner Pct 1 at a Grade 110 at the 25th percentile, Commissioner Pct 2 at a Grade 110 at the 5th percentile, and both Commissioners Pct 3 & 4 at a Grade 110 at the 20th percentile. Auditor's Office – Admin II be re-graded to an Admin III. District Attorney – Change an Admin I to Victims Asst Advocate. Change 3 Admin II's to Admin III's. Change 2 Attorney II's to Attorney III's with a 6% promotion increase. District Clerk – requested a total Re-Organization of the Office to begin on January 2011, the Court decided to leave it for the new District Clerk to request it. District Court – requested salary increases not re-grades. Sheriff's Department – Re-grade an Admin II, to an Admin III. Re-grade an Admin I to an Admin II. Jail – LVN re-graded to Senior Medic. Treasurer – requested a re-grade for Accountant II to Asst Treasurer. JP 3 – Justice Court Trainer re-grade from 108 to 110. Transfer Station - Re-grade Transfer Station Site Manager from Grade 105 to Grade 107.

Clerk's Note: Commissioner Ingalsbe came to court at this time.

Social Services
PALS - $7,500 San Marcos Youth Services Bureau - $18,000 Crimestoppers - $5,000 RP Search Services - $2,500 Kyle Volunteer EMS – $2,00 Kyle Volunteer Fire Department - $4,000 Friends Foundation - $5,000 Indigeneous Cultures - $2,000 NCFH - $10,000 Health Communities Collaborative - $20,000

Information & Technology – $5,000 needed for software maintenance for memory upgrades.

Ruben Garza Director of Southside Community Center spoke of budget requests.

Expense Budget
Sheriff - #5713 Vehicles cut to $350,000, #5717 Law Enforcement Equipment $165,000. Jail - #5719 Miscellaneous Equipment cut out Boilers, Desktop Live-Scan Public Fingerprint machine & get more information on Stud Welder. DOJ - #5717 Law Enforcement Equipment - Bulletproof Vests – cut new ones. Constable Pct 1 – cut out new chair. Constable Pct 3 - #5717 Law Enforcement Equipment – pay out of reserves and Jumpstart System & Locking Gun Cabinet will come out of Supplies, cut – Handheld Radio. Countywide – Treasurer's Office – Time & Attendance will come out of Reserves. Fire Marshal - #5711 Office Equipment – Furniture/Fixtures/Equipment will come out of Reserves. Information Technology #5712 Computer Equipment – cut replacement desktop computer for Commissioner Pct 4. Cut replacement Digital Camcorder for Constable Pct 4. Env Health – Large Screen Monitors for Conf Rooms cut to 1. District Judge – cut out scanner. Compliance – cut out scanner. Constable Pct 5 – cut down to 1 scanner and TLETS – cut down to 1System. District Clerk – cut down to 1 scanner. Ext Office – cut out computer. Juv Prob – get a mid-grade scanner. Software #5718 – Commissioner Pct 4 – cut out desktop replacement.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 12, 2010.

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF AUGUST A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Julie Hollar Director of the San Marcos Youth Services Bureau spoke. Court discussed items they could cut. Court discussed one-time lump sum check to all employees. Court requested the Auditor's Office bring back a list of budgets over the last five years and compare the differences from year to year and the percentage increases. Commissioner Ford spoke of cutting Rocky Ranches Subdivision Roads from her Precinct budget for next year around $70,000. The Court discussed how they could get to or below the effective tax rate. The County budgeted $9.4 M in Sales Tax Revenues, $31.1M Ad Valorem Tax Revenues.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 13, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF AUGUST A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
KAREN FORD	**COMMISSIONER, PCT. 4**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH COMMISSIONER PCT 3 WILL CONLEY BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DEPARTMENTAL BUDGET REVIEW

Court discussed monies in FY10 budget to rollover:

1. 5349 Striping - $55,000 for striping unfinished FY10 paving projects.
2. 5351 Materials - $326,240 for unfinished paving projects in Pct's 2, 3 & 4.
3. 5448 -008 – Consultant - $140,000 Mt. Gainor low water crossing design.
4. 5448-008 – Consultant - $130,000 Elder Hill re-alignment (from remainder of McGregor Lane Bridge low bid – 1.2 M budgeted, $700,000 bid).
5. 5448-010 Contract Roadwork - $700,000 McGregor Bridge Construction.
6. 5386 ROW - $200,000 East McCarty Extension.
7. 5448-008 Consultant - $101,000 East McCarty Extension Design.
8. 5448-101 Contract Roadwork - $800,000 East McCarty Extension Construction.

Additional rollover requests (August 13, 2010):

9. 5448-00 Consultant - $95,000 total additional for continued drainage design for E. Summit and Leisurewoods. Half of this amount has already been taken from funds available from the low bid on the Green Acres Bridge Project. There remains enough in the contract roadwork line item to cover the other funds. This estimate comes from Klotz, the consulting engineer.
10. 5448-010- Contract Roadwork – Rollover $155,000 already allocated to the Fischer Store Blanco River Bridge approach project. ROW acquisition has delayed the start of this project. No doubt the project will begin in September, but cannot be completed by October.
11. 5448-010 – Contract Roadwork – Rollover $400,000 in contracted Hot Mix Work. The Hot Mix Contractor has informed us that he will not be able to complete all projects by September 30.

Court discussed giving an increase to all employees at 2% COLA and 1% merit in FY11. Court also discussed the one-time 1% payout that might be paid out this year in FY10. Currently the effective Tax Rate is 48.2¢. The Court will discuss Road Department Rollovers a little more and Elected Officials Salaries before making more decisions.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 16, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF MARCH A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27320 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payments of county invoices in the amount of $415,007.12 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27321 REPORT TO COMMISSIONERS COURT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF JULY, 2010

In conformance with Hays County's Development Regulations this report identifies all administrative approvals issued by the department during the month of July, 2010. **A motion was made by Commissioner Ford, seconded by Judge Sumter to report to Commissioners Court identifying Administrative Approvals issued during the Month of July, 2010. All voting "Aye". MOTION PASSED**

27322 APPROVE AWARD OF BID #2010-B19 "REGULATORY, WARNING & OTHER ROAD SIGNS" TO MULTIPLE VENDORS

Recommendation is to award bid to multiple vendors in order to provide all signage that is needed by the Road Department at the lowest cost to Hays County. There are different categories of signs that will be awarded. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve award of bid #2010-B19 "Regulatory, Warning & Other road signs" to multiple vendors. All voting "Aye". MOTION PASSED**

27323 APPROVE SPECIFICATIONS FOR RFP #2010-P18 "VOLUNTARY SUPPLEMENTAL INSURANCE FOR HAYS COUNTY EMPLOYEES AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve specifications fro RFP #2010-P18 "voluntary supplemental insurance for Hays County Employees and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

27324 APPROVE THE MAY 2010 TREASURERS REPORT

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the May 2010 Treasurers Report. All voting "Aye". MOTION PASSED

27325 RATIFY THE EXECUTION OF A LICENSING AGREEMENT WITH MICROSOFT FOR ENTERPRISE – VOLUME LICENSING BY THE COUNTY JUDGE

A motion was made by Commissioner Ford, seconded by Judge Sumter to ratify the execution of a Licensing Agreement with Microsoft for Enterprise – Volume Licensing by the County Judge. All voting "Aye". MOTION PASSED

27326 APPROVE EXTENSION OF THE PUBLIC HEALTH EMERGENCY RESPONSE (PHER) CONTRACT BETWEEN TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) AND THE PERSONAL HEALTH DEPARTMENT FOR ONE ADDITIONAL MONTH

The current PHER contract ends July 31, 2010. This amendment extends the contract for one additional month through August 30, 2010. There is no additional funding. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve extension of the Public Health Emergency Response (PHER) Contract between Texas Department of State Health Services (TDSHS) and the Personal Health Department for one additional month. All voting "Aye". MOTION PASSED**

27327 PUBLIC HEARING TO CONSIDER PROPOSED IMPROVEMENT TO INDIAN CREEK ROAD IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, *PRO RATA,* AGAINST THE RECORD OWNERS OF THE REAL PROPERTY ON INDIAN CREEK ROAD WITH ACTION [T1-58]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. This hearing is guided by Chapter 253 of the Texas Transportation Code which dictates that the Commissioners Court may, after finding that the proposed improvements are necessary for the public health, safety, or welfare of the residents of Hays County, order a "mailed ballot" election of the property owners in the above-named subdivision. If a majority of lot owners on Indian Creek Road vote in favor of the improvements and the long term pay back of costs (over a 12 year period), then construction of those improvements will begin according to scheduling priorities set by RPTP. Special Counsel Mark Kennedy spoke of process for ballots and collection of assessment. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to instruct Special Counsel to finalize ballot language and work with the County Clerk's Office to call for the Special Ballot Election as provided for under State Law for the proposed improvement to Indian Creek Road in Hays County to cause the roadway to comply with Hays County Road standards and the assessment of all or part of the costs of the improvement, pro rata, against the record owners of the real property on Indian Creek Road based on the finding that the proposed improvements are necessary for the health, safety, and public welfare of the residents of Hays County; and to furthermore instruct Special Counsel, County Clerk, Auditor and Tax Assessor/Collector to come back with a solution on collections of these projects. All voting "Aye". MOTION PASSED**

PUBLIC COMMENT

Lucy Johnson, Mayor of Kyle, made public comment regarding Kyle parks bonds.

27328 RESERVE $1.7 MILLION OF THE REMAINING PARK BOND FUNDS FOR THE DEVELOPMENT OF HARRISON RANCH PARK IN DRIPPING SPRINGS, PENDING A PRESENTATION TO AND RECOMMENDATIONS FROM THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD [T1-760]

The City of Dripping Springs has requested the Commissioners Court to provide funding from the 2007 Park Bond for development of Harrison Ranch Park north of Dripping Springs on Ranch Road 12. An allocation of $775,000 of the Park Bond fund was previously approved by Commissioners Court on December 11, 2007 for purchase of the park property. Development at the park will include a hike/bike trail system, equestrian trail, a covered multi-use pavilion/arena, picnic areas, playground, horseshoe and washer pits, disc golf course, wildlife viewing/nature area, primitive camping, open play areas, access to Little Barton Creek, parking lots and other infrastructure. The project will accommodate large events in the 68-acre park area. A Texas parks and Wildlife grant has been received, in the amount of $500,000 for park improvements, and there is an active fundraising campaign for the project committed to raise funds and accept in-kind donations in order to make a 1:1 match for grant amount. Total project cost is estimated at $3.5 Million. Doug Phillip (Dripping Springs City Council Member), Joe Volpe (Dripping Springs City Council Member), Jon Thompson (Dripping Springs City Planning Director), June Baumoel, Bob Lois Hickman (Swimberley), Cristina Chavez, and Jimmy Skipton made public comment. Bob Richardson gave a short presentation regarding plans for Harrison Ranch Park. [T1-12098] **A motion was made by Commissioner Ford, seconded by Commissioner Barton to reserve $1.7 Million of the remaining Park Bond Funds for the Development of Harrison Ranch Park in Dripping Springs pending a presentation to and recommendation by the Hays County Parks and Open Space Advisory Board. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

27329 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 2, 2010, GENERAL ELECTION [T1-385]

Elections Administrator Joyce Cowan provided a list of polling sites. She spoke of use of the LBJ Student Center. **A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt the Early Voting Schedule for the November 2, 2010, General Election and allow Joyce Cowan and the University to select either the first week or the second week on Wednesday/Thursday for the LBJ Student Center site. All voting "Aye". MOTION PASSED**

27330 APPOINT ELECTION JUDGES AND ALTERNATE JUDGES FOR THE PERIOD OF AUGUST 1, 2010 THROUGH JULY 31, 2012 [T1-673]

Appointment of Election Judges and Alternate Election Judges for August 1, 2010 through July 31, 2012 as recommended by the Republican and Democratic Party Chairs. Joyce Cowan, Elections Administrator advised that Edward Mears has agreed to serve as Pct. 225 alternate judge. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to appoint Election Judges and Alternate Judges for the period of August 1, 2010 through July 31, 2012. All voting "Aye". MOTION PASSED**

27331 ADOPT THE ELECTION DAY POLLING SITES FOR THE NOVEMBER 2, 2010, GENERAL ELECTION [T1-702]

Joyce Cowan, Elections Administrator, advised that there is a change in the Pct 335 voting site to the Bowen Campus (was at Chapel in the Hills). **A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt the Election Day Polling Sites for the November 2, 2010 General Election as recommended by the Elections Administrator. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING IMMEDIATE REPAIRS AND EQUIPMENT REPLACEMENT AT THE LAW ENFORCEMENT CENTER [T2-1618]

The Sheriff's Office requests that the Court authorize the immediate repair and replacement of failing systems at the Law Enforcement Center, as summarized in the Existing Facilities Assessment conducted by Broaddus & Associates. Several of the original systems in the Jail have deteriorated, and they have been repaired multiple times over the life of the facility. The HVAC units on the roof, for example, have exceeded their useful life by approximately ten years. Replacing the most badly deteriorated systems in the Jail will improve safety and efficiency. Phil Butterbaugh (Broaddus & Associates) spoke of renovation needs at the Jail and the Public Safety Building and provided costs for various options.

DISCUSS EXPANSION AND RENOVATIONS AT THE LAW ENFORCEMENT CENTER AND PUBLIC SAFETY BUILDING

The Sheriff's Office requests that the Court authorize the expansion and renovation of the law Enforcement Center and Public Safety Building as summarized in the Existing Facilities Assessment conducted by Broaddus & Associates. The recently completed Criminal Justice system Assessment and Jail Population Study by MGT recommended additional inmate housing facilities. Broaddus & Associates has presented options for building core facilities to support the additional capacity, along with renovations to improve safety and efficiency in the Law Enforcement Center. In addition, Broaddus & Associates has assessed the Public Safety Building and has recommended expansion and renovations to house existing, immediate, and future needs for staff and programs. These improvements will increase operating efficiency in the Sheriff's Office and will result in increased safety in Hays County. Court would like to receive information regarding Private/Public opportunities

27332 AMEND THE ROAD & BRIDGE BUDGET FOR CARTEGRAPH SOFTWARE AND SERVICES [T2-85]

The RPTP Transportation Division utilizes Cartegraph Software for tracking work orders. The bookkeeper uses Microsoft Access for tracking expenses. There is a need to combine all the information into one software system to streamline work activities for efficiency and accuracy. Cartegraph's proposed fees are for services to convert the current database and implement an Accounts Payable module. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to amend the Road & Bridge Budget for Cartegraph Software and Services. All voting "Aye". MOTION PASSED**

27333 AMEND THE DEDICATION OF FUNDING TO THE CITY OF KYLE FOR PARK BOND FUNDING IN THE AMOUNT OF APPROXIMATELY $2.4 MILLION; TO RELEASE MORE THAN $1.2 MILLION IN FUNDING FROM THAT DEDICATION AND RETURN THOSE FUNDS BACK TO THE "PARK BOND FUND" FOR DISBURSEMENT ELSEWHERE; AND TO RESERVE $1.2 MILLION OF THE ORIGINAL DEDICATION FOR PARK PROJECTS IN KYLE, AS PRESENTED TO AND APPROVED BY HAYS COUNTY PARK AND OPEN SPACE ADVISORY BOARD [T1-1740]

Kerry Urbanowicz (Kyle Parks & Rec Director) and David Wilson (Kyle City Council Member) made public comment. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt, in concept, the proposal to amend the dedication of funding to the City of Kyle for Park Bond funding in the amount of approximately $2.4 Million; to release more than $1.2 Million in funding from that dedication and return those funds back to the "Park Bond Fund" for disbursement elsewhere; and to reserve $1.2 Million of the original dedication for park projects in Kyle, as presented to and approved by the Hays County Parks and Open Space Advisory Board and instruct staff to finalize an Interlocal agreement to come back to the court for ratification. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No", MOTION PASSED**

27334 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT AND A PUBLIC UTILITY EASEMENTS RELATED TO RIGHT OF WAY WORK ON DACY LANE [T2-172]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Temporary Construction Easements and a Public Utility Easements related to Right of Way work on Dacy Lane. All voting "Aye". MOTION PASSED

27335 AUTHORIZE PURCHASE OF RIGHT-OF-WAY NEAR THE BLANCO RIVER BRIDGE ON FISCHER STORE ROAD [T2-494]

RPTP Director Jerry Borcherding spoke. Special Counsel Mark Kennedy submitted a ROW purchase agreement for consideration. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize purchase of Right-of-Way near the Blanco River Bridge at 330 Fischer Store Road in an amount not to exceed $2400 to be executed by Commissioner Conley and remove third bullet referring to firewood trimmings. All voting "Aye". MOTION PASSED**

27336 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR INFRASTRUCTURE CONSTRUCTION BETWEEN HAYS COUNTY AND THE CITY OF BUDA, TEXAS [T1-2519]

This Interlocal agreement is the vehicle by which the City of Buda will transfer $700,000 in Texas Capital Funds to Hays County as a reimbursement for the infrastructure improvements made by Hays County pursuant to the Chapter 381 Agreement with U.S. Foods. Special Counsel Mark Kennedy spoke of changes to be made to the agreement under Sections 4.4 & 4.9. Trey Jacobsen, Attorney for US Foods, spoke. [T2-38] Recommended changes: 4.1.6.C - add reference to city as co-principal, 4.4 - delete last line, add reference to exhibit C to roadway for clarification, and point of contact will be changed. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement for Infrastructure Construction between Hays County and the City of Buda, Texas as presented by staff with recommended changes. All voting "Aye". MOTION PASSED**

27337 VOTE ON A PROPOSED FY2011 TAX RATE AND SCHEDULE PUBLIC HEARINGS ON THE TAX RATE AND BUDGET [T2-578]

County Auditor Bill Herzog submitted an itemized tax rate for the FY2011 budget = 48.30 cents. Vicki Wilhelm (Auditors office) spoke of projects that could be taken out of Road & Bridge Department Reserves. The proposed tax rate of 48.30 cents is a "not to exceed amount" but could possibly be reduced at budget adoption. It will not be necessary to schedule public hearings on the tax rate. **A motion was made by Judge Sumter, seconded by Commissioner Barton to vote on a proposed FY2011 Tax Rate of 48.30 cents. All voting "Aye". MOTION PASSED**

CLERK'S NOTE: AGENDA ITEM #21 RE: *WORKSHOP - DISCUSSION REGARDING SECURITY NEEDS AND ISSUES AT THE GOVERNMENT CENTER* **– was pulled.**

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 [T2-326]

Bob Hinkle (Broaddus & Associates) presented site progress aerial photo-casting first floor remaining slab on grade, second floor elevated slabs; change order 3 summary of items previously approved for information (GMP at $52,038,376.33); tax office drive up (pneumatic tube delivery system/canopy) review of dual lanes, recommendation of single lane with canopy and document/license plate delivery at government center and consideration of satellite drive up window or pneumatic system at precinct 2 for Kyle/Buda access, therefore consent to proceed with single lane design; and next consideration of alternates construction commitments (condensate capture for irrigation, sally port roof cost, tax office drive up costs, other) and approval of audio visual systems bid documentation for RFP in September. Court agreed to move forward with a single lane design pneumatic tube delivery system/canopy.

Clerk's Note Agenda Item #23 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note Agenda Item #24 RE: *DEPARTMENTAL BUDGET REVIEW. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 17, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF AUGUST A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

27338 DEPARTMENTAL BUDGET REVIEW

Court discussed employee pay increases. Human Resources Director Dee Dee Baen provided a spread sheet of salary increases in the surrounding area. Court discussed Elected Officials salaries. Dee Dee Baen spoke of doing a tier increase done over a 4-5 year implementation to spread it out. The Court discussed the tax rate and came to a consensus for a tax rate of 47.42¢. The Court cut $100,000 from the Precinct's 1 & 4 Road budgets and 1% of proposed salary increases. The Court discussed 2.25 for all employees of Hays County at 1.25% Merit salary increase and a 1% COLA for employees and 2% for Elected Officials. Commissioner Barton made a motion to give all County Employees a 2.25% salary increase for non-elected employees at 1.25% Merit and 1% COLA and for Elected Officials 2.25% across the board. Motion died for lack of a second. **A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to give a 2% increase for non-elected employees except for employees covered by Collective Bargaining and some Attorney's and Sanitarians with 1% COLA and 1% Merit. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Commissioner Conley and Judge Sumter voting "No". MOTION PASSED** Commissioner Barton would prefer the increase be all Merit. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve a 2% increase for all Elected Officials. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED** Commissioner Ingalsbe and Commissioner Ford decided not to accept the increase and requested that this be published. The Court added $2 Million for Jail Renovations, $1.9 Million for the RPTP Building, $800 to County Judge's Continuing Ed for a total of $2,000. The Court cut $12,000 from the Sheriff's Budget for Security Pad. The Sheriff's Department will absorb 8 positions coming back from Buda. Shari Miller asked about salary increases to include: Extension Agents, District Court Reporters; Re-graded employees will be addressed during Merits. Employees at the salary range maximum will receive a lump sum pay. Assistant District Attorney's that are in the career plan will receive a 1% COLA and no Merit.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 23, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF AUGUST 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Dr. Terry Colley Pastor from the Baptist Church of Driftwood gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION BY JEFF HAUFF, GRANTS ADMINISTRATOR ON THE STATUS OF CURRENT PARK BOND PROJECTS

Grants Administrator Jeff Hauff provided a powerpoint presentation on the status of current Park Bond Projects: Harrison Ranch Park, Dripping Springs Youth Sports Assn. Inc. Sports Fields, CFPO-PAL Youth Sports Field, Jacobs Well Phase I, North Hays Sportsplex, Blue Hole Regional Park, Stagecoach Park, Northeast Regional (Vista) Park, San Marcos Combined Park Improvements (5-Mile Dam Park, Purgatory Creek Preserve, Gary Sports Complex Softball Fields, Rio Vista park Tennis Courts & Memorial Park Skate Park), Dahlstrom Ranch, Five Mile Dam Park Phase I, Winter's Mill Trail, and Jacob's Well Acquisition II.

PUBLIC COMMENTS
Charles Johnson and Patty Willis made public comment.

27339 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of $ 288,918.84 as presented by the County Auditor. All voting "Aye". MOTION PASSED

27340 APPROVE PURCHASE OF TWO NEW COMPUTER TOWERS FOR EXTENSION OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of two new computer towers for the County Extension Office. All voting "Aye". MOTION PASSED

27341 ACCEPT JUVENILE PROBATION TJPC-I AMENDMENT NO. 5 GRANT FUNDS AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept Juvenile Probation TJPC-I Amendment No. 5 Grant funds and amend the budget accordingly. All voting "Aye". MOTION PASSED

27342 ACCEPT JUVENILE PROBATION TJPC-A AMENDMENT NO. 7 GRANT FUNDS AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept Juvenile Probation TJPC-A Amendment No. 7 Grant Funds and amend the budget accordingly. All voting "Aye". MOTION PASSED

27343 AMEND BUDGET OF JUVENILE PROBATION TJPC X GRANT TO USE SAVINGS IN OVERTIME, FICA AND MISCELLANEOUS TO PURCHASE SECURITY CAMERA, SIGNS AND FUEL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend budget of Juvenile Probation TJPC X Grant to use savings in overtime, FICA, and miscellaneous to purchase security camera, signs and fuel. All voting "Aye". MOTION PASSED

27344 AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT FOR UP TO $12,000.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE TITLE V PRENATAL PROGRAM

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize County Judge to execute a contract for up to $12,000.00 from the Texas Department of State Health Services for the Title V Prenatal Program. All voting "Aye". MOTION PASSED

27345 AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT WITH DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR ON-LINE COMPUTER SERVICES RELATED TO CERTIFICATION OF VITAL RECORDS IN THE COUNTY CLERK'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a contract with the Department of State Health Services (DSHS) for on-line computer services related to certification of vital records in the County Clerk's Office. All voting "Aye". MOTION PASSED

27346 APPROVE CANCELLATION OF SEPTEMBER 7, 2010 COMMISSIONERS COURT MEETING

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve cancellation of September 7, 2010 Commissioners Court Meeting. All voting "Aye". MOTION PASSED

27347 AMEND THE BUDGET FOR JUVENILE PROBATION AND COUNTY COURT @ LAW FOR CONTINUING EDUCATION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend the budget for Juvenile Probation and County Court @ Law for continuing education. All voting "Aye". MOTION PASSED

27348 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH TYLER TECHNOLOGIES FOR ONSITE OCA 2010 CONFIGURATION SUPPORT FOR THE COUNTY CLERK'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a professional services agreement with Tyler Technologies for onsite OCA 2010 configuration support for the County Clerk's office. All voting "Aye". MOTION PASSED

27349 AMEND JUSTICE COURT TECHNOLOGY FUND FOR CONTINUING EDUCATION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend Justice Court Technology Fund for continuing education. All voting "Aye". MOTION PASSED

27350 AMEND HISTORICAL JAIL RESTORATION BUDGET TO USE SAVINGS IN MISCELLANEOUS CAPITAL IMPROVEMENTS FOR LAWN CARE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend Historical Jail Restoration budget to use savings in miscellaneous Capital Improvements for lawn care. All voting "Aye". MOTION PASSED

27351 AMEND HISTORICAL COMMISSION-BUCK WINN BUDGET FOR PURCHASE OF CAMCORDER AND AUTHORIZE PAYMENT OF INVOICE WHEN NO PURCHASE ORDER WAS OBTAINED

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend Historical Commission-Buck Winn budget for purchase of camcorder and authorize payment of invoices when no purchase order was obtained. All voting "Aye". MOTION PASSED

27352 APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE RFP #2010-P19, A REQUEST FOR QUALIFICATIONS, FOR SERVICES TO REVISE THE HAYS COUNTY PARKS AND OPEN SPACE MASTER PLAN

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications and authorize Purchasing to advertise RFP #2010-P19, a request for qualifications, for services to revise the Hays County Parks and Open Space Master Plan. All voting "Aye". MOTION PASSED

27353 AMEND THE BUDGET FOR VARIOUS DEPARTMENTS TO PROVIDE ADDITIONAL FUNDING

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend the budget for various departments to provide additional funding as presented by the County Auditor. All voting "Aye". MOTION PASSED

27354 CALL FOR A PUBLIC HEARING ON SEPTEMBER 14, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON OAK GROVE ROAD AT THE INTERSECTION OF LITTLE BEAR ROAD/MOURNING DOVE LANE [T1-422]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on September 14, 2010 to establish traffic regulations on Oak Grove Road at the intersection of Little Bear Road/Mourning Dove Lane. All voting "Aye". MOTION PASSED

27355 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON CREEK ROAD (CR 190) [T1-442]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borcherding RPTP Director gave staff recommendation. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of Yield Sign on Creek Road (CR 190) on the east side of the low water crossing at Onion Creek for westbound traffic to yield. All voting "Aye". MOTION PASSED**

27356 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION SURETY, ACCEPT MAINTENANCE BOND AND ACCEPT SURETY FOR RE-VEGETATION FOR SHADOW CREEK SUBDIVISION PHASE 4 SECTION 1A AND 2A [T1-455]

Clint Garza, Programs Manager Development Services, gave staff recommendation for acceptance. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept road construction and drainage improvements, release construction surety, accept maintenance bond, and accept surety for re-vegetation for Shadow Creek Subdivision Phase 4 Section 1A and 2A. All voting "Aye". MOTION PASSED**

DISCUSSION ON EVALUATION CRITERIA AND SUBMISSION PROCESS FOR PROJECTS SUBMITTED FOR FUNDING UNDER THE REMAINING 2007 PARK BOND FUNDS [T1-2625]

Grants Administrator Jeff Hauff spoke of changes to the Parks & Recreation criteria and submission process for projects submitted for funding under the remaining 2007 Park Bond funds. Carl Owens and Charlie Johnson made public comment. Jim Camp (Parks & Open Space Advisory Board) spoke of work done by the board and he assured the court that board members will be fair in their consideration of all projects. Court went through the proposed list of criteria guidelines for project evaluation.

27357 AUTHORIZE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH FREESE AND NICHOLS, INC. FOR DRAINAGE ISSUES ON NUTTY BROWN ROAD [T1-2269]

Jay Scanlon, FNI Project Manager, spoke. Funding required is $7,500 from Road & Bridge Contract Services Consultant line item. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute an Agreement for Professional Services with Freese and Nichols Inc. for drainage issues on Nutty Brown Road in the amount of $7,500. All voting "Aye". MOTION PASSED**

27358 ACTION TO FILL THE COUNTY EXTENSION AGENT-AGRICULTURE/NATURAL RESOURCES POSITION IN HAYS COUNTY [T1-2139]

District Extension Administrator Cheryl Mapston spoke of budget reductions which eliminated the 4-H position for Hays County. She recommended Richard Parrish for the position of County Extension Agent-Agriculture/Natural Resources. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve appointment of Richard Parrish as County Extension Agent – Agriculture/Natural Resources position effective September 1, 2010. All voting "Aye". MOTION PASSED**

27359 ALLOW THE ROAD DEPARTMENT TO PERFORM ONE-TIME MAINTENANCE OF ANTIOCH CEMETERY ON OLD BLACK COLONY ROAD NEAR BUDA [T1-2248]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to allow the Road Department to perform one-time maintenance of Antioch Cemetery on Old Black Colony Road near Buda. All voting "Aye". MOTION PASSED

27360 RELEASE THE FY10 BUDGETED ONE TIME COUNTY EMPLOYEE COST OF LIVING ADJUSTMENT ON SEPTEMBER 1, 2010 [T2-3538]

In the FY10 budget there is an approved one time pay-out for county employees for a cost of living adjustment. The court stipulated that the release of payment was tied to 3 consecutive months of an increase in sales tax. The county had sales tax increases from last year for the months of April, May, June and July. County Treasurer Michele Tuttle spoke of creating a separate check for employees. The increase will be 1% of base salary but not to exceed $500 for all employees including all part-timers and excluding all those affected by the Collective Bargaining. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to release the FY10 budgeted one time county employee cost of living adjustment that was approved on September 16, 2009 as well as any adjustments made today to be released sometime before September 15, 2010 and to allow overage up to 5% over budget otherwise it will be brought back for Court approval. All voting "Aye". MOTION PASSED**

27361 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL #1 TO THE PROFESSIONAL SERVICES AGREEMENT AND WORK AUTHORIZATION NO.5 WITH KLOTZ ASSOCIATES FOR FM1626[T1-2638]

Commissioner Barton spoke of raising the cap for the entire project but staying under budget. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the county Judge to execute a contract for engineering services Supplemental #1 to the professional services agreement and Work Authorization No. 5 with Klotz Associates for FM 1626. All voting "Aye". MOTION PASSED**

27362 AMEND THE DEVELOPMENT SERVICES BUDGET TO PURCHASE TWO COMPUTERS AND A REPLACEMENT HIGH-CAPACITY SCANNER [T2-993]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to amend the development services budget to purchase two computers and a replacement high-capacity scanner. All voting "Aye". MOTION PASSED

27363 AUTHORIZE COMMISSIONER FORD AND HAYS COUNTY WATER CONSERVATION WORKING GROUP TO DEVELOP AND DISTRIBUTE INFORMATIONAL MATERIALS ON RAINWATER COLLECTION [T2-3307]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Commissioner Ford and the Hays County Water Conservation Working Group to develop and distribute informational materials on rainwater collection in the amount of $5,000 out of the LCRA funds (171-691-00.5301). All voting "Aye". MOTION PASSED

27364 DECLARE AN EMERGENCY AND AMEND THE BUDGET OF THE JUVENILE DETENTION CENTER [T3-720]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to declare an emergency and amend the budget of the Juvenile Detention Center in the amount of $900,000. All voting "Aye". MOTION PASSED

27365 INCREASE COMMITMENTS FROM HAYS COUNTY TO THE GREATER SAN MARCOS ECONOMIC DEVELOPMENT CORPORATION (I.E. PARTNERS FOR PROGRESS) IN ORDER TO FUND THE IMPLEMENTATION PLAN DEVELOPED OUT OF OUR PLANNING PROCESS [T1-525]

Amy Madison, President/CEO of the Greater San Marcos Economic Development Corporation, spoke of funding goals and sources of funding. The county's current commitment is $50,000 and they are asking the court to consider increasing that commitment. She gave a powerpoint presentation. Don Nash, Robert McDonald III, Lockhart Mayor Ray Sanders, Phyllis Snodgrass (San Marcos Chamber of Commerce), Warren Ketteman (Buda Economic Development Corp.), Sandra Mauldin (Lockhart Economic Development Dept.), Diana Blank (City of Kyle Dept. of Economic Development), Brenda Jenkins, and Charlie Johnson made public comment in support of funding request of $150,000. Sam Brannon made public comment against action today. [T1-1861] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to commit $150,000 from Hays County ($100,000 from line item 001-619-00.5718 and $50,000 from 001-645-00.5202) to the Greater San Marcos Economic Development Corporation (i.e. Partners For Progress) in order to fund the implementation plan developed out of our planning process and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

27366 ADOPT AN FY2011 PROPOSED BUDGET, SET A PUBLIC HEARING DATE ON FY2011 PROPOSED BUDGET AND PUBLISH THE BUDGET HEARING DATE. [T2-2861]

Dispute Resolution Center - Anna Bartkowski and Walter Wright spoke of grant proposal for a law enforcement program and need for $14,520. They want to do outreach to police officers and the community. Commissioner Ford spoke of adding $60,000 for McGregor Bridge (bringing total to $760,000) and $125,000 for Nutty Brown Road drainage issues. Precinct 4 project list = $48,600 Rocky Ranches 2, $48,420 Fieldstone, $6,600 Woodland, $45,000 Goldenwood West, $2,064 Bell Springs, and $94,720 for additional chip seal. Department Heads will be heard beginning at 9 a.m. on September 13, 2010. The proposed tax rate at this time is 47.39¢. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt the FY011 Proposed Budget, set the public hearing for September 13, 2010 starting a 9:00 a.m. with the second opportunity for the public to speak at 6:00 p.m. and publish as soon as possible. All voting "Aye". MOTION PASSED**

27367 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 WITH ACTION [T2-1007]

Brenda Jenkins (Broaddus & Associates) spoke of need for authority to commit project funds less than $20,000 for the RPTP facility addition. At the end of each month, the relocation of all authorized Project Budget Commitments throughout the month shall be consolidated and finalized by a Change Order to the Contract. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve authorization for Broaddus & Associates to commit project funds less than $20,000 within the Hays County RPTP Facility Addition with sign off by Commissioner Ingalsbe or Judge Sumter. All voting "Aye". MOTION PASSED**

Clerk's Note – Agenda Item #32 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note – Agenda Item #33 RE: *DEPARTMENTAL BUDGET REVIEW. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

27368 **AUTHORIZE THE COUNTY JUDGE TO SIGN AN ORDER AND NOTICE CALLING FOR THE GENERAL ELECTION ON NOVEMBER 2, 2010 TO ELECT COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION** [T2-3481]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to sign an Order and Notice Calling for the General Election on November 2, 2010 to elect County and Precinct Officers as required by Article XVI, Section 65 of the Texas Constitution. All voting "Aye". MOTION PASSED

2769 **APPROVE THE PURCHASE OF 15 CHECK SCANNERS FROM TECHNIQUE DATA SYSTEMS AND TO CONTRACT WITH STURGIS WEB SERVICES FOR THE DESIGN OF A NEW TAX OFFICE WEBSITE** [T2-3504]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the purchase of 15 Check Scanners from Technique Data Systems and to contract with Sturgis Web Services for the design of a new Tax Office Website. All voting "Aye". MOTION PASSED

27370 **APPROVE A $2,000,000.00 BUDGET FOR REPAIRS AND UPGRADES TO THE EXISTING LAW ENFORCEMENT CENTER FACILITY AND BEGIN RENOVATION AS SOON AS POSSIBLE** [T2-1183]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve a $2,000,000 budget for repairs and upgrades to the existing law enforcement center facility and begin renovation as soon as possible. All voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 24, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31ST DAY OF AUGUST 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27371 PROCLAMATION FOR KYLE/BUDA VFW POST 12058 FOR THEIR NATIONALLY RECOGNIZED ACHIEVEMENTS IN 2009-2010 [T1-31]

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to adopt a Proclamation Kyle/Buda VFW Post 12058 for their nationally recognized achievements in 2009-2010. All voting "Aye". MOTION PASSED

PUBLIC COMMENTS
Charlie Johnson resident of Wimberley spoke. Nancy McDonald Hays County resident spoke. David Wilson Kyle resident spoke.

27372 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve payments of county invoices in the amount of $1,304,462.73 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27373 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 9, 10, 12, 13, 16, 17, 23, 2010

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Commissioner Court Minutes of August 9, 10, 12, 13, 16, 17, 23, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27374 AUTHORIZE COUNTY JUDGE TO RENEW THE TUBERCULOSIS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR $14,710.00

This is a renewal of the annual contract between the Texas Department of State Health Services and the Hays County Personal Health Department for the Health Department to provide for surveillance, case identification, contact investigation, treatment or preventive therapy, and follow-up for Tuberculosis. These services will be provided from September 1, 2010 through August 31, 2011. **A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize County Judge to renew the tuberculosis contract for the Hays County Personal Health Department with Texas Department of State Health Services for $14,710. All voting "Aye". MOTION PASSED**

27375 APPROVE THE JUNE 2010 TREASURER'S REPORT

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve the June 2010 Treasurer's Report. All voting "Aye". MOTION PASSED

27376 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

Goodwill has expressed an interest in receiving the computer equipment from the county. IT has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment as worthless (pursuant to LGC 362.152 Disposition (3) and send to Goodwill for recycling. **A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize Information Technology to dispose of computer equipment. All voting "Aye". MOTION PASSED**

27377 AMEND BUDGET OF JUSTICE OF PEACE PCT. 5 FOR CONTINUING EDUCATION

A motion was made by Commissioner Barton seconded by Commissioner Ford to amend budget of Justice of Peace Pct. 5 for continuing education. All voting "Aye". MOTION PASSED

27378 AMEND BUDGET OF JUVENILE PROBATION FOR CONTINUING EDUCATION

A motion was made by Commissioner Barton seconded by Commissioner Ford to amend budget of Juvenile Probation for continuing education. All voting "Aye". MOTION PASSED

27379 CALL FOR A PUBLIC HEARING ON SEPTEMBER 14, 2010 TO CONSIDER THE ACQUISITION OF PROPERTY ALONG MCGREGOR LANE FOR RIGHT OF WAY UPON WHICH A CONSERVATION EASEMENT CURRENTLY EXISTS

Chapter 183 of the Texas government code requires that a public hearing be held when ROW acquisition results in condemnation of property upon which a conservation easement exists. Although the Hill Country conservancy is currently negotiating for the County's acquisition of that property in lieu of condemnation, counsel feels that a public hearing under Chapter 183 should nonetheless be held. **A motion was made by Commissioner Ford seconded by Commissioner Conley to call for a public hearing on September 14, 2010 to consider acquisition of property along McGregor lane for Right of Way upon which a Conservation Easement currently exists. All voting "Aye". MOTION PASSED**

27380 GRANT A VARIANCE TO HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO MARY DELALUZ SALDANA, OWNER OF A 1.0 ACRE PORTION OF LOT 14 IN TRIPLE R RANCHETTES

A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to grant a variance to Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow permitting of an On site Sewage Facility and Development Permit to Mary Delaluz Saldana, owner of a 1.0 acre portion of Lot 14 in Triple R Ranchettes. All voting "Aye". MOTION PASSED

27381 INSTITUTE A BURN BAN IN HAYS COUNTY AND DECLARE AN EFFECTIVE DATE

Institution of a Burn Ban will be performed in compliance with the Texas Local Government code, Chapter 352. **A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to institute a burn ban in Hays County and declare it effective as of August 31, 2010. All voting "Aye". MOTION PASSED**

27382 ADOPT A RESOLUTION SUPPORTING THE CURRENT LEVEL OF FUNDING OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITY SERVICES THE HILL COUNTRY COMMUNITY, MHMR PROVIDES

A motion was made by Judge Sumter seconded by Commissioner Ford to adopt a Resolution supporting the current level of funding of Mental Health and Developmental Disability Services the Hill Country Community, MHMR provides. All voting "Aye". MOTION PASSED

27383 APPROVE SELECTION OF WORKGLOW FOR RFP#2010-P16 "TIME MANAGEMENT SYSTEM" AND AUTHORIZE COUNTY JUDGE TO EXECUTE NEGOTIATED CONTRACT

After evaluation by the committee of the proposals received, Workglow was selected as the most qualified vendor for the project. Workglow came in with the lowest proposal and had a little more to offer than the other proposers. Michele Tuttle has been negotiating with Workforce to work out the final cost for the system. There is $70,000 that is budgeted in this year's budget. **A motion was made by Judge Sumter seconded by Commissioner Barton to approve selection of Workglow for RFP#2010-P16 "Time Management System" and authorize County Judge to execute negotiated contract. All voting "Aye". MOTION PASSED**

27384 WAIVE THE RENTAL FEES AT THE CIVIC CENTER FOR THE ROTARY CLUB KICK-OFF EVENT TO BE HELD ON SEPTEMBER 21, 2010

The San Marcos Rotary Clubs' Early Act First Knight (EAFK) program uses the codes of medieval knighthood to teach the students how to be positive influences in their school and community. This event will kick-off this year's program. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to waive the rental fees at the Civic Center for the Rotary Club Kick-Off Event to be held on September 21, 2010. All voting "Aye". MOTION PASSED**

27385 APPROVE WORK AUTHORIZATION(S) WITH KLOTZ ASSOCIATES, INC. FOR PROFESSIONAL SERVICES RELATED TO DESIGN OF DRAINAGE IMPROVEMENTS IN LEISUREWOODS SUBDIVISION

The work authorization(s) will include planning, design, preparation of construction plans and specs and limited construction phase services for drainage channels. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to approve Work Authorization(s) with Klotz Associates, Inc. for Professional Services related to design of drainage improvements in Leisurewoods Subdivision. All voting "Aye". MOTION PASSED**

27386 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEISUREWOODS SUBDIVISION STORM DRAINAGE EASEMENT, WHICH GRANTS EASEMENT RIGHTS TO HAYS COUNTY RELATED TO PROPOSED DRAINAGE IMPROVEMENTS IN THE LEISUREWOODS SUBDIVISION

This item accompanies the Work authorization with Klotz and Associates related to planning, design, preparation of construction plans and specs and limited construction phase services for drainage channels. This grant of easement provides the area in which some of the improvements will be placed. It is granted by resolution of the Leisurewoods Subdivision POA. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Leisurewoods Subdivision Storm Drainage Easement, which grants easement rights to Hays County related to proposed drainage improvements in the Leisurewoods Subdivision. All voting "Aye". MOTION PASSED**

27387 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE LBJ MUSEUM OF SAN MARCOS, FOR THE DEDICATION OF $225,000 TOWARD DESIGN AND RENOVATION OF THE MUSEUM

This project was first considered on June 8, 2010. On that date, the Commissioners Court dedicated this funding to the project, pending and contingent upon the negotiation of an agreement between the parties that ensured proper expenditure of those monies. **A motion was made by Commissioner Conley seconded by Commissioner Barton to authorize the County Judge to execute a Funding Agreement between Hays County and the LBJ Museum of San Marcos, for the dedication of $225,000 toward design and renovation of the Museum with changes of Audit Language changing County of San Marcos to County of Hays and Ron Knott will be the point person for construction and the Auditor's Office will handle the financials. All voting "Aye". MOTION PASSED**

27388 APPROVE THE PURCHASE OF A TRENCHER ATTACHMENT AND ASSEMBLY FOR THE SKID-STEER LOADER AT THE RPTP TRANSPORTATION DIVISION NOT TO EXCEED $4,255 AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve the purchase of a trencher attachment and assembly for the skid-steer loader at the RPTP Transportation division not to exceed $4,255 and amend the budget accordingly. All voting "Aye". MOTION PASSED

27389 REGARDING THE PROCESS THE COURT AND THE PARKS COMMITTEE WILL FOLLOW IN REGARDS TO THE REMAINING 2007 PARK BOND MONIES

A motion was made by Commissioner Conley seconded by Judge Sumter to instruct staff which includes Jeff Hauff, Jerry Pinnix, Mark Kennedy, Laureen Chernow and Parks Committee to open a call for projects starting September 1, 2010 and closing on October 1, 2010 with the goal of having all projects scored by October 12, 2010 with all remaining bond funds are available that fit within the definition of the 2007 Park Bond Funds language with the Nicholson Ranch under contract that has met and exceeded the habitat goal and releasing the Citizens Committee from the cap on recreation funding. All voting "Aye". MOTION PASSED

27390 AMEND THE CONSTABLE PCT. 4 BUDGET FOR PURCHASE OF A DESK

A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to amend the Constable Pct 4 budget for purchase of a desk. All voting "Aye". MOTION PASSED

27391 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH CONTRACT LAND STAFF LLC FOR ROW ACQUISITION SERVICES IN HAYS COUNTY AS RELATED TO PRIORITY ROAD PROJECTS

A motion was made by Commissioner Ford seconded by Commissioner Barton to authorize the County Judge to execute a Professional Services Agreement (PSA) with Contract Land Staff LLC for ROW Acquisition Services in Hays County as related to priority road projects. All voting "Aye". MOTION PASSED

27392 AMEND THE CIVIC CENTER BUDGET TO INCREASE HOURS FOR PART-TIME STAFF

A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to amend the Civic Center budget to increase hours for part-time staff. All voting "Aye". MOTION PASSED

27393 ADOPT THE FY 2011 HOLIDAY CALENDAR

A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to adopt the FY 2011 Holiday Calendar. All voting "Aye". MOTION PASSED

27394 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SCOTT YARBROUGH FOR GROUP INSURANCE RELATED SERVICES AND WAIVE OUR COUNTY PURCHASING POLICY

A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to authorize the County Judge to execute a Professional Services Agreement with Scott Yarbrough for Group Insurance related services and waive our county purchasing policy with a lump sum not to exceed $21,000. All voting "Aye". MOTION PASSED

DISCUSSION TO UPDATE THE COURT ON THE SATELLITE OFFICES, TIME LINE AND SITE ESTIMATES FOR THE NEW PRECINCT 2 OFFICE BUILDING

Brenda Jenkins of Broaddus & Associates gave a powerpoint presentation. This covered the area the Precinct 2 Office could be located. There was a list of 5 potential sites that were narrowed down to a short list of 3: option 1 – Center St and Front St – downtown Kyle, TX, option 2 I-35 frontage road – immediately adjacent to downtown Kyle, TX, option 3 – on Kohler's Crossing – Plum Creek Development. Option 3 was selected by the Stakeholders because of its accessibility, location, area of future growth, expansion option, and ability to enact three-party land swap. The three-party land swap: Hays County, City of Kyle, Plum Creek: City of Kyle to receive County-owned land on FM 150, County to receive a portion of City of Kyle's right to land in Plum Creek, Plum Creek amenable to this scenario. Preliminary estimated cost: County-owned facility, cost of borrowing:4.67%, 20 year term, $0 land cost basis, variables – facility size, FF&# cost, site work cost, preliminary estimated cost (17k SF) $4.5M.

27395 ACCEPT PCT. 4 COMMISSIONER'S APPOINTMENT OF DONNA BRASHER TO THE PARKS AND OPEN SPACE ADVISORY BOARD EFFECTIVE SEPT 1, 2010

Carl Owen Wimberley resident spoke. **A motion was made by Commissioner Ford seconded by Commissioner Conley to accept Pct 4 Commissioner's appointment of Donna Brasher to the Parks and Open Space Advisory Board effective September 1, 2010 she is replacing Pat Johnson. All voting "Aye". MOTION PASSED**

27396 AUTHORIZE THE COUNTY JUDGE TO REQUEST AN EXTENSION OF THE EXISTING JOINT FUNDING AGREEMENT FOR WATER RESOURCES INVESTIGATIONS BETWEEN HAYS COUNTY AND USGS

A motion was made by Judge Sumter seconded by Commissioner Barton to authorize the County Judge to request an extension of the existing Joint Funding Agreement for Water Resources Investigations between Hays County and USGS. All voting "Aye". MOTION PASSED

Clerk's Note Agenda item #28 RE: *EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY* **– was pulled**

27397 **ACTION ON 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**

A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to approve the specifications for the replacement of HVAC rooftop units for the Law Enforcement Center and be done as soon as possible. All voting "Aye". MOTION PASSED

Clerk's Note Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note Agenda Item #31 RE: *DISCUSSION OF BUDGET REVIEW. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 AUGUST 31, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF SEPTEMBER A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LINDA C. FRITSCHE	**COUNTY CLERK**

WITH COUNTY COMMISSIONER PCT. 3 WILL CONLEY AND COMMISSIONER PCT 4 KAREN FORD ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

APPROVE SALARY GRIEVANCE COMMITTEE SELECTION PURSUANT TO LOCAL GOVERNMENT CODE 152.015

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to select a salary grievance committee composed of the County Judge, the Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, District Clerk, Criminal District Attorney, and three public members pursuant to Local Government Code 152.015. All present voting "Aye". MOTION PASSED

Judge Sumter selected the following public members: Stewart Timothy Adams, Thomas Dane Romo, and Jacob Clifford Morrow. Alternates that were selected were: Richard Perez Jr., Thomas C. Parson, Davaon Wayne Brown, Thomas Matthew Funnell, Jeffrey Craig Reeves, Noe Benito Hinojosa, Noah Laston Harp, Marguerite Eddy Laughlin, Nelson Glenn Garrett, Ruth Ann Carter, Robert Russell Tarver, Mario Oscar Ergang, Brandy Rene Wright, Rebekah Lisette Ramirez, Branden Lee Kunkel, Richard Lee Bailey, and Leticia Isabel Strawn.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 3, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF SEPTEMBER A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

HOLD A PUBLIC HEARING ON THE PROPOSED FY2011 HAYS COUNTY BUDGET.

Public Hearing AM - Dr. Mario Garza of the Indigenous Cultures Institute spoke. Maria Rocha of the Indigenous Cultures Institute spoke. Sharri Boyett of Prevent a Litter (PALS) spoke. Mary Rush resident of Wimberley spoke. Lenee Lovejoy resident of San Marcos spoke. Rob Roark resident of San Marcos spoke. Raymalee Carter resident of Driftwood spoke. Sam Brannon spoke on behalf of himself and the following people: Michael Waite, Justin Padgett, Jerry & Newlyn Moore, Jim Clements, Gaye Cobb, Laurel Sullivan, Dennis Rose, Steve Siegalt, John Sistrunk, Newby Chellete, Jacquelyn Warner, Lisa Spencer, Jaimie Todd. Public Hearing PM – Sherri Bilson a San Marcos resident spoke. Sam Brannon spoke on behalf of himself and Jerry & Newlyn Moore, Jim Clements, Lisa Spencer, Jaimie Todd, Richard Price, Laurel, Sullivan, Steve Siegwalt, Wendy Chellete, Gaye Cobb, Katherine Cleavinger, Sharon Werner, Dennis Rose, John Sistrunk, Justin Padgett, Jacqueline Warner, Pam Hutchinson, George Baker, Stan Rech, Michael Voger. Mich Esser Wimberley resident spoke. Clint Frankmann, Wimberley resident spoke. Shelley Esser Wimberley resident spoke. Dennis Rose a Kyle resident spoke. Martha Lynn Seville San Marcos resident spoke. Maria Hamburger resident of Dripping Springs spoke. Jimmy Skipton Dripping Springs resident spoke. Constable Pct 4 Ron Hood spoke. Constable Pct 2 James Kohler spoke. Donna Reeder San Marcos resident spoke. Michele Tuttle Hays County Treasurer spoke of needing filing cabinets and spoke of the restructuring within her office and requesting a 6% increase for the Accountant II position. Tommie Ratliff Hays County Sheriff and Mike Davenport spoke of the Crime Analyst position they have requested. There was a discussion about the deputy to public ratio. The Sheriff spoke of needing additional officers. Mike Davenport spoke of the training that TCLEOSE requires and what is conducted at the HCSO for deputies already certified. There is a 20 week training class for becoming peace officers. Chief Sherman Brodbeck spoke of needed personnel in the Vehicle Maintenance Department within the Sheriff's Office. He spoke of needing an additional mechanic to continue to do the services not just for the Sheriff's Office but for all county departments. Sheriff was requesting re-grading of Correction Officers to Transportation Officers. Patrol Admin II was re-graded to Admin III, Sheriff is requesting the salary be increased the 25th percentile. Brad Robinson spoke of needing additional people for Jail Maintenance with all the renovations currently taking place. Chief Deputy Sherman Brodbeck spoke of needing a riding lawn mower for the Law Enforcement Center. The Sheriff's Department requested $3,200 for the riding mower and the Court recommended $1,000. Chief Brodbeck is requesting a Ford Expedition for Commanders and SWAT Team. Chief Brodbeck also requested that the Sheriff's Department get a lump sum of money for vehicle rather than setting it for a specific vehicle. Brad Robinson spoke requested an additional $3,000 for the supplies line item. Mike Davenport requested additional money in Misc Expenses line item for additional badges. He was asking for new furniture for new positions if the positions are approved. Priscilla Hargraves Director of the Personal Health Department requested Electronic Medical Records system to help the Personal Health Department to become totally paperless. This would take place over a 3-year period. The Personal Health Department needs this to comply with the Medicare by 2015. At this time Priscilla Hargraves is requesting an additional $10,000 in Contract Services for Webflow. Constable Pct 2 James Kohler requested an additional Deputy. He currently has 3 full-time Deputies and 1 Reserve Deputy and 1 Admin. He stated that he does not need a taser if he is granted a new Deputy Position. District Clerk Cecilia Adair requested a re-organization & re-grades not for herself but for the incoming District Clerk and it would go into effect January 1, 2011. This would be an increase of $14,912. Joyce Cowan Elections Administrator requested funding for V Max software, the HAVA Funds (Chapter 19) are not available for this item. The request is for $50,000. Hays County is currently on the TEAM system which was funded by HAVA (Chapter 19). Constable Pct 5 Matt Mancillas requested an additional Deputy. This position would be used to Bailiff in JP-5's Court. The previous JP didn't use a Bailiff. County Court at Law Judge Linda A. Rodriguez spoke on behalf of the Bail Bond Board. Bail Bond Board is requesting a new person that would be paid out of their own fund. This is a part-time position that would earn between $10 - $15 per hour and work about 10 hours per week. Mark Kennedy Chief District Attorney for the Civil Section spoke of requests for the District Attorney Sherri Tibbe. The request is: While a 3 & 7 year career promotion does not represent a step program, a middle ground might still be most appropriate: 1) ADA's continue to qualify for career promotions (6%) when they've achieved 3 and 7 years of relevant licensure: Attorney II (3.01 – 7 years), Attorney III, 7.01 years and up. Attorney IV positions are reserved for Chiefs. 2) If an ADA is awarded a career promotion in a given fiscal year, that ADA will not qualify for any merit raise set for that year by Commissioners Court. 3) If an ADA is awarded a career promotion in a given fiscal year, that ADA will qualify for any COLA set for that year by Commissioners Court. 4) All ADA's not being awarded a career promotion in a given fiscal year will qualify for any raise set for that year by Commissioners Court. 5) Career promotion requests will not be awarded if an ADA's performance is substandard, as determined by the District Attorney.

DISCUSSION TO SET THE SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY2011

The Citizens Committee recommended a salary increase for JP's at $60,265 & Constables at $55,000. Commissioners discussed the issue and decided not give any increases at this time. Mark Kennedy spoke about the recommendation. No action taken.

DISCUSSION TO ADOPT THE FY2011 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES

The Court agreed to the following changes to the budget – Treasurer – Asst Treasurer at a cost of $3,936. Personal Health – Electronic Medical Records system $34,916 to come out of Reserves. Elections – if Joyce Cowan can't swap the Grant for V Max software then the money will come out of Reserves. Constable Pct 2 – No new deputy. Constable Pct 5 – No new deputy. Bail Bond Board – part-time position approved. District Attorney – Court supports Mark Kennedy's proposal. District Clerk – Re-organization – Court will reconsider in January with money coming out of salary savings. Tax Office – Website design will be taken out of FY2011 Contingencies. Sheriff's Dept – Crime Analyst hire out of the Buda deputies – start Jan 1, 2011, Admin I (training) will start Jan 1, 2011, lawn mower – an additional $500, vehicle – Ford Expedition $25,000 out of Reserves & find the equipment money out of HCSO budget, Maintenance Person – temporary part-time position without benefits possibly out of Reserves, Law Enforcement Supplies – additional $2,000. Personal Health Indigent – Increase medical supplies $50,000, Increase medical services - $50,000. LBJ Museum – Construction funds $225,000 out of Reserves. IT – Time Keeping system out of Reserves. JP – Magistration forms $700 for all JP's not each.

Clerk's Note Agenda Item #4 RE: *DISCUSSION AND POSSIBLE ACTION TO RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY2011 HAYS COUNTY BUDGET* **– was pulled**

Clerk's Note Agenda Item #5 RE: *DISCUSSION AND POSSIBLE ACTION TO APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY2011 AND LEVY THE TAXES* **– was pulled**

Court will discuss these items on September 28, 2010.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 13, 2010.

Linda C. Fritsche

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14th 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Mike Schlimgen (Solid Rock Church) gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Human Resources Director Dee Dee Baen introduced new county employees. Judge Sumter called the meeting to order.

27398 PROCLAMATION DECLARING SEPTEMBER 19 THROUGH SEPTEMBER 25, 2010 AS "CHILD PASSENGER SAFETY WEEK"

Events will be held countywide. **A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation declaring September 19 through September 25, 2010 as "Child Passenger Safety Week". All voting "Aye". MOTION PASSED**

27399 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $4,977,008.04 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27400 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 24 & 31, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of August 24 & 31, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27401 RATIFY EXECUTION OF AMENDMENT ONE TO AGREEMENT WITH DEPARTMENT OF MOTOR VEHICLES FOR THE USE OF STATE OF TEXAS AUTOMATION EQUIPMENT

This is to add one registration and title system for Roger Beasley Mazda. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to ratify execution of Amendment One to Agreement with Department of Motor Vehicles for the use of State of Texas Automation Equipment. All voting "Aye". MOTION PASSED**

27402 ACCEPT JUVENILE PROBATION TJPC-I AMENDMENT NO. 5-A GRANT FUNDS AND AMEND THE FY2010 BUDGET ACCORDINGLY

The Texas Juvenile Probation Commission has awarded Hays County an additional $17,100 to be used for contract detention services. Budget amendment: transfer $17,100 from Intergovernmental Revenue #001-686-99-056.4301, into Contract Inmate Detention #001-686-99-056.5361. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept Juvenile Probation TJPC-I Amendment No. 5-A Grant Funds and amend the FY2010 budget accordingly. All voting "Aye". MOTION PASSED**

27403 APPROVE EXTENSION OF THE PUBLIC HEALTH EMERGENCY RESPONSE (PHER) CONTRACT BETWEEN TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) AND THE PERSONAL HEALTH DEPARTMENT FOR AN ADDITIONAL 11 MONTH PERIOD, AND AMEND THE BUDGET ACCORDINGLY

The current PHER contract ends August 30, 2010. This amendment extends the PHER contract for an additional eleven months so that the contract period is from September 15, 2009 through July 31, 2011, and amends the budget accordingly. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve extension of the Public Health Emergency Response (PHER) Contract between Texas Department of State Health Services (TDSHS) and the Personal Health Department for an addition 11 month period, and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27404 AMEND JUVENILE PROBATION OPERATING BUDGET FOR CONTINUING EDUCATION TRAINING

The Juvenile Probation officers are required to maintain certification on proper physical restraint methods. Funds are needed to send one JPO to the Handle with Care conference in Dallas for training. This training will include training certification and will allow this JPO to come back to the facility and train the remaining JPO's on staff. Savings from contract detention will be used to fund this budget amendment. Budget Amendment: transfer $765 from Contract Detention #001-686-00.5361 into Continuing Education #001-686-00.5551. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to amend Juvenile Probation operating budget for continuing education training. All voting "Aye". MOTION PASSED**

27405 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF AUGUST, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept report to Commissioners Court identifying Administrative Approvals issued during the month of August, 2010. All voting "Aye". MOTION PASSED

27406 AMEND THE BUDGET OF JUVENILE CENTER FOR TELEPHONE FROM SAVINGS IN EQUIPMENT AND CONTINUING EDUCATION

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to amend the budget of Juvenile Center for telephone from savings in equipment and continuing education. All voting "Aye". MOTION PASSED

27407 AMEND THE BUDGET OF INDIGENT MEDICAL IN FAMILY HEALTH SERVICES FUND WITH TRANSFER FROM COUNTYWIDE IN GENERAL FUND

Indigent medical supplies/services require additional funds to complete year. A transfer totaling $175,000 from Countywide in 001-General Fund to Indigent Medical is included in the budget amendment. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to amend the budget of Indigent Medical in Family Health Services Fund with transfer from Countywide in General Fund. All voting "Aye". MOTION PASSED**

27408 CALL FOR A PUBLIC HEARING ON SEPTEMBER 28, 2010 TO ESTABLISH TRAFFIC REGULATIONS ON OAK GROVE ROAD AT THE INTERSECTION OF LITTLE BEAR ROAD/MOURNING DOVE LANE

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 call for a public hearing on September 28, 2010 to establish traffic regulations on Oak Grove road at the intersection of Little Bear Road/Mourning Dove Lane. All voting "Aye". MOTION PASSED**

27409 CALL FOR A PUBLIC HEARING ON SEPTEMBER 28, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN THE VINEYARD SUBDIVISION

This will establish a stop sign on Tuscany Drive at Elder Hill Road, a stop sign on Napa Court at Tuscany Drive, a stop sign on St. Helena Court at Tuscany Drive, and stop sign on Sonoma Lane at Tuscany Drive, and a speed limit of 25 MPH within the subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 28, 2010 to establish traffic regulations in the Vineyard subdivision. All voting "Aye". MOTION PASSED**

27410 APPROVE WORK AUTHORIZATION #3 FOR ROADWAY DESIGN WORK RELATED TO IMPROVEMENTS TO MT. GAINOR ROAD

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Work Authorization #3 for roadway design work related to improvements to Mt. Gainor Road not to exceed $75,000. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED

27411 HOLD A PUBLIC HEARING PURSUANT TO 183.057 OF THE TEXAS NATURAL RESOURCES CODE REGARDING RIGHT OF WAY ACQUISITION ON MCGREGOR LANE IN PRECINCT 4, INCLUDING ACQUISITION OF PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT

Commissioner Ingalsbe declared the public hearing open. No public input was received and the public hearing was closed. Special Counsel Mark Kennedy spoke of findings needed in this matter: (1) there is no feasible and prudent alternative to the use or taking of the land; and (2) the program or project includes all reasonable planning to minimize harm to the land resulting from the use or taking. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to proceed with the acquisition on McGregor Lane including property that is encumbered by a conservation easement with the findings that: (1) there is no feasible and prudent alternative to the use or taking of the land; and (2) the program or project includes all reasonable planning to minimize harm to the land resulting from the use or taking. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter not present to vote. MOTION PASSED**

27412 PARTIAL VACATE AND REPLAT OF LOT 3 & 4, F&W SUBDIVISION, SECTION 2 [10-16-4 – 2 LOTS] - CALL FOR PUBLIC HEARING ON OCTOBER 12, 2010

The original property owner 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. The new configuration will leave one lot of 4 acres (Lot 4A) which will be served by an existing private well and individual on-site sewage facility. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on October 12, 2010 for a partial vacate and replat of Lot 3 & 4 F&W Subdivision Section 2. All voting "Aye". MOTION PASSED**

27413 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A 20 FOOT JOINT USE EASEMENT AGREEMENT IN FAVOR OF ROBERT ROMERO, ONESIMO RODRIGUEZ, AND ONION CREEK SENIOR CITIZENS, INC. FOR INGRESS/EGRESS ON SHARED DRIVEWAY KNOWN AS BARTONS XING LOCATED IN PRECINCT 2

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a 20 Foot Joint Use Easement Agreement in favor of Robert Romero, Onesimo Rodriguez, and Onion Creek Senior Citizens, Inc. for ingress/egress on Shared Driveway locally known as Bartons Xing located in Precinct 2. Staff and Special Counsel to work on a shared access agreement. **All voting "Aye". MOTION PASSED**

27414 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A 10 FOOT EASEMENT AGREEMENT WITH THE CITY OF BUDA FOR A PROPOSED WASTEWATER SERVICE LINE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a 10 Foot Easement Agreement with the City of Buda for a proposed wastewater service line. All voting "Aye". MOTION PASSED

27415 ACCEPT $7,000 FROM THE HILL COUNTRY ALLIANCE AS A REFUND OF THE MONIES HAYS COUNTY PROVIDED AS SEED MONEY FOR THE PLANNING AND DEVELOPMENT OF THE RAINWATER REVIVAL

Alan Rossing (Lakota Water Company) spoke of Rainwater Revival to be held. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept $7,000 from the Hill Country Alliance as a refund of the monies Hays County provided as seed money for the Planning and Development of the Rainwater Revival. All voting "Aye". MOTION PASSED**

27416 ADOPT NEW RATES FOR DISPOSAL OF SOLID WASTES AT THE HAYS COUNTY TRANSFER STATION IN WIMBERLEY AND THE HAYS CITIZENS COLLECTION STATION IN DRIFTWOOD

Jerry Pinnix spoke of having no increase in fees for a number of years. He made recommendation to the court to increase rates as follows: Household garbage from $5 to $8-10, construction material from $15 to $20 with $10 minimum, appliances from $7 to $10 for water heaters/small items & $15 for washer & dryer sized, A/C refrigerator items with compressors from $7-15 to $10-25, furniture from $5 up to $10 up (go up $5 per item, king size bed was $15 now $20), and tires from $2 to $5. **A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt recommended rates for disposal of solid wastes at the Hays County Transfer Station in Wimberley and the Hays Citizens Collection Station in Driftwood to be effective January 1, 2011. All voting "Aye". MOTION PASSED**

27417 AMEND THE TUBERCULOSIS CONTRACT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR FY 2010 FROM $14,710.00 TO $17,324.35 AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Judge Sumter, seconded by Commissioner Ford to amend the Tuberculosis Contract between Hays County Personal Health Department (PHD) and Texas Department of State Health Services (DSHS) for FY 2010 from $14,710 to $17,324.35 and amend the budget accordingly. All voting "Aye". MOTION PASSED

27418 AUTHORIZE THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE FLU SHOTS TO HAYS COUNTY EMPLOYEES AND THEIR INSURED DEPENDENTS AT NO COST

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Personal Health Department to provide flu shots to Hays County Employees and their insured dependents at no cost. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT POLICY COMMITTEE

Judge Sumter spoke of establishing a County-wide Economic Development Policy. She proposed a nine member committee with Lisa Wright as the Liaison. Each Commissioner would appoint two citizens from their precincts and the County Judge appointing the chair of the committee. No action taken.

27419 EXECUTE A FIVE-YEAR LICENSE AND SUPPORT AGREEMENT WITH HART INTERCIVIC FOR COUNTY VOTING EQUIPMENT IN ORDER TO TAKE ADVANTAGE OF A FREEZE ON RATES FOR THE DURATION OF THE AGREEMENT

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to execute a five-year License and Support Agreement with Hart Intercivic for County voting equipment in order to take advantage of a freeze on rates for the duration of the Agreement. All voting "Aye". MOTION PASSED

27420 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH ROGERS DESIGN SERVICES FOR PROFESSIONAL ENGINEERING SERVICES FOR FEASIBILITY STUDY AND ENGINEERING DESIGN OF IMPROVEMENTS ON ELDER HILL ROAD

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a Professional Services Agreement (PSA), in an amount not to exceed $149,954, with Rogers Design Services for professional engineering services for Feasibility Study and Engineering Design of improvements on Elder Hill Road. All voting "Aye". MOTION PASSED

27421 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH ROGERS DESIGN SERVICES FOR PROFESSIONAL ENGINEERING SERVICES FOR MOUNT GAINOR ROAD PHASE 2, LOW WATER CROSSING DESIGN

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a Professional Services Agreement (PSA), in an amount not to exceed $ 258,000, with Rogers Design Services for professional engineering services for Mount Gainor Road Phase 2, low water crossing design. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

27422 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #2 TO THE CONSTRUCTION CONTRACT WITH LOWDEN EXCAVATING, INC. IN THE AMOUNT OF $440.00 FOR THE FIVE MILE DAM PARK - PHASE 2 (IRRIGATION) PROJECT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute Change Order #2 to the Construction Contract with Lowden Excavating, Inc. in the amount of $440 for the Five Mile Dam Park – Phase 2 (Irrigation) Project. All voting "Aye". MOTION PASSED

27423 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A GRANT AWARD CONTRACT IN THE AMOUNT OF $12,342 FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA) UNDER THE FY10 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS PROGRAM FOR EQUIPMENT FOR THE DISTRICT ATTORNEY'S OFFICE AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to accept and execute a Grant Award Contract in the amount of $12,342 from the U.S. Department of Justice, Bureau of Justice Assistance (BJA) under the FY10 Edward Byrne Memorial Justice Assistance Grants Program for Equipment for the District Attorney's Office and amend the budget accordingly. All voting "Aye". MOTION PASSED

Agenda Item #28 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR VENDING MACHINE SERVICES WITH BEST VENDING & COFFEE, CO* **was PULLED.**

27424 AMEND THE AGREEMENT BETWEEN HAYS COUNTY AND HALFF AND ASSOCIATES TO ALLOW FOR ADDITIONAL SURVEYS AND RELATED WORK ASSOCIATED WITH THE MCGREGOR LANE PROJECT IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Barton to amend the Agreement between Hays County and Halff and Associates to allow for additional surveys and related work associated with the McGregor Lane Project in Precinct 4 in an amount not to exceed $5,000. All voting "Aye". MOTION PASSED

27425 AUTHORIZE ATTORNEYS I, II, AND III FROM THE DISTRICT ATTORNEY'S OFFICE TO RECEIVE THE ONE-TIME EMPLOYEE COST OF LIVING PAY OUT FROM THE FY2010 BUDGET

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Attorneys I, II, and III from the District Attorney's office to receive the one time employee's cost of living pay from the FY2010 budget. All voting "Aye". MOTION PASSED

27426 APPROVE THE PURCHASE OF ONE, CREW CAB, CHEVROLET SILVERADO PICK-UP TRUCK FOR THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT/TRANSPORTATION DIVISION FROM THE STATE BID

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the purchase of one crew cab Chevrolet Silverado Pick-up Truck for the Resource Protection, Transportation and Planning Department/Transportation Division from the state bid out of the FY2011 budget. All voting "Aye". MOTION PASSED

27427 APPROVE PAYMENT OF INVOICE TO LAWSON PRODUCTS FOR THE JUVENILE DETENTION CENTER

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of invoice to Lawson Products for the Juvenile Detention Center. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

The court convened into closed executive session at 2:25 p.m. and reconvened into open meeting at 4:51 p.m. No action was taken.

27428 **DISCUSSION WITH ACTION ON 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**

Bob Hinkle (Broaddus & Associates) provided an update on progress at the Government Center that included an aerial photo, building information management clash detection progress, rolling calendar schedule, pour schedule, comprehensive summary of alternates presented for court action, AND Sebesta Blomberg Commissioning Proposal from June 15th RFQ solicitation. Commissioner Conley and Commissioner Ford advised that they had originally voted against the sally port canopy.

A motion was made by Ingalsbe, seconded by Judge Sumter to accept the alternates and ask Bob Hinkle and Broaddus & Associates to negotiate the costs for those that are under the rough order of magnitude with exception of larger caliper trees that will come back to the court. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept the sally port canopy construction cost of $91,475 (estimate) and allow Bob Hinkle and Broaddus & Associates to negotiate the costs. Commissioner Ingalsbe, Commissioner Barton, and Judge Sumter voting "Aye". Commissioner Conley and Commissioner Ford voting "No". MOTION PASSED

Bob Hinkle spoke of Commissioning Proposal.

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to award commissioning services to Sebesta Blomberg & Associates in an amount not to exceed $295,900. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #35 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 14, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 21ST 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor John McComb of San Marcos Community Church gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Marissa Erhert, Jim Holloway, and Ruben Becerra made public comment regarding Phoenix Renewable Energy. Sam Brannon made public comment against pay raises for elected officials and a tax increase.

PRESENTATION FROM THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT

Jimmy Skipton introduced Alex Broun, District Geologist. He presented members of the court with a DVD titled "Hydrogeologic Atlas of the Hill Country Trinity Aquifer" Blanco, Hays and Travis Counties and spoke of data contained in the DVD.

27428 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payments of county invoices in the amount of $528,468.90 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27429 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 3 & 14, 2010

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioner Court Minutes of September 3 & 14, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27430 CONFIRM THE APPOINTMENT OF ALLEN M. BRIDGES AS DEPUTY CONSTABLE FOR CONSTABLE PCT. 1, DAVID PETERSON EFFECTIVE SEPTEMBER 21, 2010

A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Barton to confirm the appointment of Allen M. Bridges as Deputy Constable for Constable Pct 1, David Peterson effective September 21, 2010. All voting "Aye". MOTION PASSED

27431 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve utility permit #820 on Hays County Acres Road issued to LCRA Water Supply Corp, permit #821 on Barton Creek Drive to PEC, and permit #822 on Bebee Road (CR 122) to PEC as submitted by the RPTP Department. All voting "Aye". MOTION PASSED

27432 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS - COMMUNITY DEVELOPMENT FUND FOR $275,000 FOR ADDITIONAL WATER SYSTEM IMPROVEMENTS IN THE CEDAR OAKS MESA SUBDIVISION AND TO ACT AS THE COUNTY'S AUTHORIZED REPRESENTATIVE FOR THE PROGRAM

A grant application will be submitted to the Texas Department of Rural Affairs (TDRA) for $275,000 for additional water system improvements in the Cedar Oaks Mesa subdivision near Wimberley. Funds in the amount of $250,000 were previously awarded under this program in July, 2008 to replace undersized water lines, valves, provide service reconnections, and install fire hydrants within the subdivision, with a subsequent award of $250,000 in September, 2009 to install and connect a 50,000 gallon water storage tank to the water system (project is underway). Grant funds requested under the current application will be utilized to replace additional undersized water lines and conduct associated water system improvements to bring the system into compliance with current TCEQ requirements. The TDRA program requires a 5% match to the grant amount request that will be met through funds provided by the Cedar Oaks Mesa Water Supply Corporation. The County will serve to administer the grant program/project, and no County funds are required for the project.
A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Resolution authorizing the County Judge to submit a Grant Application to the Texas Department of Rural Affairs – Community Development Fund for $275,000 for additional water system improvements in the Cedar Oaks Mesa Subdivision and to act as the County's authorized representative for the program. All voting "Aye". MOTION PASSED

27433 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 1 WITH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, STATE ENERGY CONSERVATION OFFICE (SECO) FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

On March 9, 2010 the Court authorized acceptance of an Energy Efficiency and Conservation Block Grant from the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO). The purpose of the grant will be to conduct an energy audit and perform energy conservation upgrades to existing County facilities. Based on the cost for the energy audit, it was necessary to seek a budget adjustment from SECO to accommodate an increase for the cost of this service over that originally estimated, which will subsequently reduce the amount available for energy upgrades – in the amount of $7,250 – out of the total grant of $115,153. The total grant amount does not change. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute Amendment No. 1 with the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO) for the Energy Efficiency and Conservation Block Grant. All voting "Aye". MOTION PASSED**

27434 RATIFY EXECUTION OF CHANGE ORDER #1 WITH J.D. RAMMING PAVING COMPANY, INC., IN THE AMOUNT OF $2,310.00 FOR WORK ON THE CEDAR OAK MESA WATER IMPROVEMENT PROJECT

J.D. Ramming Paving Company, Inc. was selected as the low quote to conduct pavement repairs in the Cedar Oak Mesa area associated with the water line improvement project funded under a grant from the Texas Department of Rural Affairs. This Change Order is to install extended water valve sleeves in the pavement necessitated by the resurfacing of the roadway. The Change Order, in the amount of $2,310 had to be expedited due to the termination date of the grant which expires September 21, 2010. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to ratify execution of Change Order #1 with J.D. Ramming Paving Company, Inc., in the amount of $2,310 for work on the Cedar Oak Mesa Water Improvement Project. All voting "Aye". MOTION PASSED**

27435 ACCEPT ADDITIONAL CONTRIBUTIONS FOR HISTORICAL COMMISSION/BUCK WINN PROJECT TOTALING $2700.00 AND BUDGET FOR EXPENSES

Historical Commission has received additional contributions of $2,700 and needs to budget that amount for needed expenses. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept additional contributions for Historical Commission/Buck Winn Project totaling $2,700 and budget for expenses. All voting "Aye". MOTION PASSED**

27436 AUTHORIZE PURCHASING TO PREPARE SPECIFICATIONS FOR REQUEST FOR QUALIFICATIONS FOR AN ENVIRONMENTAL MONITOR ASSOCIATED WITH THE MCGREGOR LANE PROJECT AND SOLICIT FOR PROPOSAL AND ADVERTISE

Per the Construction Mitigation Agreement between hays County and the Hill Country Conservancy, this RFQ will seek an environmental monitor to oversee the construction activities on the McGregor Lane Bridge project.
A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize purchasing to prepare specifications for request for qualifications for an environmental monitor associated with the McGregor Lane Project and solicit for proposal and advertise. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #11 Re: *APPROVE COMMERCIAL SEPTIC PERMIT FOR THE RPTP FACILITY ON YARRINGTON ROAD* **was PULLED.**

27437 CALL FOR A PUBLIC HEARING ON OCTOBER 5, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN DEER CREEK SUBDIVISION

Original recommendation was to establish a speed limit of 25 MPH on Deer Creek Circle and on Green Oak Drive in Deer Creek subdivision. Commissioner Ford advised that she will recommend a 20 MPH speed limit. **A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on October 5, 2010 to establish traffic regulations in Deer Creek Subdivision. All voting "Aye". MOTION PASSED**

27438 BUSH RANCH PHASE 2 SECTION 1 [10-17-4 – 1 LOT] - **APPROVE PRELIMINARY PLAN**

Programs Manager-Development Services Division Clint Garza advised that the Bush Ranch Subdivision is located on Hwy 290 across from Nutty Brown Road in Precinct 4. Phase 2 is located immediately west of Phase 1 and is still served by Hays County MUD #4 for wastewater and storm water service. Section 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 Hays County Regulations including water/wastewater availability and storm water conveyance. He gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for Bush Ranch Phase 2 Section 1. All voting "Aye". MOTION PASSED**

27439 REVISED PLAT OF LOT 1B AND 1C J.M.J. SUBDIVISION. [10-21-4 – 1 LOT] WAIVE PRELIMINARY PLAN AND PUBLIC HEARING AND APPROVE FINAL PLAT

Programs Manager-Development Services Division Clint Garza advised that the J.M.J. Subdivision consists of 3 lots platted in 2004. At that time it consisted of a 24.29 acre lot, a 6.57 acre lot, and a 6.22 acre lot. The proposed subdivision will add 4.29 acres from lot 1C to lot 1B bringing the total acreage of lot 1B to 10.86 acres total. This change is not an increase in density and is merely a movement of lot line location; therefore a request has been made to waive preliminary plan and public notification. Both lots will be served by existing wells and on-site sewage facilities. He gave staff recommendation for approval of final plat. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to waive preliminary plan and public hearing and approve final plat of revised plat of Lot 1B and 1C J.M.J. Subdivision. All voting "Aye". MOTION PASSED**

27440 APPROVE THE 2011 SHERIFF AND CONSTABLES FEES PURSUANT TO LOCAL GOVERNMENT CODE 118.131

The law requires each Commissioners court to set fees charged for civil services by the office of the Sheriff and Constables and directs that these fees by reported to the State Comptroller. Each year these fees must be set before October 1st and reported to the Comptroller's office no later than October 15th. The new fees become effective on January 1st. Some of the Writs increased from $150 to $200 and a $10 per hour fee to be charged for use of county patrol vehicle for certain functions was added. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the 2011 Sheriff and Constables Fees Pursuant to Local Government Code 118.131 as presented. All voting "Aye". MOTION PASSED**

27441 ACCEPT RESULTS OF BALLOTS RECEIVED FROM RECORD OWNERS OF PROPERTY IN THE INDIAN CREEK RANCH SUBDIVISION REGARDING IMPROVEMENTS AND ASSESSMENT OF THE COST PURSUANT TO TEXAS TRANSPORTATION CODE CHAPTER 253 WITH ACTION ORDERING THE IMPROVEMENTS AND ASSESSING THE COST OF THE IMPROVEMENTS

Six ballots were sent out with 4 returned in Favor and 1 Against the improvements & assessment of roads in the Indian Creek Ranch Subdivision. **A motion was made by Commissioner Barton, seconded by Judge Sumter to accept results of ballots received from Record Owners of property in the Indian Creek Ranch Subdivision regarding improvements and assessment of the cost Pursuant to Texas Transportation Code Chapter 253. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Barton, seconded by Judge Sumter to order the improvements and assessment for the cost of the improvements in the Indian Creek Ranch Subdivision pursuant to Texas Transportation Code Chapter 253.**

Clerk's Note: Agenda Item #17 RE: *ESTABLISH AN ECONOMIC DEVELOPMENT POLICY COMMITTEE* **was PULLED.**

27442 RENEW AGREEMENT FOR ALTERNATIVE DISPUTE RESOLUTION SERVICES WITH CENTRAL TEXAS ALTERNATIVE DISPUTE RESOLUTION, INC

Hays County DRC Executive Director Anna Bartkowski and Hays County DRC President Walter Krudop appeared before the court. They discussed funding, expenses, programs and services. They are requesting $20,000 in funding for FY2011. Assistant District Attorney Mark Zuniga spoke in support of alternative dispute resolution services. A discussion was had regarding expenses. **A motion was made by Judge Sumter, seconded by Commissioner Ford to renew Agreement for Alternative Dispute Resolution Services with Central Texas Alternative Dispute Resolution, Inc. in the amount of $20,000 with $10,000 to be funded in FY2010 and $10,000 in FY2011 with the court evaluating the services and expenses in the first quarter of FY2011 with possible savings in 2012 budget request. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

27443 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSTRUCTION MITIGATION AGREEMENT BETWEEN HAYS COUNTY AND THE HILL COUNTRY CONSERVANCY RELATED TO ROW ACQUISITION AND ROAD IMPROVEMENTS ON MCGREGOR LANE IN PRECINCT 4

This agreement is to enhance and ensure the County's commitment to protect the Conservation values associated with the Conservation Easement that lies to the west of the McGregor Lane bridge project, the HCC has proposed this Construction Mitigation Agreement, which among other things, establishes the use of a monitor during the pendency of construction. Costs associated with this Agreement represent reimbursement of HCC for their reasonable expenses related to acquisition and independent monitoring of improvements. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a Construction Mitigation Agreement between Hays County and the Hill Country Conservancy related to ROW Acquisition and road improvements on McGregor Lane in Precinct 4 in an amount not to exceed $7,950. All voting "Aye". MOTION PASSED**

27444 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT WITH TEXAS ENERGY ENGINEERING SERVICES, INC., IN THE AMOUNT OF $42,250.00 TO CONDUCT AN ENERGY AUDIT OF COUNTY BUILDINGS ASSOCIATED WITH THE SECO ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT AWARD

Grants Administrator Jeff Hauff explained. Nine proposals were received in response to Request for Qualifications (RFQ) No. 2010-P14, "Professional Energy Audit/analysis" for a firm to conduct energy audits of County buildings under a grant from the State Energy Conservation Office. The review committee evaluated the proposals on the basis of the criteria outlined in the RFQ, and selected two firms for interviews. The Court on July 6, 2010 authorized Commissioner Ford to negotiate a contract with the selected firm for later Court approval. After successful negotiations, it is recommended that the contract for the energy audit be awarded to Texas Energy Engineering Services, Inc. in the amount of $42,250 to conduct the Hays County energy audit. Funding for this service is available under the Energy Efficiency and Conservation Block Grant awarded by the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO) and accepted by the Commissioners Court on March 9, 2010. No County matching funds are required for this grant. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute the contract with Texas Energy engineering Services Inc. in the amount of $42,250 to conduct an energy audit of county buildings associated with the SECO Energy Efficiency and Conservation Block Grant Award. All voting "Aye". MOTION PASSED**

27445 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BURDINE JOHNSON FOUNDATION IN THE AMOUNT OF $100,000 FOR RENOVATIONS TO THE OLD HAYS COUNTY JAIL

Our Historical Commission chairwoman, Kate Johnson, is willing to prepare a grant for the Burdine Johnson Foundation in the amount of $100,000 for use in the first phase of plans for the Old Jail including stabilization of walls and roof. The Foundation is aware of the project and its needs and feel there is an excellent chance of obtaining the grant. Ms. Johnson feels the formal request should come from the County. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Burdine Johnson Foundation in the amount of $100,000 for renovations to the Old Hays County Jail. All voting "Aye". MOTION PASSED**

27446 APPROVE RIGHT OF WAY REQUEST FROM PEDERNALES ELECTRIC COOPERATIVE, INC. ON HAYS COUNTY PROPERTY LOCATED ON FM 150 WEST IN KYLE

PEC would like to acquire the ROW to extend a wire approximately thirty (30) feet into the County property. The anchor and guy wire will run adjacent and parallel and as close as possible to the fence. This request is due to a new overhead electrical service on the property located across the road on FM 150 West. PEC will pay the County $1 for the strip of land five (5) feet in width to run adjacent and parallel to the north property line.
A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Right of Way request from Pedernales Electric Cooperative, Inc. on Hays County property located on FM 150 West in Kyle subject to final review by Special Counsel. All voting "Aye". MOTION PASSED

27447 APPROVE STATE HIGHWAY 21 AT ROHDE ROAD WORK AUTHORIZATION #5

The intersection of SH 21 and Rohde Road was identified as an intersection which warranted safety improvements as part of the 2008 road bond program. The initial scope of the project as described included minor improvements and level up on Rohde Road. In light of the current elementary school as well as the proposed development and future high school location it is recommended that the scope of the project be expanded to include the addition of a left turn lane off of SH 21 onto Rohde Road. This will facilitate turning movements of vehicles and school buses serving this area. The original budget amount was approximately $23,000 for engineering and $80,000 for construction, for a total of $103,000. Proposed design fee for this project is $160,191.68. Anticipated construction cost is approximately $800,000. Commissioner Barton and the primary road project managers at HDR are recommending that the County only proceed with design services until additional road bond program projects have gone to construction and additional potential program reserve have been realized. At that time, the Court would need to take additional action to authorize any construction on this project. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve SH 21 at Rohde Road Work Authorization #5, not to exceed $160,191.68. All voting "Aye". MOTION PASSED**

27448 AUTHORIZE THE COUNTY JUDGE TO ACCEPT & EXECUTE A GRANT AWARD CONTRACT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FY10 COPS TECHNOLOGY PROGRAM FOR $40,000

On June 29, 2010 the Court authorized submission of a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services, FY10 COPS Technology Program to replace the radio communication system in the County Jail. This grant has been awarded, and no County matching funds are required for the grant. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to accept & execute a grant award contract from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY10 COPS Technology Program for $40,000. All voting "Aye". MOTION PASSED**

27449 APPROVE THE SUPPLEMENTAL INSURANCES FOR FY 2011

The recommendation is to maintain: AFLAC for cancer, accident, sickness and STD; Superior Vision (rates have been reduced); Texas Life – whole, MetLife – term (supplemental life); Section 125 POP only. The only recommended change: switch to MetLife for the Group Basic Life with the 2-year rate guarantee. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the supplemental insurances for FY 2011 as recommended. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING RE-CLASSIFICATION OF 9 CORRECTIONS OFFICER POSITIONS TO DEPUTY

Deputy Sheriff Mike Davenport and Sheriff Tommy Ratliff appeared before the court. Deputy Davenport spoke of funding options. No action was taken.

Clerk's Note Agenda item #27 RE: *EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO RECEIVE INFORMATION ON PROJECT AMERICAN WAY* **– was pulled**

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, TO DELIBERATE THE NEGOTIATION AND PURCHASE OF NICHOLSON RANCH AND ITS POTENTIAL FOR PRIME ENDANGERED SPECIES HABITAT. POSSIBLE ACTION MAY FOLLOW

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

Court convened into closed executive session at 10:25 a.m. and reconvened into open meeting at 11:25 a.m. No action was taken.

Clerk's Note: Agenda Item #30 RE: *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.**

Clerk's Note: Agenda Item #31 Re: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

27450 DISCUSSION OF BUDGET WITH ACTION

Special Counsel Mark Kennedy spoke of salary grievance procedure and read an Attorney General's Opinion. Constable Pct. 2 James Kohler spoke regarding elected official salaries. Deputy Sheriff Mike Davenport asked about requested regrades. Shari Miller (Human Resources) spoke of regrades under consideration. Court discussed elected official salary increases and procedure to be followed. Discussion was had regarding 46.92 cent tax rate and 2% salary increase for elected officials.

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to notify elected officials of the court's intent to not give elected officials any salary increase in FY2011. All voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHE, 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 21, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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. FRITSCHE	**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 Manger 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**

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 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. RPTP Director Jerry Borcherding 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. RPTP Director Jerry Borcherding gave staff recommendation. This will establish a stop sign on Tuscany Drive at Elder Hill Rd, a stop sign on Napa Court at Tuscany Drive, a stop sign on St. Helena Court at Tuscany Drive, and stop sign on Sonoma Lane at Tuscany 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**

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 svs)	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 (reducec)	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 svs	5,000

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

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.**

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. FRITSCHE, 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.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

LINDA C. FRITSCHE, 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	**COUNTY JUDGE**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**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 Laureen 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**

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 Borcherding 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

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. FRITSCHE, 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. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH 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	**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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENT
Constable Pct. 2 James Kohler made public comment.

27495 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payments of county invoices in the amount of $574,383.41 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27496 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 28 & OCTOBER 5, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Commissioner Court Minutes of September 28 & October 5, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27497 ACCEPT INSTITUTIONAL OSSF PERMIT FOR AN AUTO BODY SHOP AT 4354 DACY LANE, BUDA, PRECINCT 2

Mr. Edward Montalvo is proposing an OSSF to serve an auto body shop at 4354 Dacy Lane in Precinct 2 on 1.5 acres. It is an Evapotranspirative (ET) system. 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. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept Institutional OSSF Permit for an auto body shop at 4354 Dacy Lane, Buda, Precinct 2. All voting "Aye". MOTION PASSED**

27498 ACCEPT INSTITUTIONAL OSSF PERMIT FOR A WINE TASTING ROOM (EXISTING STRUCTURE REMODELED) LOCATED AT 13111 SILVER CREEK RD., DRIPPING SPRINGS IN PRECINCT 4

Barbara Haderlein, Trustee is proposing an OSSF to serve a wine tasting room located at 13111 Silver Creek Rd., Dripping Springs and is 134.98 acres. It is a standard system utilizing leaching chambers.. Water is supplied by an individual well. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept Institutional OSSF Permit for a wine tasting room (existing structure remodeled) located 15 13111 Silver Creek Rd., Dripping Springs in Precinct 4. All voting "Aye". MOTION PASSED**

27499 ACCEPT INSTITUTIONAL OSSF PERMIT FOR HAYS COUNTY FOR THE RESOURCE PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT BUILDING AT 2171 YARRINGTON, SAN MARCOS IN PRECINCT 1

This On Site Sewage facility is being constructed to accommodate the existing offices and 13,000 sq ft addition to the building. The water supply is a public system. 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). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept Institutional OSSF Permit for Hays County for the Resource Protection Transportation and Planning Department Building at 2171 Yarrington, San Marcos in Precinct 1. All voting "Aye". MOTION PASSED**

27500 APPROVE SPECIFICATIONS FOR RFQ 2011-P02 MONITORING CONSULTANT FOR MCGREGOR LANE PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve specifications for RFQ 2011-P02 monitoring consultant for McGregor Lane Project and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

27501 AUTHORIZE COUNTY JUDGE TO EXECUTE RENEWAL OF THE INTERLOCAL AGREEMENT FOR REPAIR AND MAINTENANCE (OF ROADWAYS) FOR THE CITY OF WOODCREEK

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. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize County Judge to execute renewal of the Interlocal Agreement for repair and maintenance (of roadways) for the City of Woodcreek. All voting "Aye". MOTION PASSED**

27502 AMEND INFORMATION TECHNOLOGY FY10 BUDGET TO COVER ADDITIONAL EQUIPMENT COSTS

Additional funds are needed for equipment purchases due to the recent conversion to the new County phone system. Upgrade is required 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. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to amend Information Technology FY10 Budget to cover additional equipment costs. All voting "Aye". MOTION PASSED**

27503 ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR HAWTHORNE LOOP IN RIM ROCK SUBDIVISION, PHASE 1, SECTION 4

The Road Department has inspected road and drainage improvements and recommends 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). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept for maintenance all road and drainage improvements within county ROW for Hawthorne Loop in Rim rock Subdivision Phase 1 Section 4. All voting "Aye". MOTION PASSED**

27504 PARTIAL VACATE AND REPLAT OF LOT 3 & 4, F&W SUBDIVISION, SECTION 2 [10-16-4 – 2 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. 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 OSSF. The subdivision is located outside of the limits of any cities ETJ. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of partial vacate and replat of Lot 3 & 4 F&W Subdivision Section 2. All voting "Aye". MOTION PASSED**

27505 BUSH RANCH PHASE 2 SECTION 1 [10-17-4] ACCEPT FISCAL SURETY IN THE AMOUNT OF $135,275.77 FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS AND APPROVE FINAL PLAT

Phase 2 is located immediately west of Phase 1 and is still served by Hays County MUD #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 LCRA. 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 cash bond. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept Fiscal Surety in the amount of $135,275.77 for the construction of street and drainage improvements and approve final plat of Bush Ranch Phase 2 Section 1. All voting "Aye". MOTION PASSED**

27506 BC ACRES SUBDIVISION [10-18-4 – 2 LOTS] APPROVE FINAL PLAT

BC Acres Subdivision is a 2 lot subdivision of 11.74 acres creating a 3.2 acre lot and an 8.5 acres lot with direct frontage onto McGregor Lane. Each lot will be served by existing OSSF and existing rainwater collection systems. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of BC Acres Subdivision. All voting "Aye". MOTION PASSED**

27507 TRACT 9 PIONEER RANCHES SUBDIVISION [10-20-4 – 1 LOT] APPROVE FINAL PLAT

Pioneer Ranches is an unrecorded/unplatted subdivision. Re-subdivision has triggered the plat requirement for previously exempt parcels. 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 OSSF. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Tract 9 Pioneer Ranches Subdivision. All voting "Aye". MOTION PASSED**

27508 APPROVE DOUBLE FILLING THE JUSTICE OF THE PEACE PRECINCT 4 CLERK POSITION IN DRIPPING SPRINGS

A motion was made by Commissioner Ford, seconded by Commissioner Conley to double fill the Justice of the Peace Precinct 4 Clerk position in an amount not to exceed $13.65 per hour. All voting "Aye". MOTION PASSED

27509 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

A motion was made by Commissioner Conley, seconded by Commissioner Ford 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 donation of a gun cabinet valued at $100, and to amend the budget accordingly. All voting "Aye". MOTION PASSED

27510 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

Constable Pct. 1 David Peterson spoke of action on March 9, 2010 by the Commissioners' Court to ratify submission of a grant application for 3 in-car camera's for Constable Pct. 1 in the amount of $15,717. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to accept and execute a grant award contract in the amount of $14,717 from the Office of the Governor, Criminal Justice Division for the Hays County Constable's Office Precinct 1 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27511 CLARIFY HAYS COUNTY'S POLICIES REGARDING THE PURCHASE OF LAW ENFORCEMENT VEHICLES; AND RATIFY THE PURCHASE OF A 2010 DODGE QUAD CAB FOR CONSTABLE PCT. 2 AND FORD CROWN VICTORIA FOR CONSTABLE PCT. 1

The Auditor's Office recollects that during budget sessions the Court desired continuity of vehicle make and model across all law enforcement 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 and Constable Peterson's purchase was placed on hold for clarification from the court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley 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. All voting "Aye". MOTION PASSED**
A motion was made by Commissioner, seconded by Commissioner Barton to allow Constable Pct. 1 to move forward with purchase of a Ford Crown Victoria. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED

27512 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

A motion was made by Judge Sumter, seconded by Commissioner Ford 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. All voting "Aye". MOTION PASSED

27513 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

A motion was made by Commissioner Ford, seconded by Judge Sumter 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. All voting "Aye". MOTION PASSED

27514 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

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 was conveyed to Mr. Jack Hadsell, the abutting property owner. Since that time, the Hadsell's 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 county ROW). They have asked if the County can assist in clarifying title. Special Counsel recommends doing so via a Quit Claim Deed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Quit Claim Deed to Jack Hadsell for property (near Bebee Road in Precinct 1) that was formerly abandoned by Hays County. All voting "Aye". MOTION PASSED**

27515 CLARIFY RE-GRADED CORRECTION OFFICER SALARY TO TRANSPORTATION DEPUTY SALARY

Captain Mike Davenport spoke of action taken by the court on September 28th 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. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to further clarify re-graded Correction Officer Joe Ponce to Transportation Deputy and place his salary at Step 2. All voting "Aye". MOTION PASSED**

27516 ACTION TO ELIMINATE A LIEUTENANT POSITION AND TO REPLACE IT WITH A SERGEANT POSITION IN THE SHERIFF'S OFFICE

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 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. This would delete a Lieutenant, slot 8, - $72,420, add Sergeant, slot 16, +$70,551 with an overall budget savings on salary alone $1,869. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to eliminate a Lieutenant position and to replace it with a Sergeant position in the Sheriff's Office effective October 1, 2010. All voting "Aye". MOTION PASSED**

27517 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

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 reserve 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 a 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. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe 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. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

27518 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 21, 2010

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.
A motion was made by Commissioner Ford, seconded by Judge Sumter 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 21, 2010 in an amount not to exceed $16,000. All voting "Aye". MOTION PASSED

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

Court convened into closed executive session at 1:45 pm and reconvened into open meeting at 3:00 pm. No action was taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 3:10 pm and reconvened into open meeting at 3:51 pm. No action was taken.

27519 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

Court convened into closed executive session at 1:45 pm and reconvened into open meeting at 3:00 pm. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept and adopt the interim land management plan for the Nicholson preserve, and authorize the County Judge to sign it, and authorize submission of that plan to U.S. Fish and Wildlife with transmittal letter from the County Judge making recommendations on our expectations for credits. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

Clerk's Note: Agenda Item #28 RE: *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.**

Clerk's Note: Agenda Item #29 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 12, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH 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	**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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27520 ADOPT A PROCLAMATION DECLARING OCTOBER 18 – 22, 2010 AS TEXAS CHAMBER OF COMMERCE WEEK

Ray Hernandez spoke on behalf of all the Chambers in Hays County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Proclamation declaring October 18-22, 2010 as Texas Chamber of Commerce Week. All voting "Aye". MOTION PASSED**

27521 ADOPT A PROCLAMATION DECLARING OCTOBER 24, 2010 AS LIVESTRONG CHALLENGE DAY IN HAYS COUNTY

Chris Brewer spoke on behalf of the LiveStrong Challenge event. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to adopt a Proclamation declaring October 24, 2010 as LiveStrong Challenge Day in Hays County. All voting "Aye". MOTION PASSED**

PRESENTATION ON PARK BOND FUND APPLICATIONS RECEIVED AND TIME LINE FOR HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD REVIEW

Grants Administrator Jeff Hauff provided a summary of applications received for the remaining park bond funds. CPAT will bring recommendations back to the court in late November or early December.

PUBLIC COMMENT
San Marcos Mayor Susan Narzaiz thanked the court for their support and provided investment statistics. Sam Brannon made public comment about executive sessions regarding Nicholson Ranch. Jerry Pinnix gave an update on household waste disposal event held.

27522 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payments of county invoices in the amount of $2,576,674.12 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27523 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 12, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of October 12, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27524 APPROVE AWARD OF BID #2010-B17 CONTRACTOR FOR STABILIZATION PROJECT/OLD HAYS COUNTY JAIL TO GIFT-NEUHAUS AND AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve award of bid #2010-B17 contractor for stabilization project/Old Hays County Jail to Gift-Neuhaus and authorize County Judge to execute contract. All voting "Aye". MOTION PASSED

27525 APPROVE THE JULY 2010 AND AUGUST 2010 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the July 2010 and August 2010 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

27526 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 2 TO THE GRANT CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD TO EXTEND THE DEADLINE FOR COMPLETION OF THE REGIONAL WATER/WASTEWATER FACILITIES PLANNING STUDY TO FEBRUARY 28, 2011

On August 19, 2008 the Court authorized execution of a grant contract with the Texas Water Development Board (TWDB) for funding to conduct a Regional Water/Wastewater Facilities Planning Study for primarily western Hays County. On October 28, 2008 the firm of HDR engineering, Inc. was selected by the County to conduct the study. Due to several pending issues and actions, including finalization of the Region K and L State Water Plans and groundwater availability questions associated with GMA 9, study completion has been delayed to integrate results into final recommendations of the Water/Wastewater report. Amendment 2 will extend the study completion/contract termination date to February 28, 2011. This will allow for two required public meetings and preparation of the draft and final reports. There is no change in the funding amount, and no additional funding required from the County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute Amendment 2 to the Grant Contract with the Texas Water Development Board to extend the deadline for completion of the Regional Water/Wastewater Facilities Planning Study to February 28, 2011. All voting "Aye". MOTION PASSED**

27527 ACCEPT CONTRIBUTION FROM THE BURDINE JOHNSON FOUNDATION FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET ACCORDINGLY

The Historical Commission has been awarded $100,000 for miscellaneous capital improvements towards the Historical Jail Restoration Project. Budget amendments: 144-676-00.4610 Contributions - $100,000, 144-676-00.5741 Misc Capital Improvements + $100,001. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept contribution from the Burdine Johnson Foundation for the Historical Jail Restoration Project and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27528 APPROVE RENEWAL OF BID #2008-B15 ANNUAL DUMPSTERS COUNTYWIDE FOR ONE (1) ADDITIONAL YEAR AS PROVIDE FOR IN ORIGINAL BID

All terms and conditions remain unchanged and in full force and effect as provided in the original bid. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve renewal of bid #2008-B15 annual dumpsters countywide for one (1) additional year as provided for in original bid. All voting "Aye". MOTION PASSED**

27529 AMEND FY10 BUDGET OF JUVENILE CENTER FUND

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend FY10 Budget of Juvenile Center Fund. All voting "Aye". MOTION PASSED

27530 AMEND FY10 BUDGET OF PARKS FUND

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend FY10 Budget of Parks Fund. All voting "Aye". MOTION PASSED

27531 AMEND FY10 BUDGET OF TRANSFER STATION AND JAIL IN GENERAL FUND

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend FY10 Budget of Transfer Station and Jail in General Fund. All voting "Aye". MOTION PASSED

27532 AMEND FY10 BUDGET OF VARIOUS DEPARTMENTS IN GENERAL FUND AND OTHER FUNDS FOR PERSONNEL LINE ITEMS FROM SALARY ADJUSTMENTS IN COUNTYWIDE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend FY10 Budget of various departments in General Fund and other funds for Personnel Line items from salary adjustments in Countywide. All voting "Aye". MOTION PASSED

27533 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF SEPTEMBER, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept report to Commissioners Court identifying Administrative Approvals issued during the month of September, 2010. All voting "Aye". MOTION PASSED

27534 APPROVE PAYMENT OF INVOICE TO COMMERCIAL KITCHEN FOR REPAIRS TO AN OVEN IN THE JUVENILE CENTER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of invoice to commercial kitchen for repairs to an oven in the Juvenile Center. All voting "Aye". MOTION PASSED

27535 ACCEPT FROM THE TASK FORCE ON INDIGENT DEFENSE ADDITIONAL GRANT FUNDS AND AMEND THE BUDGET ACCORDINGLY

The Task Force on Indigent Defense has awarded Hays County an additional $9,663 in the form of an Equalization disbursement for RH2010 in order to help counties improve their indigent defense system. Budget amendment; 001-000-00.4309 – Task Force on Indigent Defense - $9,663. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept from the Task Force on Indigent Defense additional Grant Funds. All voting "Aye". MOTION PASSED**

27536 RATIFY THE EXECUTION OF THE RENEWAL OF THE FY11/12 STATE CASE REGISTRY (SCR) CONTRACT AND HAYS COUNTY INCIDENT REPORT PLAN WITH THE OFFICE OF THE ATTORNEY GENERAL, CHILD SUPPORT DIVISION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to ratify the execution of the Renewal of the FY11/12 State Case Registry (SCR) Contract and Hays County Incident Report Plan with the Office of the Attorney General, Child Support Division. All voting "Aye". MOTION PASSED

27537 CALL FOR A PUBLIC HEARING ON NOVEMBER 9, 2010 TO ESTABLISH TRAFFIC REGULATIONS (A LOAD LIMIT OF 17,500 LBS. AXLE OR TANDEM) FOR THE SAN MARCOS RIVER BRIDGE ON OLD BASTROP HWY, CR266, AS RECOMMENDED BY TXDOT

TxDot inspects all off-system bridges within Hays County. They have submitted a report on the load limit requirements for the bridge on Old Bastrop Hwy, CR 266 over the San Marcos River. TxDOT needs an official approval and recommendation date for installation of the signs for enforcement and to update the National Bridge inventory database. The new classification weight limit for the current bridge is 17,500 lbs. axle or tandem. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to call for a public hearing on November 9, 2010 to establish traffic regulations (a load limit of 17,500 lbs axel or tandem) for the San Marcos River Bridge on Old Bastrop Hwy, CR266 as recommended by TxDot. All voting "Aye". MOTION PASSED**

27538 LA MORAIA ESTATES SUBDIVISION [10-26-1, 1 LOT] WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT

Programs Manager of Development Services Clint Garza gave staff recommendation for final plat approval and waiver of preliminary plan. A request has been made to waive preliminary plan and move straight to final plat. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to waive preliminary plan and approve final plat of La Moraia Estates Subdivision. All voting "Aye". MOTION PASSED**

REPLAT OF LOT 3, OAK MESA SUBDIVISION [10-27-2, 3 LOTS] CONSIDER A VARIANCE FROM SECTION 5.07 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS

The original lots in this subdivision were platted in 1993 and are all between 21.5 and 23.3 acres in size. Access to the proposed division is via a 60 ft. private roadway easement which is classified as a shared access driveway under our rules. There are currently 3 parcels located off of the easement that do not have direct frontage to a public road and the creation of any additional lots would require the complete improvement and construction of a private/public roadway. The proposed resubdivision will divide lot 3 from 22 acres into 3 new lots equaling 10, 7 and 5 acres in size. The property owners is requesting a variance from our locals rules in lieu of constructing a county spec roadway. The total number of lots off of the shared access driveway if the variance is approved is 7 with 5 not having direct frontage to a permitted roadway. Programs Manager of Development Services Clint Garza advised that no action is necessary at this time because no preliminary plan has been submitted. Property owners want feedback from the court as to whether the variance would be granted. Court discussed various options for consideration. No action was taken.

27539 ACCEPT A GRANT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE BULLETPROOF VEST PARTNERSHIP (BVP) IN THE AMOUNT OF $1,712.06 AND AMEND THE BUDGET ACCORDINGLY

On May 25, 2010 the Court authorized submission of a grant application to the Bureau of Justice Assistance (BJA), Bulletproof Vest partnership (BVP) in the amount of $43,071 for 49 bulletproof vests, to include $21,535.50 in grant funds with a required county match of the same amount (50/50 program). After submitting the electronic application to BVP on May 28, 2010 our eligibility decreased to $7,987.50 for a total of 10 bulletproof vests. On October 8, 2010, we received notice that our Agency did receive an award from the Bulletproof Vest Partnership FY2010, further reducing the total project amount to $1,712.06 or $856.03 in available grant funds. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept a grant award from the Bureau of Justice Assistance (BJA) for the Bulletproof Vest Partnership (BVP) in the amount of $1,712.06 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27540 AUTHORIZE REPLACEMENT OF REMAINING ROOFTOP HVAC UNITS AT THE LAW ENFORCEMENT CENTER PURSUANT TO EVALUATION OF BEST VALUE FOR THE COUNTY IN RESPONSE TO REQUEST FOR PROPOSAL NUMBER RFP 2010-P07 LEC-HVAC

The Commissioners Court approved $2 Million for immediately needed Jail renovations on August 23. Subsequently, the County issued an RFP for Rooftop HVAC Replacement as the first phase of this work. Proposals were received on September 24 and were evaluated by a committee composed of County personnel and staff from Broaddus & Associates. The selection committee recommended JE Dunn's proposal as the one providing the best value for the County. JE Dunn scored highest on the evaluation per the criteria stated in the RFP and has provided the lowest cost bid. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize replacement of remaining rooftop HVAC Units at the Law Enforcement Center Pursuant to evaluation of best value for the county in response to request for proposal number RFP 2010-P07 LEC-HVAC in the amount of $257,000 out of the countywide miscellaneous capital improvements line item #001-645-00.5741. All voting "Aye". MOTION PASSED**

27541 DIRECT BROADDUS & ASSOCIATES TO ASSIST IN PREPARING AND ISSUING A REQUEST FOR QUALIFICATIONS (RFQ) AND A REQUEST FOR PROPOSALS (RFP) FOR DESIGN-BUILD SERVICES TO ADDRESS IMMEDIATELY NEEDED JAIL RENOVATIONS AT THE LAW ENFORCEMENT CENTER

The Commissioners Court approved $2 Million for Jail Renovations on August 23. These renovations are outlined in the Existing Facilities Assessment prepared by Broaddus & Associates. This scope of work has been identified by the Sheriff's Office as critical to continued operation of the Jail facility. To be funded out of the countywide miscellaneous capital improvement line item #001-645-00.5741. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to direct Broaddus & Associates to assist in preparing and issuing a Request for Qualifications (RFQ) and a Request for Proposals (RFP) for design-build services to address immediately needed jail renovations at the Law Enforcement Center. All voting "Aye". MOTION PASSED**

27542 ADOPT A RESOLUTION IN SUPPORT OF THE TRANSPORTATION POLICY BOARD OF THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION TO APPROVE THE 2035 MOBILITY PLAN AND TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENTS REGARDING THE FM 1626 NORTH, FM 1626 SOUTH, IH 35 PHASE 2A AND IH 35 PHASE 2B PROJECTS

A motion was made by Commissioner Conley, seconded by Commissioner Barton to adopt a Resolution in support of the Transportation Policy Board of the Capital Area Metropolitan Planning Organization to approve the 2035 Mobility Plan and Transportation Improvement Program Amendments regarding the FM 1626 North, FM 1626 South, IH 35 Phase 2A and IH 35 Phase 2B Projects. All voting "Aye". MOTION PASSED

27543 APPROVE THE ADVANCED FUNDING AGREEMENT TO CONSTRUCT A LEFT TURN LANE AND SHOULDERS ON SH 21 AT CR 127

The American Recovery and Reinvestment Act (ARRA) funding will be applied first to the construction bid items cost of the project to the maximum participation amount of $646,732.95. The balance of the construction costs will be funded under the Surface Transportation Program (STP) with 80% of the eligible costs to be federally funded and 20% of the eligible costs to be funded by the State. Hays County would be responsible for all non-federal or non-State participation costs associated with the project. The County does not expect to incur any costs for the above-mentioned project. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Advance Funding Agreement to construct a left turn lane and shoulders on SH 21 at CR 127. All voting "Aye". MOTION PASSED**

27544 ALLOW THE 4-H CLUB THE FREE USE OF THE HAYS COUNTY CIVIC CENTER, FOR HORSE PROJECT EDUCATIONAL EVENTS, ON DESIGNATED DATES

Richard Parrish, County Extension Agent-Agriculture/Natural Resources, provided a list of dates from November 8, 2010 through April 30, 2011 (Monday Night Riding Series). They will work with the Civic Center Manager concerning potential equipment or improvements that their program can provided for the Civic Center. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to allow the 4-H Club the free use of the Hays County Civic Center, for Horse Project Educational Events, on designated dates. All voting "Aye". MOTION PASSED**

27545 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SPRING LAKE PRESERVE ACCESS INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF SAN MARCOS AND TEXAS STATE UNIVERSITY-SAN MARCOS

This project is being conducted in partnership with the City of San Marcos and Texas State University. Improvements to the property will include ADA and primitive trail development, interpretive signage, benches, and other site amenities. Other improvements will be provided in-kind through City of San Marcos and Texas State University forces. This agreement formalizes the arrangement between all parties. Budget amendment: Increase Intergovernmental Revenue #001-899-99-043.4301 by $36,750 and increase San Marcos Springs Preserve Construction #001-899-99-043.5611 by $36,750. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute Spring Lake Preserve Access Interlocal Agreement between Hays County, the City of San Marcos and Texas State University-San Marcos and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27546 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEMPORARY CONSTRUCTION LICENSE ON A PARCEL OWNED BY ROUTT INVESTMENTS, LTD & CARKES LTD. MT GAINOR ROAD

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute a Temporary Construction License on a parcel owned by Routt Investments, LTD & Carkes Ltd, Mt Gainor Rd. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.071 AND 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

Court convened into closed executive session at 11:50 am and reconvened into open meeting at 11:51 am. No Action taken.

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

Court convened into closed executive session at 11:25 am and reconvened into open meeting at 11:50 am. No action taken.

27547 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 ROW ACQUISITION OF PARCEL 14/14E OF CSJ 0285-03-049 (RR12)

Court convened into closed executive session at 11:15 am and reconvened into open meeting at 11:25 am. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to sign the administrative settlement approve form in the amount 0f $9,116 for right of way for the Ranch Road 12/Junction Project. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford not present to vote. MOTION PASSED**

Clerk's Note: Agenda Item #33 RE: *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.**

Clerk's Note: Agenda Item #34 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 19, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26TH 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	**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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

Clerk's Note: Agenda Item #1 RE: *ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2010 HOME CARE AND HOSPICE MONTH* **was PULLED.**

27548 ADOPT A PROCLAMATION RECOGNIZING OCTOBER 24 – OCTOBER 30, 2010 AS HUNGER AWARENESS WEEK

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a Proclamation recognizing October 24 – October 30, 2010 as Hunger Awareness Week. All voting "Aye". MOTION PASSED

27549 ADOPT A PROCLAMATION DECLARING NOVEMBER 3, 2010, AS A DAY TO DEDICATE A MARKER HONORING STEPHEN F. AUSTIN

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to adopt a Proclamation declaring November 3, 2010, as a Day to Dedicate a Marker Honoring Stephen F. Austin. All voting "Aye". MOTION PASSED

PUBLIC COMMENT
Jon Moore made public comment regarding roads in the Rocky Ranch Acres Section 2 (agenda item #14). Sam Brannon made public comment regarding Nicholson Ranch.

PRESENTATION RE: STATUS OF THE WATER/WASTEWATER FACILITIES PLANNING STUDY
Tony Bagwell (HDR Inc.) gave an update regarding the status of the water/wastewater facilities planning study. Discussed LCRA capacity. HDR urged support by the court of the Hays Trinity Groundwater Conservation District. Mr. Bagwell spoke of public meetings to be held.

27550 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested addition of an invoice in the amount of $17,661.97 to HMR. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payments of county invoices in the amount of $1,570,843.50, with additional invoice of $17,661.97 as submitted by the County Auditor. All voting "Aye". MOTION PASSED**

27551 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 19, 2010

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Commissioner Court Minutes of October 19, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27552 APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND CENTER FOR DOMESTIC PREPAREDNESS COURSE "I" 11-02 AGERT-B COURSE, BASIC EMERGENCY RESPONSE TO AGRICULTURE EMERGENCIES

EMC Jeff Turner has been accepted into a training program at the National Center for Domestic Preparedness (CDP) Course "I" 11-02 AGERT-B Course, Basic Emergency Response to Agriculture Emergencies (Nov 14-19, 2010) in Anniston Alabama. The course will be in Homeland Security Preparedness and Response to an Agriculture Emergency based scenario. This program has a zero cost for attending and no budgeted dollars will be necessary for attendance. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve out of state travel for Jeff Turner, Emergency Management Coordinator to attend Center for Domestic Preparedness Course "I" 11-02 Agert-B Course, Basic Emergency Response to Agriculture Emergencies 11/14/2010-11/19/2010. All voting "Aye". MOTION PASSED**

27553 AMEND JUVENILE PROBATION FY11 TJPC X GRANT TO PURCHASE SECURITY CAMERAS FOR THE VAN AND AMEND THE BUDGET ACCORDINGLY

This amendment will allow the program to spend the FY11 grant award with no matching funds required from the County. Budget amendment: 001-686-99-035.5719 + $1,490, 001-686-99-035.5391 - $1,490. **A motion was made by Commissioner Ford, seconded by Judge Sumter to amend Juvenile Probation FY11 TJPC X Grant to purchase security cameras for the van and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27554 APPROVE SPECIFICATIONS FOR IFB #2011-B01 "PRESCRIPTION DRUGS FOR INDIGENT HEALTH CARE PROGRAM AND HAYS COUNTY HEALTH DEPARTMENT CLIENTS FOR THE SAN MARCOS, KYLE/BUDA, WIMBERLEY AND DRIPPING SPRINGS AREAS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve specifications for IFB #2011-B01 "Prescription drugs for indigent health care program and Hays County Health Department clients for the San Marcos, Kyle/Buda, Wimberley and Dripping Springs areas" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

27555 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR VENDING MACHINE SERVICES WITH BEST VENDING & COFFEE, CO

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute an Agreement for vending machine services with Best Vending & Coffee, Co. All voting "Aye". MOTION PASSED

27556 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR FY2010 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) IN THE AMOUNT OF $63,176

This is a renewal grant that the county has been receiving to off-set the budget within the jail operation expenses which includes correctional officer salary costs. State and local units of governments that have authority over correctional facilities that incarcerate or detain undocumented criminal aliens for minimum of 4 consecutive days are eligible to apply for SCAAP funds. Once SCAAP data has been validated and analyzed, applicants will receive an e-mail notification that awards are ready for on-line acceptance and drawdown. Hays County was awarded the maximum amount of $63,176 for FY2010. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to accept award from the Bureau of Justice Assistance (BJA) for FY2010 State Criminal Alien Assistance Program (SCAAP) in the amount of $63,176. All voting "Aye". MOTION PASSED**

27557 APPROVE THE RENEWAL OF THE TWO MEDICARE ADVANTAGE PLANS OFFERED TO RETIREES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Renewal of the two Medicare Advantage Plans offered to retirees. All voting "Aye". MOTION PASSED

27558 CALL FOR A PUBLIC HEARING ON NOVEMBER 9, 2010 TO ESTABLISH TRAFFIC REGULATIONS IN SHADOW CREEK SUBDIVISION

Recommended traffic regulation will establish a three-way stop at the intersection of Spanish Trails Blvd. and Marsh Lane and will serve traffic near the new Ralph Pfluger Elementary at the back of Shadow Creek Subdivision. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on November 9, 2010 to establish traffic regulations in Shadow Creek Subdivision. All voting "Aye". MOTION PASSED**

27559 CALL FOR A PUBLIC HEARING TO CONSIDER 1) THE PROPOSED IMPROVEMENT TO PIEDRAS PASS IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY ON PIEDRAS PASS

Piedras Pass is currently a private caliche road about 6,000 feet in length and located in Rocky Ranches Acres 2 Subdivision off Hilliard Road. There are approximately 26 property owners on Piedras Pass and the HOA requires $50/year to keep the unpaved road graded. Residents express concerns for safety, including EMS response times, school bus pick up and delivery, and US Postal access. Mr. Borcherding has estimated about $149,000 in labor and equipment and $47,000 in materials to bring this road up to a country lane standard – taking in the 50 foot ROW, making drainage improvements, replacing/installing culverts as needed, reclaiming/grading/compacting and applying a double pass chip seal surface. The HOA does not have the number of property owners or the funds to pay for the entire upgrade. This situation is very similar to Owl Hollow in Rocky Ranches Acres 1 Subdivision, in which the county accepted the road in to the maintenance program in 2009 and made paving and drainage improvements following an election among property owners who voted to relinquish their easement rights and to be assessed for the full cost of materials over a period of not more than ten years. Sam Brannon made public comment. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on November 9, 2010 to consider (1) the proposed improvement to Piedras Pass in Hays County to cause the roadway to comply with Hays County road standards, and (2) the assessment of all or part of the costs of the improvement, pro rata, against the record owners of the real property on Piedras Pass. All voting "Aye". MOTION PASSED**

27560 ACCEPT RIGHT-OF-WAY DONATION ALONG EASTWOOD LANE/BACKUS ROAD (BOTH COUNTY MAINTAINED ROADS)

By Court action on October 20, 1998 the section of Eastwood/Backus contained in the proposed ROW donation was taken into County maintenance. Maintenance has been performed on a continuing basis since that time. Today's action would provide for clear documentation that this section of Eastwood/Backus is, in fact, County maintained, public ROW. A property owner has found that tracts bordering Eastwood/Backus cannot be used as collateral because all title researches conducted by lending institutions find no officially recognized public access to those tracts. The property owner has agreed to convey the required ROW to the County by deed in order to ratify the agreement that has been in place since 1998 so that it can be easily located in the public records and acknowledged by formal survey of properties adjoining the road. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept Right-Of-Way donation along Eastwood Lane/Backus Road (both County Maintained roads). All voting "Aye". MOTION PASSED**

27561 AUTHORIZE THE COUNTY JUDGE TO EXTEND THE CONTRACT DATE FOR MGT OF AMERICA, INC

MGT of America, Inc. is in need of additional time to complete the full scope of services covered by their contract. This additional time (extend to Dec. 31, 2010) has been needed to coordinate the stakeholder's schedules with meeting times. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to extend the contract date for MGT of America Inc. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27562 APPROVE APPOINTMENT OF GARY SMITH AND NELWYN MOORE TO THE HAYS COUNTY CHILD PROTECTIVE SERVICE BOARD

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve appointment of Gary Smith and Nelwyn Moore to the Hays County Child Protective Service Board effective immediately. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

27563 APPOINT THE COUNTY JUDGE AND MARK KENNEDY TO SEEK STANDING AT THE STATE OFFICE OF ADMINISTRATIVE HEARING ON OCTOBER 28TH ON THE RECOMMENDATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ON THE CREATION OF A GROUNDWATER DISTRICT IN THE HILL COUNTRY PRIORITY GROUNDWATER MANAGEMENT AREA – SOAH DOCKET #582-10-5643 AND TCEQ DOCKET #2010-1040-MIS

Jimmy Skipton (Hays Trinity Groundwater Conservation District) made public comment. Court action is to seek standing and not to take a position at this time. **A motion was made by Commissioner Ford, seconded by Judge Sumter to appoint the County Judge and Mark Kennedy to seek standing at the State Office of Administrative Hearing on October 28th on the recommendation by the Texas Commission on Environmental Quality on the creation of a Groundwater District in the Hill Country Priority Groundwater Management Area – SOAH docket #582-10-5643 and TCEQ docket #2010-1040-MIS. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

Clerk's Note: Agenda Item #19 RE: *UPDATES TO THE COUNTY SICK POOL POLICY* **was PULLED.**

27564 APPROVE A COUNTYWIDE WATER QUALITY MONITORING PROGRAM (WQMP) IN PARTNERSHIP WITH LOCAL WATER AUTHORITIES AND UNDER TCEQ'S CLEAN RIVERS PROGRAM AND AMEND THE BUDGET ACCORDINGLY

Hays County Development Services Division staff Brooke Leftwich and Eric Vangaasbeek appeared requesting Commissioners Court approval and support for an ongoing water quality monitoring program. See backup for Program overview, benefits to County, information on Clean Rivers Program and letters of support for Hays County program. In order to perform water quality monitoring, specialized equipment is necessary. The YSI Sonde is currently used by local watershed authorities and use in the Hays County program would assist with consistent data collection. The multi-parameter meter collects data such as temperature, pH, dissolved oxygen conductivity and TDS. Development Services staff would use this instrument to collect data for water quality information and trends. (10 sites would be monitored daily – lab samples would be taken quarterly). Lab fees = $3700 & equipment/accessories and estimated annual maintenance costs = $5,722. David Baker (Wimberley Valley Watershed Association) made public comment in support of this program. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve a countywide Water Quality Monitoring Program (WQMP) in partnership with local water authorities and under TCEQ's Clean Rivers Program and to fund the annual maintenance costs not to exceed $900 from line item #171-691-00.5411, lab fees not to exceed $3700 from line item #171-691-00.5411 and equipment purchase not to exceed $4800 from line item #171-691-00.5719 as a one-time equipment accessory purchase. All voting "Aye". MOTION PASSED**

27565 APPROVE THE PAYMENT OF LONGEVITY IN NOVEMBER

County Treasurer Michele Tuttle advised that there have been numerous requests to pay longevity in November rather than December. This decision would not affect the FY2010 budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the payment of longevity in November. All voting "Aye". MOTION PASSED**

SELECT A LICENSED OSSF INSTALLER FOR CONSTRUCTION OF THE RPTP SEPTIC SYSTEM AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT

A new septic system is required for the new facility. The original plan called for Road Department personnel to install the system; however, in the interest of time it was suggested that a licensed installer be hired. The bids submitted by local installers were double the amount budgeted. Programs Manager-Development Services Clint Garza spoke. No action was taken.

27566 HIRE TEMPORARY PERSONNEL FOR THE HAYS COUNTY LAW LIBRARY FOR 6 WEEKS STARTING IMMEDIATELY

Librarian Bob Harris, due to illness, will be out approximately six weeks and the funding can come from within the Law Library budget. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to hire temporary personnel for the Hays County Law Library for 6 weeks starting immediately and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27567 CLARIFICATION ON THE 2 % MERIT TO BE GIVEN TO EMPLOYEES

County Treasurer Michele Tuttle provided a recap of salary increases to be effective December 1, 2010 worked up by herself and Human Resources Director Dee Dee Baen. RPTP Director Jerry Borcherding and Clint Garza made comment regarding item addressing Sanitarians eligibility. Special Counsel Mark Kennedy spoke of eligibility of Attorneys. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve recap of salary increases to be effective December 1, 2010 (2% merit to be given to employees), striking the last bullet addressing Sanitarians and add wording to third bullet "after 6 months of service". All 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 THE NICHOLSON RANCH ACQUISITION. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 11:50 am and reconvened into open meeting at 1:10 pm. No action was taken.

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 ROW ACQUISITION OF PARCEL 7 OF CSJ 0285-03-049

Court convened into closed executive session at 11:16 am and reconvened into open meeting at 11:25 am. No action was taken.

EXECUTIVE SESSION PURSUANT TO 551.071 AND 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

Jimmy Skipton and Louis B. Parks made public comment. Court convened into closed executive session at 1:10 pm and reconvened into open meeting at 1 :25 pm. No action was taken.

Clerk's Note: Agenda Item #28 RE: *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.**

Clerk's Note: Agenda item #29 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED.**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 26, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF NOVEMBER 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

27568 ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS "PANCREATIC CANCER AWARENESS MONTH" IN HAYS COUNTY

Kelli Dailey spoke on behalf of her dad. **A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a Proclamation declaring the month of November as "Pancreatic Cancer Awareness Month" in Hays County. All voting "Aye". MOTION PASSED**

27569 ADOPT A PROCLAMATION DECLARING NOVEMBER AS NATIONAL HOME HEALTH AND HOSPICE MONTH

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation declaring November as "National Home Health and Hospice Month". All voting "Aye". MOTION PASSED

PRESENTATION TO A. RAY JACOBSON, M.D. FOR HIS YEARS OF SERVICE TO THE PERSONAL HEALTH DEPARTMENT AND OUR CLIENTS

Priscilla Hargraves presented Cora Furr Nurse Practitioner with the Personal Health Department who spoke of working with Dr. Jacobson.

27570 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payments of county invoices in the amount of $3,314,351.90 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27571 AMEND THE GDEM CERT '08 GRANT TO PAY FOR CONTINUING EDUCATION

This amendment will allow the program to spend the grant award with no matching funds required from the County. Budget amendment: 001-656-99-010.5551 + $121, 001-656-99-010.5511 - $121. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend the GDEM Cert '08 Grant to pay for continuing education. All voting "Aye". MOTION PASSED**

27572 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE INTERLOCAL CONTRACT FOR ENHANCED 9-1-1 DATABASE PROGRAM

CAPCPG allocations to the County were increased from $104,100 to $120,075. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an Amendment to the Interlocal Contract for Enhanced 9-1-1 Database Program and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

27573 APPROVE THE SEPTEMBER 2010 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the September 2010 Treasurer's Report. All voting "Aye". MOTION PASSED

27574 APPROVE RENEWAL OF BID #2007-B08 "BRUSH CUTTING AND OTHER SERVICES" TO ASPLUNDH TREE EXPERT COMPANY FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

All terms and conditions remain unchanged and in full force and effect as provided in the original bid. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of bid #2007-B08 "Brush Cutting and other Services" to Asplundh Tree expert company for one (1) additional year as provided for in the original bid. All voting "Aye". MOTION PASSED**

27575 APPROVE RENEWAL OF BID #2006-B02 UNIFORM RENTAL TO UNIFIRST CORPORATION FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID.

All terms and conditions remain unchanged and in full force and effect as provided in the original bid. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of bid #2006-B02 Uniform Rental to Unifirst Corporation for one (1) additional year as provided for in the original bid. All voting "Aye". MOTION PASSED**

27576 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT AWARD FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR FY2010 HOMELAND SECURITY GRANT PROGRAM FOR EQUIPMENT FOR THE LAW ENFORCEMENT STRIKE TEAM, IN THE AMOUNT OF $6,620.00 AND AMEND THE BUDGET ACCORDINGLY

On August 18, 2010 the Commissioners Court authorized submission of a grant pre-application to the Capital Area Council of Governments, FY2010 Homeland Security Grant Program for equipment for the law Enforcement Strike Team in the amount of $6,620. this grant will provide funds to purchase equipment for the law Enforcement Strike Team to support and enhance Mobile Field Force capabilities across the region. The project is part of a regional effort of cooperating partners for homeland security operations and activities. No match funds required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to accept Grant Award from the Texas Department of Public Safety for FY2010 Homeland Security Grant Program for equipment for the Law Enforcement strike team, in the amount $6,620 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27577 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT AWARD FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR FY2010 HOMELAND SECURITY GRANT PROGRAM (HSGP), CITIZENS CORPS PROGRAM (CCP) FOR HAYS COUNTY COMMUNITY RESPONSE TEAM, IN THE AMOUNT OF $18,674.00 AND AMEND THE BUDGET ACCORDINGLY

On August 18, 2010 the Commissioners Court authorized submission of a grant pre-application to the Capital Areal Council of Governments, FY2010 Homeland Security Grant Program, Citizens Corps Program (CCP) for equipment and supplies for the Hays County Community Response Team (CERT). No match funds required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to accept Grant Award from the Texas Department of Public Safety for FY2010 Homeland Security Grant Program (HSGP), Citizens Corps Program (CCP) for Hays County Community Response Team, in the amount of $18,674 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27578 APPROVE THE CANCELLATION OF COMMISSIONER'S COURT ON NOVEMBER 30, 2010

In years past, we have typically cancelled Commissioners Court the Tuesdays after the holidays, in part, since time is limited to prepare the agenda. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the cancellation of Commissioner's Court on November 30, 2010. All voting "Aye". MOTION PASSED**

27579 APPROVE PROVIDER AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION, INC. OF HAYS, CALDWELL, AND BLANCO COUNTIES

This is a renewal contract between Community Action and Hays County Personal Health Department to provide clients of Community Action with primary health care services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Provider Agreement between Hays County Personal Health Department and Community Action, Inc. of Hays, Caldwell, and Blanco Counties. All voting "Aye". MOTION PASSED**

27580 AMEND THE FY10 DSHS IMMUNIZATION GRANT BUDGET TO ACCEPT MEDICAL SUPPLIES AS AN IN-KIND CONTRIBUTION

This amendment is needed to recognize revenue and expense for the medical supplies provided by the Department of State Health Services, with no match require from the County. Budget Amendment: 120-675-99-018.4301 + $527,260, 120-675-99-018.5231 - $527,260. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend the FY10 DSHS Immunization Grant Budget to accept medical supplies as an in-kind contribution. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #15 RE: *HOLD A PUBLIC HEARING TO CONSIDER 1) THE PROPOSED IMPROVEMENTS TO PIEDRAS PASS IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY ON PIEDRAS PASS. POSSIBLE ACTION TO FOLLOW THE PUBLIC HEARING* **– was pulled**

27581 PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN SHADOW CREEK SUBDIVISION

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation to establish a three-way stop at the intersection of Spanish Trails Blvd and Marsh Lane. This is to serve traffic near the new Ralph Pfluger Elementary at the back of Shadow Creek Subdivision. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to establish traffic regulations of a three way STOP at the intersection of Spanish Trails Blvd and Marsh Lane in the Shadow Creek Subdivision. All voting "Aye". MOTION PASSED**

27582 PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (A LOAD LIMIT OF 17,500 LBS. AXLE OR TANDEM) FOR THE SAN MARCOS RIVER BRIDGE ON OLD BASTROP HWY, CR266, AS RECOMMENDATION BY

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcherding gave staff recommendation to establish a load limit of 17,500 lbs for the San Marcos River bridge on Old Bastrop Highway (CR266) as recommended by TxDot. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to establish traffic regulation of a load limit of 17,500 lbs axle or tandem for the San Marcos River Bridge on Old Bastrop Hwy CR 266 as recommended by TxDot. All voting "Aye". MOTION PASSED**

27583 ACCEPT THE ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, TO RELEASE THE CONSTRUCTION BOND, AND TO ACCEPT THE MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION, PHASE 5, SECTION 10

Staff recommends acceptance of construction of roads and drainage improvements within the County right-of-way. The RPTP Department/Transportation Division has inspected and approved the improvements. The list of roads include: Trinity Hills Drive, Drury Lane, Newcastle Court, Sanford Lane, and Crampton Cove. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept the road construction and drainage improvements, release the Construction Bond, and accept the Maintenance Bond for two years for Belterra Subdivision Phase 5 Section 10. All voting "Aye". MOTION PASSED**

27584 **RE-SUBDIVISION OF TRACT 14 AND A PORTION OF TRACT 15, IN AN UNRECORDED SECTION OF RIVER OAKS OF WIMBERLEY SUBDIVISION** [10-3-13 – 2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON DECEMBER 7, 2010**

Programs Manager of Development Services Clint Garza gave staff recommendation for approval of preliminary plan. River Oaks of Wimberley consists of 5 unitS of which 4 were platted and recorded through the appropriate subdivision process. Unit 4 is an unrecorded section adjacent to Ridge Oaks Drive and Units 1 & 3. The owner of Tract 14 wishes to subdivide her 5.00 acres into 2 new 2.5 acre lots. Although this section is not recorded public notification is required and will take place as normal. Both new lots will be served by individual private water supply and individual on-site sewage facilities. There are no variances and the entire division is not located with any City's extra-territorial jurisdiction. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve preliminary plan and call for public hearing on December 7, 2010 for Re-Subdivision of Tract 14 and a portion of Tract 15 in an unrecorded section of River Oaks of Wimberley Subdivision. All voting "Aye". MOTION PASSED**

27585 **RE-PLAT OF LOT 85 & LOT 86 BURNETT RANCH SUBDIVISION SECTION 3** [10-3-27 – 2 LOTS] **WAIVE PRELIMINARY PLAN AND PUBLIC NOTICE; APPROVE FINAL PLAT**

Programs Manager of Development Services Clint Garza gave staff recommendation for approval of final plat. Burnet Ranch subdivision consists of 5 sections. Section 3 was platted and recorded in 1972 and consists of 87 lots. The owner of Lot 85 wishes to move his southern property line and increases his acreage to 6.6 acres. The reason for this is the fence was constructed over the property line and the current owners wish for this to be the new boundary between their lots. Both lots are currently served by individual private wells and permitted individual on-site sewage facilities. There are no variances requested and the entire subdivision is not located with any city's extraterritorial jurisdiction. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive preliminary plan and public notice and approve final plat of Re-plat of Lot 85 & Lot 86 Burnett Ranch Subdivision Section 3. All voting "Aye". MOTION PASSED**

27586 **AMENDED PLAT OF LOT 9D AND LOT 14, MOUNTAIN OAKS** [10-4-25 – 2 LOTS] **WAIVE PRELIMINARY PLAN AND PUBLIC NOTICE; APPROVE FINAL PLAT**

Programs Manager of Development Services Clint Garza gave staff recommendation for approval for final plat. Mountain Oak Subdivision was originally platted and recorded in 2000 as a 14 lot subdivision. Further resubdivision in 2008 created a total of 17 taxable parcels. The owners of Lot 14 wish to move a portion of their western property line and increase their acreage to 22.21 acres. Lot 14 is currently served by an individual private well and an individual on-site sewage facility. Lot 9D has no current improvements but will be served by an individual private water supply and an on-site sewage facility. There are no variances requested. The subdivision is located within Dripping Springs' extra-territorial jurisdiction and has received approval from the city. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to waive preliminary plan and public notice and approve final plat of amended plat of Lot 9D and Lot 14 Mountain Oaks. All voting "Aye". MOTION PASSED**

27587 **VACATION PLAT OF LOTS 504, 505, AND 506 LA VENTANA PHASE 6 AND RE-PLAT OF HOMESITE H25, LA VENTANA SUBDIVISION, PHASE 1** [10-4-26] **APPROVE PRELIMINARY PLAN; CALL FOR PUBLIC HEARING ON DECEMBER 7, 2010**

Programs Manager of Development Services Clint Garza gave staff recommendation for approval of preliminary planl. La Ventana Subdivision is a platted subdivision located off Elder Hill Road in Precinct 4. The owner of Homesite H25 (2.64 acres) also owns the three adjacent lots (504 - .91 ac, 505 - .83 ac, and 506 – 1.07 ac) in Phase 6. He wishes to vacate the three lots in Phase 6 and combine them with Homesite H25 in Phase 1. Although this is a significant decrease in density, a public hearing is required on all cancellation and vacations of previously platted lots. The newly platted 5.45 acre lot will be served by existing connection to public water supply and individual on-site sewage facilities. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve preliminary plan and call for a public hearing on December 7, 2010 for vacation plat of Lots 504, 505 and 506 La Ventana Phase 6 and Re-plat of Homesite H25 La Ventana Subdivision Phase 1. All voting "Aye". MOTION PASSED**

27588 **APPROVE THE HIRING OF LAURA PETTY FOR COUNTY EXTENSION AGENT – FAMILY AND CONSUMER SCIENCE POSITION**

A motion was made by Judge Sumter, seconded by Commissioner Conley to approve the hiring of Laura Petty for the County Extension Agent – Family and Consumer Science position effective November 22, 2010. All voting "Aye". MOTION PASSED

27589 AUTHORIZE COMMISSIONER FORD TO NEGOTIATE FINAL CONTRACT AND COUNTY JUDGE TO EXECUTE THE CONTRACT WITH ARBORIST DON GARDNER AS RELATED TO ROW ACQUISITION ON A PROPERTY OWNED BY MARK BLEAKLEY AND A PROPERTY OWNED BY ANN BLEAKLEY WILLIAMS WITH REGARD TO THE MCGREGOR LANE BRIDGE PROJECT

This is part of the right-of-way acquisition negotiation for these two property owners who are concerned about health and safety of remaining oaks on their property and located near the trees that are being removed for construction. **A motion was made by Commissioner Ford seconded by Judge Sumter to authorize Commissioner Ford to negotiate Final Contract and County Judge to execute the contract with Arborist Don Gardner as related to right-of-way Acquisition on a property owned by Mark Bleakley and a property owned by Ann Bleakley Williams with regard to the McGregor Lane Bridge Project in an amount not to exceed $1,250. All voting "Aye". MOTION PASSED**

27590 APPROVE SELECTION OF JEFFREY S. WARD AND ASSOCIATES IN RESPONSE TO RFQ #2011-P01 FOR THE HAYS COUNTY HAZARD MITIGATION ACTION PLAN AND AUTHORIZE GRANTS ADMINISTRATOR AND SPECIAL COUNSEL TO NEGOTIATE CONTRACT FOR COMMISSIONERS COURT APPROVAL AT A LATER DATE

On September 28, 2010 the Commissioners Court authorized Purchasing to solicit a Request for Qualifications (RFQ #2011-P01) for consultant services to revise/update the Hays County Hazard Mitigation Action Plan. Six responses were received by the close date of October 14, 2010. A committee of four persons, including the Emergency Management Coordinator, Grants Administrator, and representatives from the Auditor's Office and County Tax Assess/Collector's Office evaluated the proposals and selected Jeffrey S. Ward and Associates as the top selection based upon evaluation criteria included in the RFQ and positive references. The evaluation matrix is included as backup material. Upon approval, staff will proceed to negotiate the scope of services and fee, and the pending contract will be presented to the Commissioners Court for action at a later date. Initial contact with the named firm indicates that the services can be conducted within the budget allocated for the project. This project is funded in part through a grant from the Texas Department of Public Safety, Division of Emergency Management, with a 20% match requirement. This grant was accepted by the Commissioners Court on September 28, 2010. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve selection of Jeffrey S. Ward and Associates in response to RFQ #2011-P01 for the Hays County Hazard Mitigation Action Plan and authorize Grants Administrator and authorize the County Judge to execute the contract provided it doesn't go above and beyond the budgeted amount. All voting "Aye". MOTION PASSED**

27591 DONATE SURPLUS NEXTEL PHONES TO THE HAYS-CALDWELL WOMEN'S CENTER

A vendor will give us $1 for the units; however, we want to make a donation to the Women's Center for the 911 capability. There are approximately six phones we are asking the court to consider giving the Women's Center. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to donate surplus Nextel phones to the Hays-Caldwell Women's Center. All voting "Aye". MOTION PASSED**

27592 AUTHORIZE THE INFORMATION TECHNOLOGY DEPARTMENT TO BEGIN LIVE BROADCASTS OF COMMISSIONERS COURT AGENDAS AND OPEN MEETINGS

IT Director Jeff McGill spoke of beginning a limited live broadcast of the Commissioners Court sessions. After confirming that the broadcasts are accurate and trouble free, IT will be ready to roll live broadcasts out to the public online. **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the Information Technology Department to begin live broadcasts of Commissioners Court Agenda and Open Meetings and to start up as soon as possible. All voting "Aye". MOTION PASSED**

27593 ACTION REGARDING ENGINEERING WORK RELATED TO ROAD DESIGN FOR CR118 AND TURNERSVILLE ROAD TO FULFILL OBLIGATIONS TO U.S. FOODS FOR ECONOMIC DEVELOPMENT

The County previously approved an agreement with the City of Buda and US Foods for jobs and economic development as part of the agreement, the County committed to improve these two public streets with money from the Capital Texas Fund. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to allow Commissioner Barton to execute Work Authorization #1 and to accept the proposal with K Friese & Associates in an amount not to exceed $396,159.20 for engineering professional services. All voting "Aye". MOTION PASSED**

27594 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH CENTRAL TEXAS WATER MAINTENANCE FOR THE CEDAR OAK MESA WATER STORAGE TANK PROJECT

On July 27, 2010 the Commissioners Court approved a contract with Central Texas Water Maintenance for the installation of a water storage tank and associated appurtenances within the Cedar Oak Mesa Water Supply Corporation service area near Wimberley. The amount of the contract was for $163,210.90. Change Order #1 is necessitated for modifications to the fenced enclosure surrounding the well and current water supply facilities, piping modifications, and additional electrical work to reconnect existing water supply infrastructure upon installation of the new water tank. This project is funded by a grant from the Texas Department of Rural Affairs, Texas CDBG program. No County funds are required for the project, as the County is only serving to administer the project. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute Change Order #1 to the Construction Contract with Central Texas Water Maintenance for the Cedar Oak Mesa Water Storage Tank Project contingent on approval by the Texas Department of Rural Affairs. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 9, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF NOVEMBER A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

WITH COMMISSIONER PCT. 4 KAREN FORD ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

27596 CANVASS ELECTION RESULTS FOR THE GENERAL ELECTION HELD NOVEMBER 2, 2010

Elections Administrator, Joyce Cowan presented the results of the General Election held on November 2, 2010. Action is needed to finalize the election returns to elect Members of Congress, Members of the State Legislature, and State, District, County, and Precinct Officers in Hays County.
A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to canvass election results for the General Election held November 2, 2010 as presented. All voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 15, 2010.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF NOVEMBER 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**
LIZ GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Commissioner Conley was not present at the beginning of the meeting. Judge Sumter called the meeting to order.

27597 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payments of county in voices in the amount of $358,712.80 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

27598 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 26 AND NOVEMBER 9, 2010

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of October 26 and November 9, 2010 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

27599 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 1 TO THE AGREEMENT WITH TEXAS ENERGY ENGINEERING SERVICES, INC. FOR THE ENERGY AUDIT, TO EXTEND THE COMPLETION DATE TO FEBRUARY 1, 2011

On September 21, 2010 the commissioners Court authorized execution of a Professional Services Agreement with Texas Energy Engineering Services, Inc. to conduct an energy audit of selected Hays County buildings. The original Agreement listed a completion date of December 1, 2010. The proposed Amendment 1 to the Agreement will extend the completion dated to February 1, 2011. No other changes have been made to the Agreement. This project is funded through a grant from the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute Amendment 1 to the Agreement with Texas Energy Engineering Services, Inc for the energy audit, to extend the completion date to February 1, 2011. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED**

27600 ACCEPT AUDIT REPORT OF DISTRICT ATTORNEYS' FORFEITURE FUND

A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to accept audit report of District Attorneys' Forfeiture Fund. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

27601 ACCEPT OFFICIAL BOND OF GARY CUTLER IN THE AMOUNT OF $5000.00 FOR THE OFFICE OF HAYS COUNTY SHERIFF

The official bond has been issued, executed, and received by the Hays County Clerk as of Monday, November 15, 2010. Gary Cutler was officially sworn in on November 15th. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to accept Official Bond of Gary Cutler in the amount of $5,000 for the Office of Hays County Sheriff. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Coney not present to vote. MOTION PASSED**

Commissioner Conley came to the meeting at this time.

27602 CALL FOR A PUBLIC HEARING ON DECEMBER 21, 2010, TO CONSIDER 1) THE PROPOSED IMPROVEMENT TO PIEDRAS PASS IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY ON PIEDRAS PASS

Piedras Pass, located in Rocky Ranches 2 Subdivision, is a caliche road approximately 6,000 feet in length. There are approximately 26 property owners on Piedras Pass. The HOA requires $50/year to keep the unpaved road graded. It is estimated by our Road Department that the cost to bring Piedras Pass up to country lane standards is approximately $50,000. The HOA does not have the funds, or the ability to raise them, however, the property owners continue to express their concern for safety, including EMS, school bus and US Postal access. Publication dates: 11/17/10 and 11/21/10 San Marcos Record. **A motion was made by Commissioner Ford seconded by Commissioner Sumter to call for a public hearing on December 21, 2010, to consider 1) the proposed improvement to Piedras Pass in Hays County to cause the roadway to comply with Hays County Road Standards, and 2) the assessment of all or part of the costs of the improvement, pro rata, against the record owners of the real property on Piedras Pass. All voting "Aye". MOTION PASSED**

27603 VACATION AND REPLAT OF LOT 2 AND LOT 3, WERTH SUBDIVISION [10-4-29 – 6 LOTS] **APPROVE PRELIMINARY PLAN AND HOLD PUBIC HEARING DECEMBER 14, 2010**

Program Manager of Development Services Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford seconded by Commissioner Conley to approve preliminary plan and call for a public hearing on December 14, 2010 on vacation and replat of Lot 2 and Lot 3 Werth Subdivision. All voting "Aye". MOTION PASSED**

Clerk's Note – Agenda Item # 8 RE *ADOPT A RESOLUTION IN SUPPORT OF THE EXPANSION OF THE PURGATORY CREEK NATURAL AREA* – **was pulled**

27604 COORDINATE FOR FIVE DAYS OF CARTEGRAPH ONSITE TRAINING AND SUPPORT TO COINCIDE WITH DATA CONVERSION DELIVERY AND AMEND THE ROAD & BRIDGE BUDGET ACCORDINGLY

Cartegraph is implementing an Accounts Payable module for the Transportation Division. It will greatly benefit the office staff to have a Cartegraph representative onsite to support and train on this module as well as other modules that are being implemented. It has been brought to our attention that some of our data is corrupt due to inaccurately inputting data throughout the years. The onsite training is needed to make this a smooth transition. $10,350 from Road Material & Supplies (020-710-00.5351) to Contract Services Consultant (020-710-00.5448-008). **A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to coordinate for five days of Cartegraph onsite training and support to coincide with data conversion delivery and amend the Road & Bridge Budget not to exceed $10350 accordingly. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**

Clerk's Note – Agenda Item # 10 RE: *DETERMINE PUBLIC HEARING DATE TO HEAR AND FINALIZE CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS AND TCEQ APPROVED HAYS COUNTY OSSF ORDER* – **was pulled**

27605 APPROVE THE SELECTION OF 3RD PARTY MONITORING CONSULTANT IN RESPONSE TO RFQ#2011-PO2 IN RELATION TO THE MCGREGOR BRIDGE PROJECT AND IN COMPLIANCE WITH THE MITIGATION AGREEMENT BETWEEN HAYS COUNTY AND HILL COUNTRY CONSERVANCY; AUTHORIZE COMMISSIONER FORD AND MARK KENNEDY TO NEGOTIATE AGREEMENT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AGREEMENT

A motion was made by Commissioner Ford seconded by Commissioner Conley to approve the selection of 3rd party monitoring consultant in response to RFQ #2011-PO2 in relation to the McGregor Bridge Project and in compliance with the Mitigation Agreement between Hays County and Hill Country Conservancy and authorize Commissioner Ford and Mark Kennedy to negotiate Agreement and authorize the County Judge to execute the Agreement so we can move forward. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

Clerk's Note – Agenda Item # 12 RE: *EXTEND AN RFQ FOR ADDITIONS TO THE PRE-CERTIFIED LIST OF ENGINEERS AND SPECIALIZED SERVICE PROVIDERS* – **no action taken.**

27606 APPOINT LINDA TENORIO TO THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD

A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to appoint Linda Tenorio to the Hays County Parks and Open Space Advisory Board. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED

27607 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

Court convened into closed executive session at 9:50 a.m. and reconvened into open meeting at 10:20 a.m. Sam Brannon, Ray Whisenant Jr., Jimmy Skipton, Lenee Lovejoy and W F Smith made public comments. **A motion was made by Commissioner Ford seconded by Judge Sumter to authorize the County Judge to execute an Assignment and Assumption Agreement related to the acquisition of the Nicholson Ranch property and to perform Buyer's Obligation under the Purchase Agreement and to authorize Counsel to execute closing documents in the amount of $5,000.00 per acre for 1,000 acres of habitat reserve All voting "Aye". MOTION PASSED**

27608 APPROVE SALARY FOR THE NEWLY-HIRED CHIEF DEPUTY SHERIFF ABOVE THE 25TH PERCENTILE IN THE SALARY RANGE

Capt, Mike Davenport of the Hays County Sheriff's Department spoke in regard to increasing the salary for the Chief Deputy $86,078 at the 50th percentile **A motion was made by Commissioner Ford seconded by Commissioner Barton to approve salary of $86,078 for the newly-hired Chief Deputy Sheriff which is above the 25th percentile of the salary range as requested. All voting "Aye". MOTION PASSED**

27609 DISCUSSION WITH ACTION ON ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER

Bob Hinkle of Broaddus & Associates spoke on a list of items that the Court will need to make decisions on. **A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to accept recommendations: to approve Condensation Water Collect/Irrigation (Const.) at a reduction of $10,000, Larger Caliper Trees saving $67,000, Spiral in lieu of rectangular duct dischg. VAV's a reduction of $10,000, Conc. Pier cost Reconciliation (underrun) a deduction of $11,732.40, delete Crash Rails at Recycling D130A, add FRP addition of $76.43. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton not present to vote. MOTION PASSED**
A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to Partial Conduit for Mass Notification System at a cost of $16,637.49. Commissioner Ingalsbe and Judge Sumter voting "Aye", Commissioner Conley and Commissioner Ford voting "No". Commissioner Barton not present to vote. MOTION FAILED

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

Jeff Curren, of HDR spoke of update on road projects. Jeff Watson, of HTNB spoke of the Hays County Pass Through Financing Program Progress Report.

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 16, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23rd DAY OF NOVEMBER 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**
LIZ Q. GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Ford led the court in the pledge of allegiance to the flags. Judge Sumter called the meeting to order.

Public Comment
Public comment was made by the following: Camille Phillips of San Marcos, Hays County Constable Pct. 2 James Kohler, Mark Key of Austin, Ray Whisenant Jr. of Dripping Springs, James McMeans of Citizens Alliance for Responsible Development, Kathy Boydston of Texas Parks & Wildlife, Bob Flocke of Wimberley, Charles Walts of San Marcos, Dr. Bert Cobb, Sam Brannon, Steve Klepfer of Friends of Blue Hole, Brogan Foley of Buda, Todd Purcell of Dripping Springs, Andrew Sansom of Texas State, and Manuel Garcia of Buda.

27610 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of $3,079.471.18 as submitted by the county auditor. All voting "Aye". MOTION PASSED

27611 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 15 AND 16, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioner Court Minutes of November 15 and 16, 2010 as submitted by the County Clerk. All voting "Aye". MOTION PASSED

27612 APPROVE UTILITY PERMIT

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Utility Permit #823 on Cole Springs Road issued to Cuarto Consultants, Ltd as submitted by Hays County Road Department. All voting "Aye". MOTION PASSED

27613 RATIFY COUNTY JUDGE SIGNATURE ON FIELD AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE

A motion was made by Commissioner Ford, seconded by Commissioner Barton to Ratify County Judge Signature on Field Agreement with the U. S. Department of Agriculture, Animal and Plant Health Inspection Service. All voting "Aye". MOTION PASSED

27614 APPROVE CHANGE ORDER #1 IN THE AMOUNT OF $7,151 FOR BID #2010-B17 CONTRACTOR FOR STABILIZATION PROJECT/OLD HAYS COUNTY JAIL THAT WAS AWARDED TO GIFT-NEUHAUS

The reason for the change order: Requirement from the City of San Marcos for water services not in the original scope of work. This will be for installation of water and wastewater taps. It was assumed that there was an existing water (and sewer) tap serving the property. The contractor will need water services to perform his work, and the project will need permanent water and sewer service for its future use. The Architect, ClaytonLevyLittle, feels that this work (the proposed change order) is in the best long term interest of the project. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve change order #1 in the amount of $7, 151 for Bid #2010-B17 Contractor for Stabilization Project/Old Hays County Jail that was Awarded to Gift-Neuhaus. All voting "Aye". MOTION PASSED**

27615 APPROVE CHIEF DEPUTY POSITION AT THE SHERIFF'S OFFICE TO BE 'DOUBLE FILLED' FOR A PERIOD OF 2 WEEKS AND 2 DAYS, ENDING NOVEMBER 30, 2010

Sheriff Gary Cutler has requested that Chief Deputy Sherman Brodbeck maintain his employment through the end of the month to assist with the transition. Meanwhile, the new deputy, Jamie Page, was sworn in on November 15, 2010. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Chief Deputy position at the Sheriff's Office to be Double Filled for a period of 2 Weeks and 2 Days, ending November 30. 2010. All voting "Aye". MOTION PASSED**

27616 AMEND FY10 BUDGET OF GENERAL FUND AND LAW LIBRARY

FY 10 Law Library Fund requires a transfer from General Fund/Countywide FY10 Civic Center General Fund requires a transfer from Countywide. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Amend FY10 Budget of General Fund and Law Library. All voting "Aye". MOTION PASSED**

27617 AMEND FY11 BUDGET OF LCRA SERVICE FEE FUND FOR TWBD FLOOD PROTECTION PLANNING STUDY GRANT

The Texas Water Development Board grant for Flood Protection Planning Study was inadvertently not in the FY11 budget from its approval 8/10/10. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Amend FY 11 budget of LCRA Service fee fund for TWBD Flood Protection Planning Study Grant. All voting "Aye". MOTION PASSED**

27618 AMEND COUNTY COURT AT LAW BUDGET TO THE JUSTICE OF THE PEACE BUDGETS FOR JURY RELATED EXPENSES

The County Court at Law has historically approved payments for all jury related expenses within a County/JP Court budget. With the conversion of the new financial software the county/JP Court budget was absorbed into the County Court at Law 2 budget. However, the JP Courts jury expense budget was not moved out at the time. This budget amendment will move budget from CCL 2 to all the JP budgets in order to allow them to track there jury expenses individually. Budget Amendment:

001-612-00.5306	Jury Expenses:	6,000.00
001-625-00.5306	Jury Expenses:	1,000.00
001-626-00.5306	Jury Expenses:	1,000.00
001-627-00.5306	Jury Expenses	1,000.00
001-628-00.5306	Jury Expenses:	1,000.00
001-629-00.5306	Jury Expenses:	1,000.00
001-630.00.5306	Jury Expenses:	1,000.00

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve budget amendment transferring funds from the County Court at Law Budget to the Justice of the Peace Budgets for Jury Related Expenses. All voting "Aye". MOTION PASSED

27619 AMEND FY11 BUDGET OF LCRA SERVICE FEE FUND FOR PAYMENT OF CONTRACT SERVICES FOR URS CORPORATION

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve amending the FY11 Budget of LCRA service fee fund for payment of contract services for URS Corporation. All voting "Aye". MOTION PASSED

27620 APPROVE FUNDING IN THE AMOUNT OF $1.7 MILLION FOR HARRISON RANCH PARK OUT OF THE PARK BOND FUNDS

On August 31, 2010 the Commissioners Court authorized a Call for Projects for application for the remaining 2007 Park Bond Funds. The call was opened on September 1, 2010 and closed on October 1, 2010, with 12 projects applications received. Presentations were made by all applicants to the Hay County Parks and Open Space Advisory Board (POSAB), and applications were scored based on criteria developed by the POSAB and reviewed by the Commissioners Court prior to the call. The OSAV is forwarding their recommendations to the Commissioners Court for consideration. Jim Camp, Chair of the Parks and Open Space Advisory Board spoke. Jeff Hauff spoke to thank everyone on the board. The following made public comment: Sam Brannon, Todd Purcell of Dripping Springs, Tom Crouse of Buda City Council, June Baumoel of Dripping Springs, Jack Jones City of Buda Director of Grant Projector, Bob Richardson of Dripping Springs, Matt Scheele Hays County Director of WCID #2, Bob Krick Board Member of Hays County WCID #2, Lance Merrick of Dripping Springs, Jon Thompson of Dripping Springs, and Warren Ketteman of Buda EDC. Additional public comment was made by Michelle Fischer City Administrator of Dripping Springs, Jesse Crouse, Jeff Reeves with Hays County Youth Athletic Association, Joe Volpe Council Member of Dripping Springs, Carol Owens with Swimberley Inc., Jim

Skipton, Barbara Vinson member with Parks and Open Space Advisory Board, and Lori Olson with Trust for Public Land. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve funding for City of Dripping Springs Harrison Ranch Park at $1.7 million and reserve $950K for funding The Trust for Public Land Purgatory Creek Tracks pending approval of Sec 6 grant. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley voting "No". Commissioner Ford, Judge Sumter voting "Aye". MOTION FAILED **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve funding for Harrison Ranch Park in the amount of $1.7 million Commissioner Ford, Commissioner Conley, Judge Sumter voting "Aye". Commissioner Barton and Commissioner Ingalsbe voting "No". MOTION PASSED**

27621 ADOPT A RESOLUTION IN SUPPORT OF THE EXPANSION OF THE PURGATORY CREEK NATURAL AREA

In order for Trust for Public Land to move forward and meet the timeline for grant submittal, Hays County needs to show support for this project. This is not a request for financial consideration. Sam Brannon of San Marcos and Jimmy Skipton of Dripping Springs spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Resolution in Support of the Expansion of the Purgatory Creek Natural Area. All voting "Aye". MOTION PASSED**

27622 FINALIZE PROPOSED CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS; CALL FOR A PUBLIC MEETING AND APPROVE ORDER ADOPTING RULES FOR ON-SITE SEWAGE FACILITIES

The Texas Commission on Environmental Quality has approved the new On-Site Sewage Facilities Order for OSSF permitting in the unincorporated areas of Hays County. The state requirements for public notification are between 72 hours prior to the meeting and the 30th day. A brief presentation of the requested changes and discussion of which changes will be set for public hearing will occur. At the set hearing date staff will be presenting the requested changes to the existing development regulations. Over the year since adoption, the department has periodically asked the court or approval not to enforce particular sections of the regulations. The approved changes will be codified and heard in the public hearing. Jimmy Skipton of Dripping Springs, Jennifer Peck of Kyle, and Lenee Lovejoy of San Marcos spoke. This item will be brought a back to court on the Dec. 21st. **A motion was made by Judge Sumter, seconded by Commissioner Ford to call for the public hearing on December 21, 2010 for finalized proposed changes to the Hays County Development Regulation and for Order Adopting Rules for On-Site Sewage Facilities. All voting "Aye". MOTION PASSED**

27623 AUTHORIZE THE COUNTY JUDGE TO PURCHASE STAND ALONE KIOSK AND LEXISNEXIS LEGAL CONTENT WITH TOUCH SONIC TECHNOLOGIES AND AMEND THE BUDGET ACCORDINGLY

This is to provide monthly legal content subscription services to our county jail. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve action to authorize purchase Stand Alone KIOSK and Lexisnexis Legal Content with Touch Sonic Technologies and amend the budget accordingly approximately $9,120 which includes a maintenance agreement. All voting "Aye". MOTION PASSED**

27624 TO APPOINT DR. ALBERT 'BERT' COBB TO REPLACE JUDGE ELIZABETH 'LIZ' SUMTER TO THE CAPCOG GENERAL ASSEMBLY.

Judge Elizabeth Sumter will be leaving the CAPCOG general Assembly Upon her Separation from the County. Dr. Cobb will replace her position as Hays County's representative. **A motion was made by Commissioner Conley, seconded by Judge Sumter to appoint Dr. Albert "Bert" Cobb to replace Judge Elizabeth 'Liz' Sumter to the CAPCOG General Assembly. All voting "Aye". MOTION PASSED**

27625 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE AND HAYS COUNTY FOR THE IMPROVEMENT OF PARKS

The City of Kyle intends to commence work on its Parks and Open Space improvements related to Gregg-Clarke Park, Plum Creek Preserve and Nature Trial, and City Square Park. Hays County has already committed to contribute $1,200,000 in Parks and Open Space bond funds to their projects. This Interlocal Agreement establishes the terms and conditions that will apply to the County's grant of those monies. Special Counsel Mark Kennedy is working on the agreement with the City of Kyle's Park Director. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement between the City of Kyle and Hays County for the Improvement of Parks with amendment to Section 5.2 to strike the final line and insert the words "termination date", change the commencement date to December 1, 2010 and the termination date to December 31, 2013. All voting "Aye". MOTION PASSED**

27626 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A STANDARD PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND K FRIESE AND ASSOCIATES FOR ENGINEERING WORK ON ROAD(S) RELATED TO THE U.S. FOODS PROJECT

After the Commissioners Court recently passed authorization to execute work authorization #1 with K Friese and Associates, legal counsel pointed out that, although Hays County does have a Master Agreement with K Friese and Associates, that Master Agreement is specific to work related to Lime Kiln Road. As such, a new Master Professional Services Agreement (PSA) is needed. Counsel intends to use the standard PSA, coupled with Work Authorization #1 that already passed Court, to establish a contract between Hays County and K Friese. Per Court practice, standard PSAs are not placed in backup on the Court's agenda. Legal counsel can provide the form to anyone wishing to see it. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve authorize the County Judge to execute a Standard Professional Services Agreement Between Hays County and K Friese and Associates for Engineering work on Road(s) related to the U.S. Foods Project to be effective as of November 9, 2010. All voting "Aye". MOTION PASSED**

27627 AUTHORIZE COMMISSIONER, PRECINCT 2, TO EXECUTE A TEMPORARY ACCESS LICENSE WITH MOUNTAIN PLUM, LTD., TO ALLOW ACCESS FOR DUE DILIGENCE ON A PROSPECTIVE ACQUISITION PROPERTY FOR THE PRECINCT 2 OFFICES

Work continues on the relocation of the Hays County Precinct 2 offices. The next stage in the process is to perform due diligence on a prospective property in the Plum Creek Subdivision. Owners have already executed a Temporary Access License Provided by County's legal counsel. This item requests that the Precinct 2 Commissioner be granted the authority to sign that License if and when it becomes necessary for the County or its agents to access the property. Commissioner Barton plans to coordinate with the current stakeholders committee as well as Commissioner-elect Mark Jones. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commissioner, Precinct 2, to execute a Temporary Access License with Mountain Plum, LTD., to allow access for due diligence on a prospective acquisition property for the Precinct 2 Offices. All voting "Aye". MOTION PASSED**

27628 AUTHORIZE JUDGE SUMTER, COMMISSIONER CONLEY AND COMMISSIONER FORD TO SIGN A LETTER TO SENATOR WENTWORTH AND REPRESENTATIVE ROSE REGARDING AGREEMENTS & RECOMMENDATIONS FOR POTENTIAL LEGISLATIVE ACTION FOR ADDITIONAL AUTHORITIES FOR THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT

This letter represents final consensus of discussions held over the past six months by a selected group of stakeholders to address areas of great concern regarding the groundwater district in Western Hays County. Bill Davis of Dripping Springs spoke. Commissioner Barton stated that not everyone on the Court agreed with everything stated in the letter but honored the consensus of the group. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Judge Sumter, Commissioner Conley, and Commissioner Ford to sign a Letter to Senator Wentworth and Representative Rose regarding Agreements and Recommendation for Potential Legislative action for additional authorities for the Hays Trinity Groundwater Conservation District. All voting "Aye". MOTION PASSED**

27629 APPROVE CHIEF DEPUTY, SHERMAN BRODBECK'S 20 YEARS OF HAYS COUNTY SERVICE AS CONTINUOUS SERVICE FOR THE PURPOSES OF RETIREE INSURANCE BENEFITS

Sherman Brodbeck was hired for Hays County 2/1/89. He retired 7/31/04 and came back to work as Chief Deputy 5/1/06. He will be retiring with Hays County for the second time 11/30/10. This action would count his total amount of 20 years of Hays County service as continuous years of service for purposes of retirement insurance benefits. Chief Brodbeck did not have any outside employment during the span of his first retirement and has had a continuous retirement annuity since his initial retirement in 2004. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve Chief Deputy Sherman Brodbeck's 20 Years of Hays County Service as continuous service for the purposes of Retiree Insurance Benefits. All voting "Aye". MOTION PASSED**

27630 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ACQUISITION AGREEMENT WITH THE NATURE CONSERVANCY FOR 50.119 ACRES CURRENTLY OWNED BY WESTRIDGE JOINT VENTURE, LLC; TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MANAGEMENT AGREEMENT BETWEEN HAYS COUNTY AND WIMBERLEY VALLEY WATERSHED ASSOCIATION, PURSUANT TO THE MEMORANDUM OF UNDERSTANDING LAST AMENDED BETWEEN HAYS COUNTY AND WVWA ON OR ABOUT AUGUST 10, 2010; AND TO AUTHORIZE LEGAL COUNSEL TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO MEET BUYER'S OBLIGATIONS UNDER THE ACQUISITION AGREEMENT AND THE MOU, INCLUDING BUT NOT LIMITED TO EXECUTION OF PROMISSORY NOTE, DEED OF TRUST AND CONSERVATION EASEMENT TO BE GRANTED TO THE NATURE CONSERVANCY**

The County has been negotiating acquisition of 50.119 acres located to the north of the Jacob's Well Natural Area. Acquisition of this property satisfies terms and conditions of the MOU between Hays County and WVWA, and will result in the settlement of 2 law suits, one involving the Jacob's Well Natural Area and another involving the City of Woodcreek. The culmination of this action will result in the County's ownership of fee title in approximately 81 acres surrounding Jacob's Well; and it will continue the collaboration between Hays County and WVWA to manage and protect the conservation values of this property. Public comment was made by Mark Key, Dorothy Knight with Wimberley Valley Watershed Association, Eric Eskelund City of Woodcreek Mayor, Jack Hollon with Wimberley Valley Watershed Association Board, Jeff Vasgaard of Wimberley, WF Dubb Smith of Dripping Springs, Malcolm Harris with Wimberley Valley Watershed Association, Skyler Marshall Attorney representing Mak Foster, John Cobb of San Marcos, Vanessa Lavender with Cypress Creek Project, Bill Davis of Dripping Springs, Lenee Lovejoy of San Marcos, Burgess Jackson Attorney, Jimmy Skipton of Dripping Springs, Sam Brannon of San Marcos, David Baker of Wimberley Valley Watershed Association, and Dr. Bert Cobb. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an Acquisition Agreement with the Nature Conservancy for 50.199 acres currently owned by Westridge Joint Venture, LLC; to authorize the County Judge to execute a Management Agreement between Hays County and Wimberley Valley Watershed Association, pursuant to the Memorandum of Understanding last amended between Hays County and WVWA on or about August 10, 2010; and to authorize Legal Counsel to execute all documents and take all actions necessary to meet buyer's obligations under the Acquisition Agreement and the MOU, including but not limited to execution of Promissory Note, Deed of Trust and Conservation Easement to be granted to the Nature Conservancy amount required of funding $850K coming out of Parks Bond Fund the amended tenure that has been mentioned in the Management Agreement - this will also prevent law suits with Woodcreek and the Association and - add an amendment to the MOU that will account for the public access and 5-year reference will be changed to 3-year. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Commissioner Ford voting "Aye". Judge Sumter voting "No". 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 RANCH ROAD 12

Court convened into closed executive session at 7:10 p.m. and reconvened into open meeting at 7:20 p.m. No action was taken.

Clerk's Note: Agenda Item #23 RE: *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 CR 266 IN PRECINCT 1* **– was pulled**

Clerk's Note: Agenda Item #24 RE: *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* **– was pulled**

Court was adjourned.

I, LINDA C. FRITSCHE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on NOVEMBER 23, 2010.

Linda C. Fritsche

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7TH DAY OF DECEMBER 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**
LIZ Q. GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Ingalsbe led the court in the pledge of allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENTS
Mark Key and Ollie Giles made public comments.

27631 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve payments of county invoices in the amount of $1,212,689.63 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27632 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 23, 2010

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Commissioner Court Minutes of November 23, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27633 ACCEPT INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/MINI STORAGE UNIT LOCATED AT 880 WINDY HILL RD., KYLE

Jacob Jisha is proposing an OSSF to serve as an office/mini storage at 880 Windy Hill Road in Precinct 2. This property is 10.1 acres. Water supplied by public water system. The OSSF is a standard gravity flow system with Evapotranspiration Beds. Greg Johnson, P.E., designed the system. The OSSF is designed for a maximum wastewater flow of 48 gpd. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to accept institutional OSSF Permit for an Office/Mini Storage located at 880 Windy Hill Rd., Kyle. All voting "Aye". MOTION PASSED**

27634 APPROVE AGREEMENT FOR ARBORICULTURAL CONSULTING SERVICES WITH DON GARDNER FOR THE MCGREGOR BRIDGE PROJECT AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT

On November 9, 2010 the Court approved negotiation of a final contract with Arborist Don Gardner in an amount not to exceed $1,250. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Agreement for Arboricultural Consulting Services with Don Gardner for the McGregor Bridge Project and authorize the County Judge to sign Agreement with modifications by Special Counsel. All voting "Aye". MOTION PASSED**

27635 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve utility permit #824 on Redwood Rd (CR 232) issued to the City of San Marcos; permit #825 on Belterra Drive issued to Hays County WCID No. 1; permit #826 on Belterra Drive issued to Hays County WCID No. 1 as presented by the County Road Department. All voting "Aye". MOTION PASSED

27636 AMEND FY11 BUDGET OF LCRA SERVICE FEE FUND FOR PAYMENT OF CONTRACT SERVICES FOR URS CORPORATION

On November 23, 2010 the court approved a budget amendment for work on the MS4 Storm Water Quality Program document. The amount requested at that time was $407 less than the originally contracted amount. This is the final invoice for contract work on that program. Budget Amendment: #171-691-00.5448 LCRA Service Fee Fund, Contract Services $407. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to amend FY11 budget of LCRA Service Fee Fund for payment of contract services for URS Corporation. All voting "Aye". MOTION PASSED**

27637 VACATION PLAT OF LOTS 504, 505, AND 506 LA VENTANA PHASE 6 AND REPLAT OF HOMESITE H25, LA VENTANA SUBDIVISION, PHASE 1 [10-4-26 – LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. La Ventana Subdivision is a platted subdivision located off Elder Hill Road in Precinct 4. The owner of Homesite H25 (2.64 acres) also owns the three adjacent lots (504 .91 ac, 505 .83 ac and 506 1.07 ac) in Phase 6. He wishes to vacate the three lots in Phase 6 and combine them with Homesite H25 in Phase 1. Although this is a significant decrease in density, a public hearing is required on all cancellation and vacations of previously platted lots. The newly platted 5.45 acre lot will be served by existing connection to public water supply and individual on-site sewage facilities. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of vacation plat of Lots 504, 505 and 506 La Ventana Phase 6 and replat of Homesite H25 La Ventana Subdivision Phase 1. All voting "Aye". MOTION PASSED**

27638 RE-SUBDIVISION OF TRACT 14 AND A PORTION OF TRACT 15, IN AN UNRECORDED SECTION OF RIVER OAKS OF WIMBERLEY SUBDIVISION [10-3-13 – 2 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Sumter declared the public hearing open. Gail Machalek the landowner spoke of the re-subdivision, Clint Garza spoke of concern of a neighbor (Van Hoozer Family) and submitted an email from them. No other comments were made and the public hearing was closed. Programs Manager of Development Services Clint Garza gave staff recommendation for approval. River Oaks of Wimberley consists of 5 units of which 4 were platted and recorded through the appropriate subdivision process. Unit 4 is an unrecorded section adjacent to Ridge Oaks Drive and Units 1 & 3. The owner Tract 14 wishes to subdivision her 5.00 acres into 2 new 2.5 acre lots. Although this section is not recorded public notification is required and will take place as normal. Both new lots will be served by individual private water supply and individual on-site sewage facilities. There are no variances and the entire division is not located within any City's extra-territorial jurisdiction. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of re-subdivision of Tract 14 and a portion of Tract 15 in an unrecorded section of River Oaks of Wimberley Subdivision. All voting "Aye". MOTION PASSED**

27639 DISCUSS THE PARKS AND OPEN SPACE ADVISORY BOARD RECOMMENDATIONS FOR REMAINING PARK BOND FUNDS

On August 31, 2010 the Commissioners Court authorized a Call for Projects for applications for the remaining 2007 Park Bond funds. The Call was opened on September 1, 2010 and closed on October 1, 2010, with 12 project applications received. Presentations were made by all applicants to the Hays County Parks and Open space Advisory Board (POSAB), and applications were scored based on criteria developed by the POSAB and reviewed by the Commissioners Court prior to the Call. The POSAB is forwarding their recommendations to the Commissioners Court for consideration. Jack Jones Director of Parks in the City of Buda spoke of returning some of the monies to help fund other POSAB projects. Lori Olson of the Trust for Public Land spoke of helping to acquire over 1,000 acres within Hays County for Parks and Open Space. Scott Parker of the Trust for Public Land spoke of working to help acquire Parks and Open Space. Ray Whisenant, Jr. spoke of the process the County went through acquiring the Park property and commended the Court. Jeff Reeves of Hays County Youth Association thanked the Court for their consideration. Max Ramirez of HYBSA thanked the Court for their consideration. Robert Krick of Hays County WCID #2 spoke of what the money would help fund and thanked the Court. Matthew Kutac attorney for Hays County WCID #2 spoke of this being an extension of the WCID #1 trail and thanked the Court for their consideration. Carl Owens of Swimberley spoke of needing funding and how they were scored. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to support the Purgatory Creek expansion in an amount of $800,000 contingent to the City of San Marcos funding $150,000 (totaling $450K) in addition to the donation they have arranged through Karma Development and to have Special Counsel to draw up the documents and authorize the County Judge to sign the Contract and contingent with some type of commitment/funding. A friendly amendment was made by Commissioner Barton and accepted by Commissioner Conley and Commissioner Ingalsbe to fund the Buda Skate Park $140,000, Bradfield Park $310,000, the Hays Youth Sports Association $447,256 (for safety issues), and leaving $100,000 for contingencies in the Park Bond Funds. All voting "Aye". MOTION PASSED**

27640 APPROVE A RESOLUTION RELATING TO ESTABLISHING THE COUNTY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS PARK IMPROVEMENTS FROM THE PROCEEDS OF A SERIES OF OBLIGATIONS TO BE ISSUED BY THE COUNTY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

It was stated that the date of election needs to be changed to May 12, 2007 and the amount not to exceed $10,015,000 on the resolution. The effective date is today. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve a Resolution relating to establishing the County's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various park improvements from the proceeds of a series of obligations to be issued by the County for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date and correcting the date of the election and amount on the final Resolution. All voting "Aye". MOTION PASSED**

27641 ACCEPT THE PARKS AND OPEN SPACE ADVISORY BOARD RECOMMENDATION OF DESIGN WORKSHOP FOR THE PARKS AND OPEN SPACE MASTER PLAN FOR THE COUNTY AND SET ASIDE $100,000 FOR FUNDING, AUTHORIZE MARK KENNEDY AND JEFF HAUFF TO NEGOTIATE THE CONTRACT, AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT

Grants Administrator Jeff Hauff spoke of this soon coming to a close due to actions taken this morning. An RFQ went out for a consultant for a Master Plan and is currently being reviewed by the committee. A presentation and recommendation will be made to the court for a selection. In addition to a selection, the court, as previously discussed, needs to formally set aside an additional $50,000 from the Park Bond funds to adequately fund the project. **A motion was made by Judge Sumter, seconded by Commissioner Conley to accept the Parks and Open Space Advisory Board recommendation of Design Workshop for the Parks and Open Space Master Plan for the County and set aside $100,000 for funding, authorize Mark Kennedy and Jeff Hauff to negotiate the contract, and authorize the County Judge to execute the contract. All voting "Aye". MOTION PASSED**

27642 ADOPT A RESOLUTION SUPPORTING THE LEGISLATIVE PASSAGE OF TAKEBACK RECYCLING OF MERCURY CONTAINING PRODUCTS; PRODUCER TAKEBACK RECYCLING OF TELEVISIONS AND OTHER ELECTRONICS; AND ESTABLISHING A RECYCLING REFUND SYSTEM FOR BEVERAGE CONTAINERS

Jerry Pinnix spoke in support of all three resolutions. **A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Resolution supporting the legislative passage of takeback recycling of mercury containing products; producer takeback recycling of televisions and other electronics; and establishing a recycling refund system for beverage containers. All voting "Aye". MOTION PASSED**

27643 ADOPT A POLICY TO MANDATE POSTING OF ALL PUBLIC NOTICES ON THE HAYS COUNTY WEBSITE

This policy will require that all Hays County public notices that are optionally posted in newspapers in Hays County will also be posted on the county website for the convenience of our residents. The Hays County Webmaster will create a place on the newly designed county website entitled Public Notices for te posting of all County-issued public notices. **A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt a policy to mandate posting of all public notices on the Hays County Website. All voting "Aye". MOTION PASSED**

27644 CANCEL COMMISSIONER'S COURT ON DECEMBER 28, 2010

In years past, we have typically cancelled Commissioner's Court the Tuesdays after the holidays, in part, since time is limited to prepare the agenda. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to cancel Commissioner's Court on December 28, 2010. All voting "Aye". MOTION PASSED**

27645 APPROVE A RESOLUTION IN SUPPORT OF ADDITIONAL POWERS TO PROMOTE ROAD AND DRAINAGE AND OTHER IMPROVEMENTS WITHIN THE RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICTS IN THE EASTERN PORTION OF PCT. 2, AND ADVISING THE STATE SENATOR AND STATE REPRESENTATIVE-ELECT OF THE COUNTY'S POSITION BEFORE THE END OF THE YEAR SO THAT LEGISLATION MAY BE PREPARED

This is a non-binding resolution designed to inform Senator Wentworth and Representative elect Jason Isaac of the County's support for adding certain limited powers to two already-existing MUD's – Ranch at Clear Fork Creek No. 1 and No. 2. These MUD's straddle the Hays-Caldwell line, with approximately 96 percent of the land in Caldwell County. Caldwell County has already passed a similar resolution of support. Uhland will take up the resolution at its next meeting. The landowners feel it is important to act in December so that legislation authorizing the changes may be prepared and filed for the start of the next session in January. The MUD's were created in 2004 by a different landowner. Since then the land in question – about 2,706 acres in all (105 acres in Hays County; 772 within the Uhland ETJ) – has been acquired by investors under the umbrella of Walton Global Investments, Ltd. Walton wishes to add the ability to finance roadway and drainage improvements; and subdivision powers within its MUD. The property is intended to be developed as a master planned community, mainly residential and open space and parks, but including also education and civic uses and neighborhood retail along SH 21, according to Walton. Walton is working closely with the City of Uhland and is coordinating in advance with Hays County and local school districts for future school and emergency service sites, road planning, and so on. The development has the potential to substantially increase tax base in an area of the county that has struggled economically for decades. Alexa Night of Walton spoke of this issue which will be considered for approval by the City of Buda on Thursday. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve a Resolution in support of additional powers to promote road and drainage and other improvements within the Ranch at Clear Fork Creek Municipal Utility Districts in the eastern portion of Pct. 2 and advising the State Senator and State Representative-elect of the County's position before the end of the year so that legislation may be prepared contingent upon approval of City of Buda. All voting "Aye". MOTION PASSED**

27646 APPROVE REVISED COST AND PLANS TO THE SALLY PORT AT THE HAYS COUNTY GOVERNMENT CENTER

On November 16th the court received word that the cost of the Sally Port had increased from the estimated cost of $91,475 to $169,341.14. Since then, Bob Hinkle (Broaddus & Assoc) and the committee requested value engineering be considered to bring the cost down. Consideration was given to the number of bays and a more simplified and useful construction option by eliminating some elements of the project. The court may want to consider allowing Mr. Hinkle to further negotiate to bring the cost of the 4-bay down closer to the cost of the 3-bay. The 4-bay allows for 3 vehicles to park side by side. Bob Hinkle asked the Court for their preference. A decision is needed prior to moving forward. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve revised cost and plans to the Sally Port at the Hays County Government Center of approximately $100K and give Bob Hinkle the authority to renegotiate the costs. Commissioner Ingalsbe, Commissioner Barton and Judge Sumter voting "Aye". Commissioner Conley and Commissioner Ford voting "No". MOTION PASSED**

27647 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 WITH HARRIS ROAD COMPANY FOR THE SPRING LAKE PRESERVE PROJECT

On October 5, 2010 the Commissioners Court awarded the construction bid for the Spring Lake Preserve project to Harris Road Company of Wimberley, Texas in the amount of $108,220. This Change Order will remove the trail signs bid item from the project – valued at $8,000 – and substitute removal of old, deteriorated asphalt from a portion of the trail way in order to place new base material and crushed stone surfacing on a stable base. This task is also valued at $8,000, so there is no net change in the original contract amount. Texas State University, as a partner in the project, will produce the trail signs at no additional cost to the project. The Spring Lake Preserve project is a joint effort between Texas State University, the City of San Marcos, and Hays County to preserve a significant land resource and provide public access to this area. This project is funded through a grant from the Texas Parks and Wildlife Department (TPWD), with TSU and the City of San Marcos providing additional funding. No County funds have been allocated or are necessary to complete the construction project. The project will include accessible and primitive trail development, interpretive signage, benches, outdoor amphitheater (sundial), composition deck boardwalk, and other amenities. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute Change Order #1 with Harris Road Company for the Spring Lake Preserve Project. All voting "Aye". MOTION PASSED**

27648 ELIMINATE A LIEUTENANT POSITION AND REPLACE IT WITH AN OFFICE OF PROFESSIONAL RESPONSIBILITY INSPECTOR POSITION IN THE SHERIFF'S OFFICE

The Sheriff would like to delete slot 7 of the Lieutenant position, Grade 115 and add an Office of Professional Responsibility, Inspector position, Grade 115. The Inspector position will perform highly advanced and timely investigative work, including but not limited to all complaints against Hays County Sheriff's Office personnel regarding allegations of illegal acts and/or employee misconduct, employee involved critical incidents, and applicant background checks. Actions requested and budget impact: delete Lieutenant, Slot 7 = $71,000 and add Inspector, Slot 1 = $51,737. **A motion was made by Judge Sumter, seconded by Commissioner Conley to eliminate a Lieutenant position and replace it with an Office of Professional Responsibility Inspector Position in the Sheriff's Office. All voting "Aye". MOTION PASSED**

27649 EXECUTE A LEASE AGREEMENT WITH THE CITY OF KYLE FOR THE COUNTY'S LEASE OF THE EXISTING PRECINCT 2 OFFICES AT 111 FRONT STREET IN KYLE

This is essentially a renewal of the County's existing lease for the Precincts 2 Offices. Since the lease price is increasing, this item has not been posted as a renewal. Rather, it is posted as a new lease agreement between the County and the City of Kyle. Some adjustments to the original lease have been made to fit the ongoing practices of landlord/tenant, but all other lease terms remain the same. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to execute a Lease Agreement with the City of Kyle for the County's Lease of the existing Precinct 2 offices at 111 Front Street in Kyle. All voting "Aye". MOTION PASSED**

27650 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH WHITENTON GROUP, INC. TO PROVIDE AN ENVIRONMENTAL MONITOR FOR THE MCGREGOR BRIDGE CONSTRUCTION PROJECT

The Whitenton Group, Inc. was selected in response to RFQ #2011-P02 in relation to the McGregor Bridge project and was approved in Court on November 16, 2010. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Agreement and to authorize the County Judge to execute a contract with Whitenton Group, Inc. to provide an environmental monitor for the McGregor Bridge construction project in an amount not to exceed $15K and contingent to add to the Agreement our right to Audit Provision. All voting "Aye". MOTION PASSED**

27651 MODIFY THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE DAHLSTROM FAMILY, EXTENDING THE DATE BY WHICH A LEASE AGREEMENT MUST BE REACHED TO DECEMBER 31, 2011

The original MOU between the Dahlstrom's and Hays County provides that, if a lease is not executed by December 31, 2010, the broad terms of the MOU shall be converted to a lease agreement which shall control the County's activities on the portion of Dahlstrom Ranch commonly known as the Howe Pasture. The Howe Pasture is the area in which the Parties have agreed to allow passive public access (i.e. hiking, bird watching, etc.). The Parties continue to discuss how the activities on the Howe pasture will be shared, and a lease agreement is imminent. However, the parties don't believe it is possible to achieve a workable lease agreement before the end of 2010; and neither party desires a conversion of the terms of the MOU, which would fail to address many terms and conditions of the landlord/tenant relationship. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to modify the Memorandum of Understanding between Hays County and the Dahlstrom Family, extending the date by which a Lease Agreement must be reached to December 31, 2011. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.074 TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF DEPARTMENT HEADS

Court convened into closed executive session at 12:40 p.m. and reconvened into open meeting at 1:20 p.m. No action taken.

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 CR 266 IN PRECINCT 1

Court convened into closed executive session at 12:10 p.m. and reconvened into open meeting at 12:40 p.m. No action taken.

DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING THE GOVERNMENT CENTER

This item was discussed and action was taken under Resolution #27646

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 7, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF DECEMBER 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. FRITSCHE	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Dee Dee Baen Human Resources Director introduced new employees.

Commissioner Ford gave the invocation and Commissioner Barton led the court in the pledge of allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENTS
Jimmy Skipton made public comment.

27652 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payments of county invoices in the amount of $3,298,919.99 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27653 AMEND THE FY11 BUDGET FOR THE CAPCOG HOUSEHOLD HAZARDOUS WASTE COLLECTION GRANT

The CAPCOG Household Hazardous Waste Collection Grant Contract was executed on January 26, 2010. This amendment allows the County to spend the grant in FY11 with no county match required. Budget Amendment: 001-716-99-052.4301 -$27,000, 001-716-99-052.5031 +$465, 001-716-99-052.5101 +$35, 001-716-99.5210 +$500, 001-716-99-052.5211 +$200, 001-716-99-052.5448 +$25,000, 001-716-99-052.5461 +$300, 001-716-99-052.5462 +$500. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend the FY11 Budget for the CAPCOG Household Hazardous Waste Collection Grant. All voting "Aye". MOTION PASSED**

27654 AMEND THE FY11 BUDGET TO MOVE EXPENDITURES INCURRED FOR INDIGENT DEFENSE CASES HEARD IN COUNTY COURT AT LAW NO. 1 OUT OF THE COUNTY COURT AT LAW NO. 2 BUDGET

This amendment is necessary in order to comply with the reporting requirements set by the Texas Task Force on Indigent Defense. Budget Amendment: 001-612-00.5440 -$115,916, 001-611-00.5440 +$115,916. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to amend the FY11 Budget to move expenditures incurred for Indigent Defense Cases heard in County Court at Law No. 1 out of the County Court at Law No. 2 Budget. All voting "Aye". MOTION PASSED**

27655 ACCEPT INSTITUTIONAL OSSF PERMIT FOR A OFFICE/WAREHOUSE LOCATED AT 31866 RANCH ROAD 12, DRIPPING SPRINGS, TX 78620, IN PRECINCT 4

James Bailey (BPX Venture a LLC) is proposing an OSSF to serve an office/warehouse. This property is located at 31866 Ranch Road 12, Dripping Springs, TX in Precinct 4. The property is 0.47 acres. It is an Aerobic Treatment Unit using drip irrigation designed by Don Perry, R. S. The On Site Sewage Facility is designed for a maximum wastewater flow of 160 gpd for a maximum of 20 employees. Water is supplied by rainwater collection. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept Institutional OSSF permit for a office/warehouse located at 31866 Ranch Road 12, Dripping Springs, TX 78620, in Precinct 4. All voting "Aye". MOTION PASSED**

27656 RE-APPOINT JULIA RAMSEY NEW AND ALLAN KIMBALL TO ESD #7

All of these terms have expired. We would like to re-appoint these positions for the next term. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to re-appoint Julia Ramsey New and Allan Kimball to ESD #7. All voting "Aye". MOTION PASSED**

27657 RE-APPOINT KEN DOWNING, RON SPANGENBERG AND EDDIE GUMBERT TO ESD #4

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to re-appoint Ken Downing, Ron Spangenberg and Eddie Gumbert to ESD #4. All voting "Aye". MOTION PASSED

27658 AUTHORIZE ON-LINE AUCTION WITH RENE BATES AUCTIONEERS OF SURPLUS PROPERTY NO LONGER OF USE FOR THE PURPOSE FOR WHICH IT WAS ORIGINALLY INTENDED FROM VARIOUS COUNTY OFFICES

List of items for auction may be reviewed in the Purchasing Office. This includes items collected from County Offices and are being stored at the Building Maintenance warehouse. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize on-line auction with Rene Bates Auctioneers of surplus property no longer of use for the purpose for which it was originally intended from various county offices. All voting "Aye". MOTION PASSED**

27659 APPROVE AND CONFIRM THE APPOINTMENT OF OLAN ARTHUR KELLEY IV AS DEPUTY CONSTABLE FOR PRECINCT 1

Justice of the Peace Pct 1-2, Margie Hernandez did the swearing in of Olan Arthur Kelley IV as Deputy Constable Precinct 1. According to Chapter 86 Subchapter B 86.011 (a) The Commissioners' Court shall approve and confirm the appointment of a Deputy Constable. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve and confirm the appointment of Olan Arthur Kelley IV as Deputy Constable for Precinct 1. All voting "Aye". MOTION PASSED**

27660 ACCEPT REPORT TO COMMISSIONERS COURT IDENTIFYING ENVIRONMENTAL HEALTH ADMINISTRATIVE APPROVALS ISSUED DURING THE MONTH OF NOVEMBER, 2010

In conformance with Hays County's Development Regulations this report identifies all administrative approvals issued by the department during the month of November, 2010. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept report to Commissioners Court identifying Environmental Health Administrative approvals issued during the month of November 2010. All voting "Aye". MOTION PASSED**

27661 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT #4 TO THE GRANT PROJECT AGREEMENT WITH TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE SAN MARCOS SPRINGS CONSERVATION PARK, EXTENDING THE AGREEMENT TERMINATION DATE TO JULY 15, 2011

On April 17, 2007 the Commissioners Court authorized a grant agreement with the Texas parks and Wildlife Department for funding for the San Marcos Springs Conservation Park (Spring Lake Preserve). Construction is underway, and most major elements will be completed by the end of the year. Production and installation of interpretive signs and other grant-related elements, as well as submission or required documentation for project closeout, are likely to push us past the current grant termination date. The current grant agreement expires on January 31, 2011 and this Amendment will extend the grant termination date to July 15, 2011 to accommodate the above items. The San Marcos Springs Conservation park development is a partnership project between Texas State University, the City of San Marcos, and Hays County. No County matching funds are necessary for this grant project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute Amendment #4 to the Grant Project Agreement with Texas parks and Wildlife Department for the San Marcos Springs Conservation park, extending the Agreement termination date to July 15, 2011. All voting "Aye". MOTION PASSED**

27662 VACATION AND RE-PLAT OF LOT 2 AND LOT 3 WERTH SUBDIVISION [10-4-29 – 6 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Programs Manager Clint Garza gave staff recommendation. The Werth Subdivision was originally platted in 1999 as a 4 lot subdivision. The owner of Lot 3, also the original developer, wishes to further subdivide said 34.22 acres and a 0.04 acre portion of Lot 2 to create 6 newly configured lots. The new configuration is as follows: Lot 2A 2.77 acres Lot 3A 2.63 acres, Lot 3B 2.72 acres, Lot 3C 3.60 acres, Lot 3D 2.40 acres, and Lot 3E 22.90 acres. A 14.38 acre conservation easement is being recorded over portions of Lots 3B-3E. The intention of this conservation easement is to preserve a natural drainage area. The 0.04 acre portion of Lot 2 is being reconfigured because there is an existing driveway which will serve lot 3#. Both property owners have agreed to terms of sale. The developer will plat restrict all lots to rainwater collection only and will utilize class I permitted on-site sewage facilities. All lots are sized adequately for either commercial or residential development. The intended use for Lot 3E has not been placed under contract; however the developer wishes to keep consistent with the rest of the subdivision and will likely build multi-family residential or cluster/conservation development. In short, the developer wishes the future use of Lot 3E to serve as a model for future developments in the western portion of Hays Count. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of vacation and re-plat of Lot 2 and Lot 3 Werth Subdivision. All voting "Aye". MOTION PASSED**

27663 APPROVE THE PAYMENT OF AN INVOICE OVERAGE FOR LOOMIS PARTNERS RELATED TO THE HABITAT CONSERVATION PROJECT

The County was awarded a rant for the Habitat Conservation plan in 2006 for $1,005,000 with a 25% county match. A portion of that award was a $5,000 administrative free that could be billed by TP&W. The County actually committed that $5,000 in service contracts creating a shortage in the grant budget in the end. This grant was closed out in July 2010 and since Loomis Partner's was the last contractor working on this project, there invoice was short paid due to no project funds available. The balance due to Loomis on their final invoice is $4,135.26. This would include an overage billed on their original contracts ($546,000) of $563.30. The balance due to Loomis per their contracts is $3,571.96. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the payment of an invoice overage for Loomis partners related to the Habitat Conservation Project in an amount of $4,135.26. All voting "Aye". MOTION PASSED**

27664 AUTHORIZE COMMISSIONER FORD WITH ASSISTANCE FROM SPECIAL COUNSEL TO NEGOTIATE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND CITY OF DRIPPING SPRINGS REGARDING THE GRANT FUNDING OF HARRISON RANCH PARK AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE INTERLOCAL AGREEMENT

On November 23, 2010 the Court approved the award of $1.7 Million in Park Bond funds for Harrison Ranch Park based on the scoring criteria from the POSAB. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Commissioner Ford, with assistance from Special Counsel, to negotiate an Interlocal Agreement between Hays County and City of Dripping Springs regarding the grant funding of Harrison Ranch Park and authorize the County Judge to execute the Interlocal Agreement with the following changes made: term will be a 3-year period starting January 1, 2011, a description of the project as one of the exhibits including a budget and a location and site-plan and the legal description of the property and all of the funding sources will be listed, will ask for a change in the project clause . All voting "Aye". MOTION PASSED**

27665 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RIGHT OF ENTRY WITH THE CITY OF SAN MARCOS FOR ACCESS TO THE COUNTY'S PROPERTY ON UHLAND ROAD FOR THE PURPOSES OF APPRAISAL WORK RELATED TO REAL PROPERTY NEEDED FOR A CITY OF SAN MARCOS WASTEWATER EASEMENT

The City's proposal is to take a small portion of the Northwest corner of the County's property on Uhland Road. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute a Right of Entry with the City of San Marcos for access to the County's property on Uhland road for the purposes of appraisal work related to real property needed for a City of San Marcos Wastewater Easement. All voting "Aye". MOTION PASSED**

CONSIDER A CHANGE ORDER FOR THE I-35 PHASE I PASS-THROUGH FINANCE PROJECT TO PROVIDE FOR A PLANNED PUBLIC STREET "CONNECTOR" BETWEEN THE NEW FRONTAGE ROAD AND THE EXISTING KYLE CROSSING, AND TO ACCEPT A RIGHT-OF-WAY DONATION FOR THE CONNECTOR

The change order will allow construction of a "connector" to tie Kyle Crossing (CR210) to the new Interstate frontage roads that are under construction. This "connector" will be approximately half-way between other proposed intersections with Interstate 35, thus improving general designed to lead directly to the future Kyle-Buda rail station (based on the current most likely scenarios developed by Lone Star Rail District, the city, and area landowners). The County will deed the connector to the City of Kyle so that Kyle will be responsible for future maintenance. The City and/or landowners will be responsible for constructing anything beyond our pass-through project boundaries – in other words, for future extensions on the western side of CR 210 leading toward the Kyle Marketplace intersection, the rail tracks and the probable rail station site. The City of Kyle is a full financial partner in the overall Phase I project. The project is under budget. The City is meeting its full commitment, based on the original budget, and asks that the county use about 2.2 percent of the savings to build the connector now – while the project is underway, believing that it will be cheaper and less disruptive to complete while construction crews are already mobilized. The city's letter formally requesting the change order will be shared under separate cover. TXDOT also issued a letter of support. The connector has been discussed and shown on maps since this pass-through project was conceived in 2007; final decisions on funding and construction timing have been deferred to until we knew where we would be on other project costs. The affected landowner earlier donated right-of-way for the frontage road improvements and is willing to donate additional right-of-way for the connector. That donation is valued at $203,341, or almost as much as construction costs and the proposed ROW is 80 feet. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept the ROW donation as described in the Escrow Agreement dated December 9, 2010 and styled "Escrow Agreement Kyle Connector" provided that it is acceptable with Mark Kennedy and Ellie Dietz our Legal Counsel and authorize staff to prepare and Commissioner Pct 2 to execute a Change Order with constructor and related documents with the City of Kyle and TXDOT to construct a public connector street to be deeded to the City of Kyle upon completion in an amount not to exceed $240,000. Motion withdrawn. Court will bring this item back at a later date.

27666 APPROVE STORM WATER MANAGEMENT PROGRAM (SWMP) DRAFT DOCUMENT AND AUTHORIZE THE COUNTY JUDGE TO SIGN NOTICE OF INTENT (NOI) FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS AS REQUIRED UNDER THE TPDES PHASE II GENERAL PERMIT (TXR040000); POST DOCUMENTS TO COUNTY WEBSITE; SUBMIT NOI AND SWMP TO TCEQ FOR APPROVAL

Natural Resources Program staff has been developing a Storm Water Management Program to ensure compliance with State of Texas Environmental Regulations under the TPDES Phase II MS4 permit (TXR040000). The initial draft document has been reviewed for compliance with permit regulations by a third party environmental consulting firm (URS Corporation). There is a requirement to post a copy of the draft online for a period of two weeks prior to submittal; NOI and SWMP will then be submitted to TCEQ for review; after reviewing Hays County NOI and SWMP, TCEQ will issue the executive director's preliminary decision. Following preliminary approval, notice must be published in the largest circulated paper in the County to provide opportunity for the public to submit comments to TCEQ on NOE and SWMP. A public meeting will help if TCEQ determines there is sufficient interest. There is an application fee in the amount of $100. Annual renewal fee is $100. Betty Lambright of the RPTP Department spoke of approvals acquired. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Storm Water Management Program (SWMP) draft document and authorize the County Judge to sign Notice of Intent (NOI) for Storm Water discharges from small municipal separate storm sewer systems as require under the TPDES Phase II General Permit (TXR0400000); post documents to County Website and submit NOI and SWMP to TCEQ for approval. All voting "Aye". MOTION PASSED**

27667 APPROVE SUPPLEMENT NO. 1 TO WORK AUTHORIZATION NO. 1 FOR HDR ENGINEERING, INC. SERVING AS PROGRAM MANAGER FOR THE PRIORITY ROAD BOND PROGRAM

The Professional Services Agreement (PSA) for HDR Engineering, Inc. approved by the Court on April 7, 2009, was based on a budget through the end of 20112 to provide program management services for the Priority Road Bond Program. Work Authorization No. 1 for this PSA, also approved by the Commissioner's Court on April 7, 2009 included the estimated fees for the period extending through December 31, 2010. Through October 2010, HDR had expended approximately $814,000 compared to a budgeted expenditure of approximately $1,056,000 through the same timeframe. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Supplement No. 1 to Work Authorization No. 1 for HDR Engineering, Inc. serving as Program Manger for the Priority Road Bond Program. All voting "Aye". MOTION PASSED**

27668 APPROVE SALARY FOR JUVENILE PROBATION OFFICER ABOVE 25TH PERCENTILE IN THE SALARY RANGE AND AMEND THE BUDGET ACCORDINGLY

Shelly Williams, Juvenile Director spoke of experience of the applicant and requesting the hiring above the 25th percentile. The applicant would start on January 1, 2011. In the Juvenile Probation Department, the current Intensive Supervision Program Officer (grade 110) is promoting and transferring to the Compliance Officer/Investigator (grade 113) position at the Juvenile Detention Office. The resulting vacancy left at Juvenile Probation is for a highly specialized probation officer that has experience with serious violent offenders and chronic non-violent offenders as well as sex offenders. This specialization under consideration comes with a BS in Sociology, 8 years in criminal justice field, 7 years as Juvenile Probation Office and 5 years as an ISP Officer. Request is for a salary at the 42.8 percentile of grade 110. County-wide salary adjustment funds will be used to fund this budget amendment as needed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve salary for Juvenile Probation Officer above 25th percentile in the salary range and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

27669 APPROVE DISTRICT CLERK OFFICE REORGANIZATION PLAN SUBMITTED DURING THE BUDGET PROCESS FY 2011

The new District Clerk wants to completely restructure the organization to insure oversight and training is a priority in the office. At our requests, the HR Department did desk audits of certain positions within the office and made recommendations to the Commissioners Court. After submitting a request for additional funding to accomplish our goals during the budget process, the Court abated our request to wait for the new District Clerk to make the request. The auditor and HR Department have determined that the funding is already in our current budget, therefore, additional funding is not needed. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve District Clerk Office reorganization plan submitted during the budget process FY 2011 with the ability to post the positions immediately and the pay effective as of January 1, 2011. All voting "Aye". MOTION PASSED**

WORKSHOP: 11:00 AM LEGISLATIVE NOISE ORDINANCE PROPOSAL. PRESENTATION OF HAYS COUNTY CURRENT CONDITIONS, POSSIBLE SOLUTIONS AND REQUEST FOR SUPPORT OF LEGISLATIVE REMEDIES BY KIMLY WEST

Kimly West spoke of noise problems and requesting the County's assistance in acquiring some kind of legislation for a noise ordinance. Mike Overton, Carolyn Huebner, Manuel & Anna Pena, Dan & Karen Evans all spoke of the noise issues/problems that are occurring in the Precinct 4 area. The Sheriff's Office has been called out numerous times and the problem is still occurring. They have even taken up this issue with the District Attorney and even the State Representatives. The state law speaks of noise not being louder than 85 decibels.

PRESENTATION BY THE HAYS COUNTY HISTORICAL COMMISSION SCREENING OF THE RECENTLY COMPLETED DOCUMENTARY OF FAMOUS LOCAL ARTIST BUCK WINN

Hays County Historical Commission Chair Kate Johnson played the recently completed documentary of famous local artist Buck Winn and presented a copy of the video to members of the court.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO CLAIMS BY JAMES SKIPTON

Court convened into closed executive session at 10:50 a.m. and reconvened into open meeting at 11:35 a.m. No action taken.

Clerk's Note – Agenda Item #23 RE: *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* **– was pulled**

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

Jeff Curren of HDR spoke of the Road Bond Projects.

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 14, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF DECEMBER 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**
LIZ Q. GONZALEZ	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Terry Kyle, Justice of the Peace Pct 4, gave the invocation and Commissioner Conley led the court in the pledge of allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF CHRISTMAS CAROLS FROM THE SCHEIB CHOIR DIRECTED BY DONNA BROWN, CHOIR DIRECTOR

This is the second year Scheib Choir has sung Christmas Carols for Commissioners Court.

PRESENTATION OF ELECTED OFFICIAL AND STAFF AWARDS, RETIREMENT AND SERVICE GIFTS. REFRESHMENTS TO FOLLOW

Service Awards for Elected Officials: Cecelia Adair has served 15 years 4 months as the Hays County District Clerk; Jeff Barton has served 10 years 9 months as Hays County Commissioner Precinct 2 (2007-2010); Karen Ford has served 4 years as Hays County Commissioner Precinct 4; Linda Fritsche has served 41 years 4 months in the Hays County Clerk's Office including the last four years as Hays County Clerk; Elizabeth Sumter has served 4 years as Hays County Judge; Tommy Ratliff as served 1 year 10 months service as Hays County Sheriff; Anna Martinez Boling has served 1 year 3 months as Hays County Court at Law Judge. Hays County Employee Retirees are: Sherman Brodbeck 20 years 1 month service with Hays County Sheriff's Office including 4 years 7 months as Chief Deputy; Jimmie Robinson has served 3 years 10 months as Administrative Assistant in the County Judge's Office.

PUBLIC COMMENTS
Jim Camp Chair, Hays County POSAB thanking out going Commissioner Court members for their service. Jimmy Skipton also thanked the out going court members for their service.

27670 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payments of county invoices in the amount of $762,628.93 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27671 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 7, 2010

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commissioner Court Minutes of December 7, 2010 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27672 AMEND JUVENILE PROBATION TJPC X GRANT TO USE SAVINGS IN CONTRACT SERVICES TO PURCHASE GASOLINE

This amendment will allow the program to spend the grant award with no matching funds required from the County. Budget Amendment: 001-686-99.035.5501 + $3,000(travel), 001-686-99-035.5448 - $3,000(Contract Services). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to amend Juvenile Probation TJPCX Grant to use savings in Contract Services to purchase gasoline. All voting "Aye". MOTION PASSED**

27673 APPROVE AWARD OF BID #2011-B01 PRESCRIPTION DRUGS FOR INDIGENT HEALTH CARE PROGRAM TO THORPE LANE PHARMACY

There were four vendors that responded to the Bid for Prescription Drugs for the Indigent Health Care Program. After review of the bids it was determined that Thorpe Lane Pharmacy, being a local business and whom we are currently contracted with, provides the best cost and services for all areas of the County for the program. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve award of Bid #2011-B01 Prescription Drugs for Indigent Health Care Program to Thorpe Lane Pharmacy. All voting "Aye". MOTION PASSED**

27674 ACCEPT A LETTER AGREEMENT FROM CAPITAL AREA COUNCIL OF GOVERNMENTS TO REIMBURSE HAYS COUNTY FOR THE PURCHASE OF A VOICE RECORDER AND AMEND THE BUDGET ACCORDINGLY

Per the Letter Agreement, CAPCOG will reimburse Hays County for the purchase of a 9-1-1 voice recorder, up to $25,000. CAPCOG indicated that it will also pay for the yearly maintenance fee of $4,277. Budget Amendment: 001-618-99-066.4301 - $25,000(Intergovernmental), 001-618-99-068.5719 + $25,000 (Misc Eqpt). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept a Letter Agreement from Capital Area Council of Governments to reimburse Hays County for the purchase of a voice recorder and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27675 APPROVE THE RE-APPOINTMENTS OF BUDDY MARTIN AND SHARON O'BRIEN TO THE HAYS COUNTY ESD #3 FOR A TWO YEAR TERM, BEGINNING JANUARY 1, 2011

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve the re-appointments of Buddy Martin and Sharon O'Brien to the Hays County ESD #3 for a two year term, beginning January 1, 2011. All voting "Aye". MOTION PASSED

27676 APPROVE RE-APPOINTMENT OF BOB LOVE AND JENNIFER RODRIGUEZ TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #6 FOR A TWO YEAR TERM, BEGINNING JANUARY 1, 2011

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve re-appointment of Bob Love and Jennifer Rodriguez to the Hays County Emergency Services District #6 for a two year term, beginning January 1, 2011. All voting "Aye". MOTION PASSED

27677 APPROVE RE-APPOINTMENT OF HARRELL ROBINSON, MECHELLE KUTACH, AND RODNEY WHITE TO THE BOARD OF THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #1 FOR A TWO YEAR TERM, BEGINNING JANUARY 1, 2011

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve re-appointment of Harrell Robinson, Mechelle Kutach, and Rodney White to the Board of the Hays County Emergency Services District #1 for a two year term, beginning January 1, 2011. All voting "Aye". MOTION PASSED

27678 APPROVE RE-APPOINTMENT OF FRED ROTHERT AS DIRECTOR FOR THE PLUM CREEK CONSERVATION DISTRICT FOR A FOUR YEAR TERM BEGINNING JANUARY 1, 2011

Fred Rothert's current term as Director for the Plum Creek Conservation District is set to expire on December 31, 2010. Commissioner Barton would like to reappoint Mr. Rothert to continue to serve as Director of the Plum Creek Conservation District for another four years. Mr. Rothert has expressed willingness to serve another four year term. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve re-appointment of Fred Rothert as Director for the Plum Creek Conservation District for a four year term beginning January 1, 2011. All voting "Aye". MOTION PASSED**

27679 CALL FOR A PUBLIC HEARING ON JANUARY 11, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON PEABODY PLACE DRIVE

This will establish a 20 MPH school zone speed limit w/flasher light and accompanying pedestrian signs on Peabody Place Drive, at the request of the Dripping Springs ISD. **A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on January 11, 2011 to establish traffic regulations on Peabody Place Drive. All voting "Aye". MOTION PASSED**

27680 CALL FOR A PUBLIC HEARING ON JANUARY 11, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON MARSH LANE IN SHADOW CREEK SUBDIVISION

This will establish a 15 MPH school zone speed limit w/flasher light and accompanying pedestrian signs on Marsh Lane in Shadow Creek Subdivision Ralph Pfluger Elementary School. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on January 11, 2011 to establish traffic regulations on Marsh Lane in Shadow Creek Subdivision. All voting "Aye". MOTION PASSED**

27681 HOLD A PUBLIC HEARING TO CONSIDER 1) THE PROPOSED IMPROVEMENT TO PIEDRAS PASS IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY ON PIEDRAS PASS

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Piedras Pass is currently a private caliche road about 6000 feet in length and located in Rocky Ranch Acres, Section Subdivision off Hilliard Road. There are approximately 26 property owners on Piedras pass and the HOA requires $50/year to keep the unpaved road graded. Residents express concerns for safety, including EMS response times, school bus pick up and delivery, and US Postal access. Mr. Borcherding has estimated about $145,000 in labor and equipment and $49,000 in materials to bring this road up to a country lane standard – taking in the 50 foot ROW, making drainage improvements, replacing/installing culverts as needed, reclaiming/grading/compacting and applying a double pass chip seal surface. The HOA does not have the number of property owners or the funds to pay for the entire upgrade. This situation is very similar to Owl Hollow in Rocky Ranches 1 Subdivision, in which the county accepted the road in to the maintenance program in 2009 and made paving and drainage improvements following an election among property owners who voted to relinquish their easement rights and to be assess for the full cost of materials over a period of not more than ten years. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the proposed improvement to Piedras Pass in Hays County to cause the roadway to comply with Hays County Road Standards and the assessment of all or part of the costs of the improvement, pro rata, against the Record Owners of the real property on Piedras Pass that this is to provide for the public. All voting "Aye". MOTION PASSED An amended motion was made by Commissioner Ford, seconded by Judge Sumter to include the assessment will be assessed in a period not to exceed 7 years. All voting "Aye". MOTION PASSED**

27682 POLO CLUB CENTER SUBDIVISION PHASE 2 [10-4-28 – 5 LOTS] **APPROVE FINAL PLAT**

The Polo Club Center Subdivision is a proposed division of 19.823 acres located at the entrance of Polo Club Drive/Sawyer Ranch Road on Highway 290 in Precinct 4. The proposed division consists of 6 lots with an average lot size of 3.304 acres. This action is for the final plat of the remaining 5 lots; the final plat on lot 1 was approved on January 27, 2010. The developer plans to sell the lots for commercial use. The entire division will utilize LCRA for water and individual on-site sewage facilities for wastewater. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Polo Club Center Subdivision Phase 2. All voting "Aye". MOTION PASSED**

27683 GREAT HILLS TRAIL SUBDIVISION SECTION ONE-B [10-2-46 – 4 LOTS] **APPROVE FINAL PLAT**

The Great Hill Trail Subdivision is a 6 section division located adjacent to the Railyard Subdivision at Railyard Drive and High Road in Precinct 2. Section One-A consisted of 8 lots, which were final platted in 2001. The proposed section One-B consists of 4 lots at the entrance to Railyard Drive. The lots sizes are as follow: Lot 1 - .332 ac, Lot 2 - .272 ac, Lot 3 - .273 ac and Lot 4 - .273 ac. The entire division is served by Goforth Water Supply Corporation and Wastewater service is provided by a TCEQ approved public wastewater system. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of Great Hills Trail Subdivision Section 1B. All voting "Aye". MOTION PASSED**

27684 APPOINT JUDGE LINDA RODRIGUEZ TO THE BAIL BOND BOARD

Pursuant to Bail Board Composition Section 1704.053 of Occupations Code. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to appoint Judge Linda Rodriguez to the Bail Bond Board. All voting "Aye". MOTION PASSED.**

27685 APPROVE THE APPOINTMENT OF DENNIS ROSE TO THE SOUTH CENTRAL TEXAS WATER ADVISORY COMMITTEE (SCTWAC)

Due to the resignation of Marianne Reese, the County has been asked to appoint a new representative to serve on the SCTWAC. The two main purposes of this committee is to choose one member out of the group to serve as a non-voting member on the Edwards Aquifer Authority Board and to produce a bi-annual report to the legislature about the status of the EAA. Members monitor the EAA to see if there are prejudicial actions regarding downstream interests. The committee receives the same information as an EAA Board member and has the authority to ask the EAA Board for reconsideration of any action. It the action is not resolved, they can appeal the action to the TCEQ. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the appointment of Dennis Rose to the South Central Texas Water Advisory Committee (SCTWAC). Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley was not present for vote. MOTION PASSED**

27686 ADOPT A RESOLUTION RELATING TO ESTABLISHING THE COUNTY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS PUBLIC IMPROVEMENTS FROM THE PROCEEDS OF A SERIES OF OBLIGATIONS TO BE ISSUED BY THE COUNTY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Resolution relating to establishing the County's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various public improvements from the proceeds of a Series of Obligations to be issued by the County for authorized purposes and authorizing other matters incident and related thereto and providing an effective date. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley was not present for vote. MOTION PASSED

27687 AUTHORIZE A CHANGE ORDER FOR THE I-35 PHASE I PASS-THROUGH FINANCE PROJECT TO PROVIDE FOR A PLANNED PUBLIC STREET "CONNECTOR" BETWEEN THE NEW FRONTAGE ROAD AND THE EXISTING KYLE CROSSING, AND TO ACCEPT A RIGHT-OF-WAY DONATION FOR THE CONNECTOR

The change order will allow construction of a "connector" to the Kyle Crossing (County Road 210) to the new interstate frontage roads that are under construction. This "connector" will be approximately half-way between other proposed intersections with Interstate 35, thus improving general circulation and access for property owners along CR 210. In addition, it will align with a proposed city street designed to lead directly to the future Kyle-Buda rail station (based on the current most likely scenarios developed by Lone Star Rail District, the city, and area landowners). The County will deed the connector to the City of Kyle so that Kyle will be responsible for future maintenance. The City and/or landowners will be responsible for constructing anything beyond our pass-through project boundaries – in other words, for future extensions on the western side of CR 210 leading toward the Kyle Marketplace intersection, the rail tracks and the probable rail station site. The City of Kyle is a full commitment based on the original budget, and asks that the county use about 2.2 percent of the savings to build the connector now- while the project is underway, believing that it will be cheaper and less disruptive to complete while construction crews are already mobilized. The city's letter formally requesting the change order will be shared under separate cover. TXDOT also issued a letter of support. The connector has been discussed and shown on maps since this pass-through project was conceived in 2007; final decisions on funding and construction timing have been deferred to until we knew we would be on other project costs. The affected landowner earlier donated right-of-way for the frontage road improvements and is willing to donate additional right-of-way for the connector. That donation is valued at $203,341, or almost as much as construction costs. Prime Strategies and HNTB will provide as much detail as any member of the Court needs, but here is my quick summary of cost savings on the project. Original program estimate for this phase of I-35 (as presented to Commissioners Court): $31,372,609. Current Projected Costs (including this $240,000 Change Order): $20,058,636. City of Kyle Financial Contribution on this phase: $11,000,000. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe accept donation of right of way as described in escrow agreement dated Dec 9, 2010 and styled "Escrow Agreement (Kyle Crossing Connector) and furthermore, and instruct the county's consulting engineers and staff of obtain a final and formal cost for that certain connector rd approx 300 ft as described in Commissioners Court packets Dec 14, 2010 and Dec 21, 2010 and furthermore to authorize the Pct 2 Commissioner to execute a change order to accomplish construction of the connector as part of the on-going I-35 work, provided that; (A) total costs to Hays County do not exceed $240,000 and (B) the county auditor and D.A's office in consultation with the county's bond counsel determine the project is eligible to be pd for from savings in the I-35 project (local, state, or city) and furthermore that is for any reason it is determined that the connector is not eligible for funding from the preferred source noted in paragraph (b) above, the staff prepare a reimbursement resolution to brought back to Commissioners Court in January to provide for funding from the county reserve fund back on future reimbursement by the priority bond funds or he City of Kyle (via reimbursements to the city from the project savings) or from other sources to be determined by the court. All voting "Aye". MOTION PASSED**

27688 APPROVE A WORK AUTHORIZATION FOR IMPROVEMENTS FOR FREESE & NICHOLAS TO DESIGN DRAINAGE IMPROVEMENTS ALONG NUTTY BROWN ROAD.

Jay Scanlon spoke of the drainage improvements. Jimmy Skipton spoke of cost concerns. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve a Work Authorization and authorize Commissioner Pct 4 to execute document for design drainage improvements along Nutty Brown Road in an amount not to exceed $25,000 to relieve adverse drainage issues to property owners at 2705 Nutty Brown Road and others in the area and instruct staff to proceed with construction before the end of fy2011 and have Special Counsel draw up Release of Claims with the Lieberstadt's based on the success of the engineered solution and timely effect of construction and hold a certain amount of funds for construction and want the construction done and the drainage problem mitigated in FY2011 (money could be in the $80 - $100K range, based on estimate). All voting "Aye". MOTION PASSED**

27689 NEGOTIATE A CONTRACT WITH HDR TO STUDY/DESIGN THE INTERSECTION OF STAGECOACH TRAIL AND WONDER WORLD DRIVE TO DETERMINE THE BEST ENGINEERING SOLUTION REGARDING TRAFFIC ENTERING AND EXITING STAGECOACH TRAIL TO THE NEW GOVERNMENT CENTER

Road and Bridge has been in contact with TXDOT trying to get a traffic light placed at the intersection prior to opening of the Government Center. The latest communications with TXDOT indicate that, even in the event that the intersection meets warrants, there will be a two year delay in getting the project designed and funded. This request is for HDR to be retained to work with TXDOT regarding the intersection design, to study warrant issues, to design the signal, and provide general consultant services to the County during this process. We have also been in discussions and coordinating with the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to negotiate a Contract with HDR to study/design the intersection of Stagecoach Trail and Wonder World to determine the best engineering solution regarding traffic entering and exiting Stagecoach Trail to the new Government Center. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED**

27690 ADOPT A RESOLUTION SUPPORTING THE PROPOSED CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS; HOLD A PUBLIC MEETING AND APPROVE ORDER ADOPTING RULES FOR ON-SITE SEWAGE FACILITIES

Dr Betty R Starling of San Marcos spoke about The OSSF Rules concerning 10 acres if the land owner would like to split out for family or other residential use. Jimmy Skipton spoke of hand washing facilities in a public park. **A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt the OSSF Rules and Regulations and adopt a Resolution supporting the proposed changes Hays County Development Regulations. All voting "Aye". MOTION PASSED**

27691 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #2 WITH HARRIS ROAD COMPANY FOR THE SPRING LAKE PRESERVE PROJECT

On October 5, 2010 the Commissioners Court awarded the construction bid for the Spring Lake Preserve project to Harris Road Company of Wimberley, Texas in the amount of $108,220. Change Order #1 was approved by Commissioners Court on December 7, 2010 with no net change to the contract price. This Change Order (#2) is for the installation of a trail bridge crossing over a dry creek bed, a stone retaining wall at the bridge crossing, an informational sign to address the Golden Cheeked Warbler and restrictions on park use during the nesting season, and framing for signs in two kiosks. This work is being done at the request of the City of San Marcos, and the Change Order will increase the contract amount by $11,250 for a new total contract of $119,470. Funding will be provided by the existing grant from the Texas Parks and Wildlife Department and the City of San Marcos. No County funds are required. The Spring Lake Preserve project is a joint effort between Texas State University, the City of San Marcos, and Hays County to preserve a significant land resource and provide public access to this area. This project is funded through a grant from the Texas Parks and Wildlife Department (TPWD), with TSU and the City of San Marcos providing additional funding. No County funds have been allocated or are necessary to complete the construction project. The project will include accessible and primitive trail development, interpretive signage, benches, outdoor amphitheater (sundial), composition deck boardwalk over a pond, and other amenities. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute Change Order #2 with Harris Road Company for the Spring Lake Preserve Project. All voting "Aye". MOTION PASSED**

27692 CONTINUE TO DOUBLE FILL THE JUSTICE OF THE PEACE, PRECINCT 4 CLERK POSITION IN ACCORDANCE WITH HAYS COUNTY PERSONNEL POLICY SECTION 6.02 (UNTIL APPROXIMATELY THE FIRST WEEK IN MARCH, 2011)

The Court approved the double filling of the clerk position October 12, 2010. The employee has not returned to work and so it is necessary to continue double filling the position. Currently the position is being filled by a temporary part time employee, 3 days a week at $11.60 per hour. Judge Kyle requests that the continuation of the double fill be in accordance with Hays County Personnel Policy, Section 6.02 (employee cannot exceed 180 calendar days of total leave taken paid or unpaid within any 12 month period). Judge Kyle also requests that the double fill be up to but not exceed 40 hours a week. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to continue to double fill the Justice of the Peace, Precinct 4 Clerk position in accordance with Hays County Personnel Policy Section 6.02 (until approximately the first week in March 2011). All voting "Aye". MOTION PASSED**

27693 APPOINT ROBERT AVERA TO THE BOARD OF DIRECTORS FOR HAYS COUNTY ESD #6 FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2011

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to appoint Robert Avera to the Board of Directors for Hays County ESD #6 for a two year term beginning January 1, 2011, replacing Willie Wisco. All voting "Aye". MOTION PASSED

27694 APPROVE THE APPOINTMENT OF DOYLE KRUMREY TO THE HAYS COUNTY ESD #3 FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the appointment of Doyle Krumrey to the Hays County ESD #3 for a two year term beginning January 1, 2011, replacing Grant Sibley. All voting "Aye". MOTION PASSED

27695 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH K FRIESE AND ASSOCIATES FOR ROADWORK RELATED TO THE ECONOMIC DEVELOPMENT AGREEMENT WITH U.S. FOODS

Langford and Associates, via the City of Buda, have recently communicated that the Professional Services Agreement that currently exists between the County and K Friese fails to meet all contractual requirements of the City's grant funding through Texas Capital Fund. The City of Buda had extensively reviewed the contract before Commissioners Court approved the contract last month. Since the City has agreed to contribute some of that grant funding to the U.S. Foods project, the Agreement between Hays County and K Friese should minimally comply with the grant requirements. There are no substantive changes in the deal or contract. The contract and project have been voted on and approved repeatedly in the past by this Court. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to authorize Special Counsel Mark Kennedy to make contract amendments as deemed appropriate as recommended by the City of Buda to come into compliance and authorize the County Judge to execute the revised Professional Services Agreement with K Friese and Associates for roadwork related to the Economic Development Agreement with US Foods. All voting "Aye". MOTION PASSED**

27696 ADOPT AN ORDER PROHIBITING OUTDOOR BURNING PURSUANT TO LOCAL GOVERNMENT CODE 352.081 AND OTHER APPLICABLE STATUTES

The drought index for Hays County is approaching 550 on the KBDI index. This is a level where we start having fires more frequently from outdoor burning that can get out of control. This will be a proactive approach prior to entering a busy winter fire season. **A motion was made by Judge Sumter seconded by Commissioner Conley to adopt an Order prohibiting outdoor burning pursuant to Local Government Code 352.081 and other applicable statutes finding that it seems to be dry enough and that a hazard is possible. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda item #30 RE; *APPOINT JUDGE-ELECT BERT COBB TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION AND COMMISSIONER WILL CONLEY AS THE ALTERNATE EFFECTIVE JANUARY 1, 2010* **– WAS PULLED**

Clerks note Agenda item #31 RE; *RE-INSTATE THE COMMISSIONERS COURT MEETING FOR DECEMBER 28, 2010* **– WAS PULLED**

DISPUTE RESOLUTION CENTER, EXECUTIVE DIRECTOR ANNA BARTKOWSKI

Anna Bartkowski gave a brief overview of the Dispute Resolution Center and the Court took no action.

HAYS COUNTY WEB DEVELOPMENT TEAM OF THE NEW HAYS COUNTY WEBSITE

Rafael Marquez from IT Web Master gave a brief over view of the new website. After brief discussion the court decided to launch website next week.

27697 MGT CONSULTANTS AND CRIMINAL JUSTICE TASK FORCE FINAL REPORT ON PRIORITIES AND "NEXT STEPS"; ESTABLISH A PERMANENT CRIMINAL JUSTICE COORDINATING COMMITTEE IN HAYS COUNTY; APPOINT INITIAL MEMBERS; AND MEMORIALIZE BYLAWS

On July 20, 2010, Commissioners Court contracted with MGT of America to work with the County's Criminal Justice System Stakeholders to: 1) prioritized the recommendations of the Criminal Justice System Assessment and Jail Populations Study for Hays County, Texas, and to 2) develop the structure for a Criminal Justice Coordinating Committee for Hays County. Because of holidays and scheduling the deadline for the report was extended to the end of 2010. The stakeholders will be in Court to present their findings and recommendations, including bylaws and membership for a permanent coordinating committee. Commissioner Barton has chaired these efforts, with Commissioner Conley also involved as a representative of the Court. With Commissioner Barton leaving office, the Court should consider appointing Commissioner Conley to take over as the lead for the Commissioners Court. The task force has already achieved general consensus on most key questions. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept the preliminary time lines and the priorities as recommended by the task force report and establish a Criminal Justice Coordinating Committee and accept and approve the proposed bylaws and initial appointments as recommended in the report and appoint Commissioner Conley as the Commissioners Court Representative. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 550.074 TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF DEPARTMENT HEADS

Court convened into closed executive session at 4:07 p.m. and reconvened into open meeting at 4:35 p.m. No action taken.

COUNTY CLERKS NOTE AGENDA ITEM #36 RE; *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* **– WAS PULLED**

27698 AUTHORIZE THE COUNTY JUDGE TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. TO INCREASE THE AMOUNT FOR ADDITIONAL SERVICES RELATED TO THE WATER/WASTEWATER FACILITIES PLANNING STUDY

On January 27, 2009 the Commissioners Court authorized a Professional Services Agreement with HDR Engineering, Inc. for preparation of a Water/Wastewater Facility Planning Study, supported in part by a grant from the Texas Water Development Board. This study has involved additional coordination and meetings with various water providers and affected parties, including Commissioners Court members, to facilitate development of the Plan, above and beyond the scope of the initial Agreement. HDR is requesting additional funding to cover the expenses associates with this effort, in the amount of $15,000. On December 4, 2007 the Commissioners Court authorized up to $75,000 from the LCRA Service Fee Fund to be utilized as match for the TWDB grant of $100,000 to conduct the study. Partner contributions of $60,000 have been received for the project and, with $40,000 necessary from the County to meet the TWDB match requirement, there are allocated County funds available for the additional cost. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to amend the Professional Services Agreement with HDR Engineering, Inc. to increase the amount for additional services related to the Water/Wastewater Facilities Planning Study in the amount of $15,000 and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHE, 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 DECEMBER 21, 2010.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4TH DAY OF JANUARY 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:

Janice Jones gave the invocation and Commissioner Conley led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

27699 PRESENTATION OF CEREMONIAL SWEARING IN OF ALL NEWLY AND RE-ELECTED OFFICIALS TO HAYS COUNTY AND APPROVE THE ACCEPTANCE OF OFFICIAL BONDS

Justice of the Peace Pct 3 Andrew Cable gave the ceremonial swearing in of all newly and re-elected officials. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the Official Bonds. All voting "Aye". MOTION PASSED**

PUBLIC COMMENTS
Alan Cameron, Roger Kew, Sharri Boyett made public comments.

27700 APPROVE PAYMENTS OF COUNTY INVOICES

A motion made by Commissioner Conley, seconded by Commissioner Jones to approve payments of county invoices in the amount of $1,201,191.42 as submitted by the County Auditor. All Voting "Aye" MOTION PASSED

27701 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 14 & 21, 2010.

A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve Commissioner Court Minutes of December 14 & 21, 2010 as presented by the County Clerk. All voting "Aye" MOTION PASSED

27702 APPROVE RENEWAL OF RFP #2005-P01 "INMATE TELEPHONE SYSTEM" WITH SECURUS FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL PROPOSAL

A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve the renewal of RFP #2005-p01"Inmate Telephone System with Securus for one (1) additional Year All voting "Aye" MOTION PASSED

APPROVE RE-APPOINTMENT OF PARKS AND OPEN SPACE ADVISORY BOARD MEMBERS

A motion was made by Judge Cobb, seconded by Commissioner Conley to table this item for two weeks to be able to speak to Mr. Camp All voting "Aye" MOTION PASSED

27703 RATIFY ACCEPTANCE OF A GRANT AWARD FROM THE TASK FORCE ON INDIGENT DEFENSE FOR $71,325.00

A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve the ratify acceptance of a grant award from the task force on indigent defense for $71,325.00 All voting "Aye" MOTION PASSED

27704 AUTHORIZE DISPOSAL OF ADDITIONAL COMPUTER EQUIPMENT IN THE COUNTY'S AUCTION

A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize disposal of additional computer equipment in the county's auction All voting "Aye" MOTION PASSED

27705 APPOINT SHARRI BOYETT TO THE SAN MARCOS ANIMAL SHELTER ADVISORY COMMITTEE

A motion was made by Commissioner Conley, seconded by Commissioner Jones to appoint Sharri Boyett to the San Marcos Shelter Advisory Committee All voting "Aye" MOTION PASSED

27706 AUTHORIZE COUNTY JUDGE TO SIGN THE ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE PRIORITY ROAD BOND PROJECT CONSISTING OF THE CONSTRUCTION OF TURN LANES ON US 290 FROM RR 12 (MIGHTY TIGER LANE) TO MCGREGOR LANE.

A motion was made by Commissioner Conley, seconded by Commissioner Jones to sign the advance funding agreement with the Texas Department of Transportation for the priority road bond project All voting "Aye" MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adjourn court All voting "Aye". MOTION PASSED

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 JANUARY 4, 2011

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF JANAUARY 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:

Pastor Bob Smith with the Powerhouse Christian Center gave the invocation and Commissioner Jones led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

27707 ADOPT A PROCLAMATION DECLARING JANUARY 17, 2011 AS DR. MARTIN LUTHER KING, JR. DAY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Proclamation declaring January 17, 2011 as Dr. Martin Luther King, Jr. day. All voting "Aye". MOTION PASSED

PRESENTATION OF CAPCOG (CAPITAL AREA COUNCIL OF GOVERNMENTS) TO THE COMMISSIONERS COURT. PRESENTATION WILL INCLUDE AN OVERVIEW OF CAPCOG AND RESPONSIBILITIES OF REGIONAL COUNCILS

Betty Boyd from CAPCOG gave an overview of responsibilities of the regional Councils

PUBLIC COMMENTS
David Crowell, Shelly Kremer, Jim Camp made public comments.

27708 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $950,820.18 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27709 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 4, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioner Court Minutes of January 4, 2011. All voting "Aye". MOTION PASSED

27710 APPROVE REAPPOINTMENTS OF PARKS AND OPEN SPACE ADVISORY BOARD MEMBERS FOR THE COUNTY JUDGE AND PRECINCT TWO COMMISSIONER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve reappointment of Parks and Open Space Advisory Board members for the County Judge and Precinct Two Commissioner. All voting "Aye". MOTION PASSED

27711 APPROVE UTILITY PERMIT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve utility permit #827 on Turnersville Road (CR 105) issued to PEC by the County Road Department. All voting "Aye". MOTION PASSED

27712 APPROVE THE RE-APPOINTMENT OF JOHN ROPPOLO TO CAPCOG, CRIMINAL JUSTICE ADVISORY COMMITTEE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the re-appointment of John Roppolo to CAPCOG, Criminal Justice Advisory Committee. All voting "Aye". MOTION PASSED

27713 APPROVE THE REAPPOINTMENT OF JIM HOLLIS AND MARK IBERG TO HAYS COUNTY ESD #2 FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2011.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the reappointment of Jim Hollis and Mark Iberg to Hays County ESD #2 for an additional two year term, beginning January 1, 2011. All voting "Aye". MOTION PASSED

27714 APPROVE THE REAPPOINTMENT OF SUSAN MECKEL TO HAYS COUNTY ESD #5 FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the reappointment of Susan Meckel to Hays County ESD #5 for an additional two year term, beginning January 1,2011. All voting "Aye". MOTION PASSED

27715 APPROVE THE REAPPOINTMENT OF SCOTT STEVENS, JIM WEATHERFORD, AND PAUL KASKIE TO HAYS COUNTY ESD #8 FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2011.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the reappointment of Scott Stevens, Jim Weatherford, and Paul Kaskie to Hays County ESD #8 for an additional two year term beginning January 1,2011. All voting "Aye". MOTION PASSED

27716 RATIFY COUNTY JUDGE'S SIGNATURE ON A TEXAS ESGP LOCAL GOVERNMENT CERTIFICATION FORM FOR COMMUNITY ACTION, INC

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify County Judge's signature on a Texas ESGP Local Government certification form for Community Action, Inc. All voting "Aye". MOTION PASSED

27717 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON MARSH LANE IN SHADOW CREEK SUBDIVISION.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to hold a public hearing to establish traffic regulations on Marsh Lane in Shadow Creek Subdivision. All voting "Aye". MOTION PASSED

27718 RELEASE THE FISCAL SURETY FOR RE-VEGETATION OF STREET AND DRAINAGE IMPROVEMENTS FOR SHADOW CREEK SUBDIVISION PHASE 4, SECTION 1A & 2A.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to release the fiscal surety for re-vegetation of street and drainage improvements for Shadow Creek Subdivision Ph 4,Sec 1A & 2A. All voting "Aye". MOTION PASSED

27719 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON PEABODY PLACE DRIVE

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to hold a public hearing to establish traffic regulations on Peabody Place Drive. All voting "Aye". MOTION PASSED

27720 RE-SUBDIVISION OF LOT 69, ROLLING OAKS SUBDIVISION, SECTION 4 {10-4-47 – 2 LOTS) **APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON FEBRUARY 8, 2011**

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve preliminary plan and call for a public hearing on February 8,2011 on re-subdivision of lot 69, Rolling Oaks Subdivision, Section 2. All voting "Aye". MOTION PASSED

27721 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #3 WITH HARRIS ROAD COMPANY FOR THE SPRING LAKE (SAN MARCOS SPRINGS) PRESERVE PROJECT

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute change order #3 with Harris Road company for the Spring Lake (San Marcos Springs) Preserve project. All voting "Aye". MOTION PASSED

27722 APPROVE RESOLUTION SUPPORTING THE GUADALUPE-BLANCO RIVER AUTHORITY APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR A FLOOD PROTECTION PLANNING GRANT

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Resolution supporting the Guadalupe-Blanco River authority application to the Texas Water Development Board for a Flood Protection planning Grant. All voting "Aye". MOTION PASSED

27723 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SHORT FORM AGREEMENT BETWEEN HAYS COUNTY AND HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN OF A TRAFFIC SIGNAL AT THE INTERSECTION OF WONDERWORLD DRIVE AND STAGECOACH TRAIL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a short form agreement between Hays County and HDR Engineering, Inc for professional services related to the design of a traffic signal at the intersection of Wonderworld Drive and Stagecoach Trail. All voting "Aye". MOTION PASSED

27724 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF MOUNTAIN CITY

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a lease agreement between Hays County and the City of Mountain City. All voting "Aye". MOTION PASSED

27725 APPROVE THE APPOINTMENT OF MIKE MOORE TO HAYS COUNTY ESD #5 TO REPLACE JOHN REILLY, BEGINNING JANUARY 11, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the appointment of Mike Moore to Hays County ESD #5 to replace John Reilly, beginning January 11, 2011. All voting "Aye". MOTION PASSED

27726 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON OR NEAR MCGREGOR LANE IN PRECINCT 4

Court convened into closed executive session at 10:18 a.m. reconvened into open meeting at 10:32 a.m. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize counsel to include incidental costs and requests in the Right of Way Acquisition Agreement related to the McGregor Lane bridge project in Precinct 4; to authorize counsel to pay the previously-agreed-upon market value($20,000 per acre) for all properties included in this project, except for that of Jack Bleakley which should be purchased for a reduced value, as negotiated by counsel; to authorize counsel to file a "friendly condemnation suit" for acquisition of the Walker and Toro tracts, which is needed to properly eliminate the Conservation Easement overlaying those properly eliminate the Conservation Easement overlaying those properties; and to authorize the County Judge to execute all agreements and closing documents associated with this ROW Acquisition project. All voting "Aye". MOTION PASSED**

27727 PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS TO DELIBERATE THE EVALUATION OF DEPARTMENT HEADS

Court convened into closed executive session at 10:32 a.m. reconvened into open meeting at 10:51 a.m**. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to ratify the actions of the Treasure's office prior to this date in providing merit raises to employees under the supervision of Commissioners Court to provide a 1% merit raise for the Juvenile Facility Administrator, Fire Marshall, and the Director of RPTP effective January 1, 2011. All voting "Aye". MOTION PASSED**

27728 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

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to sign a change order in an amount not to exceed $18,000 to JE Dunn in relation to work on the Hays County Jail. All voting "Aye". MOTION PASSED

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR.

Mike Weaver spoke of the updates on road projects.

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adjourn Commissioners Court All voting "Aye". MOTION PASSED

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 January 11, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF JANUARY 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:

Pastor John McComb from the San Marcos Community Center gave the invocation and commissioner Conley led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

27728 RECOGNITION OF PRECINCT 3, JUSTICE OF THE PEACE CLERKS – JANET PESL AND CINDI CARTER

JP Pct 3 Andy Cable gave recognition to Janet Pedsl and Cindi Carter for their initiative and service to both Hays county and its citizens.

27729 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the payments of county invoices in the amount of $2,507,842.82 as submitted be the County Auditor. All voting "Aye". MOTION PASSED

27730 APPROVE THE REAPPOINTMENT OF KATE JOHNSON FOR CHAIR OF THE HAYS COUNTY HISTORICAL COMMISSION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the reappointment of Kate Johnson for Chair of the Hays County Historical Commission. All voting "Aye". MOTION PASSED

27731 APPROVE AMENDMENTS FOR BUDGETS OF GENERAL FUND, ROAD AND BRIDGE, JUVENILE CENTER, AND FAMILY HEALTH SERVICES FOR BUDGETED LONGEVITY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve amendments for budgets of General Fund, Road and Bridge, Juvenile Center, and Family Health Services for budgeted longevity. All voting "Aye". MOTION PASSED

27732 APPROVE THE APPOINTMENT OF JUDGE COBB TO THE HEALTHY COMMUNITY COLLABORATIVE AND TO THE HAYS COUNTY INSURANCE COMMITTEE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the appointment of Judge Cobb to the Healthy Community Collaborative and to the Hays County Insurance Committee. All voting "Aye". MOTION PASSED

27733 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-BUCK WINN DOCUMENTARY AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept contributions for the Historical Commission-Buck Winn documentary and amend the budget for use of those funds for direct expenses related to the project no matching county funds needed contributions $14,800.00,general supplies $3,500.00, postage $150.00, contract services $9500.00 and travel $1,650.00. All voting "Aye". MOTION PASSED

27734 APPROVE REAPPOINTMENTS OF PARKS AND OPEN SPACE ADVISORY BOARD MEMBERS FOR THE COMMISSIONER, PRECINCT FOUR

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve reappointments of Parks and Open Space Advisory Board Members for the Commissioner, Precinct Four include Nancy Potter, Melinda Mallia, Martha Brown, and Donna Brasher. All voting "Aye". MOTION PASSED

27735 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SHADOW CREEK SUBDIVISION, PHASE 1, SECTION 3

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to consider the release of the maintenance bond and accepet for maintenance all road and drainage improvements within county row for Shadow Creek Sudivision, Phase1, Section 3. All voting "Aye". MOTION PASSED

27736 CALL FOR A PUBLIC HEARING ON FEBRUARY 1, 2011 TO ESTABLISH A "NO PARKING" ZONE ON THE CUL-DU-SAC ON RICH LANE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to call for a public hearing on February 1, 2011 to establish a "No Parking" zone on the Cul-Du-Sac on Rich Lane. All voting "Aye". MOTION PASSED

27737 RELEASE FISCAL SURETY FOR A PORTION OF THE STREET AND DRAINAGE IMPROVEMENTS IN STUDIO ESTATES SUBDIVISION, SECTION 1

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to consider the release of Fiscal Surety for a portion of the street and drainage improvements in Studio Estates Subdivision, Section 1. All voting "Aye". MOTION PASSED

27738 AUTHORIZE THE FILING OF THE RECORD PLAT FOR THE REPLAT OF CREEK OF DRIFTWOOD SUBDIVISION, LOTS 40-48

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the filing of the record plat of Creek of Driftwood Sudivsion, Lots 40-48. All voting "Aye". MOTION PASSED

27739 CHANGE THE USE OF TEMPORARY FUNDING ORIGINALLY IDENTIFIED IN THE FY'11 BUDGET FOR JAIL BUILDING MAINTENANCE TO VEHICLE MAINTENANCE

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to change the use of temporary funding originally identified in the FY'11 budget for Jail Building Maintanance to Vehicle Mantenance. All voting "Aye". MOTION PASSED

27740 RECLASSIFY THE DIRECTOR OF CORRECTIONS POSITION TO (JAIL) CAPTAIN AND THE CURRENT (JAIL) CAPTAIN POSITION TO (JAIL) LIEUTENANT IN THE SHERIFF'S OFFICE

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to reclassify the Director of Corrections position to (Jail) Captain and the current Jail Captain position to (Jail) Lieutenant in the Sheriff's office. All voting "Aye". MOTION PASSED

27741 INCREASE THE SALARY OF THE CURRENT (LAW ENFORCEMENT) CAPTAIN

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to increase the salary of the current (Law Enforcement) Captain. All voting "Aye". MOTION PASSED

27742 APPROVE THE APPOINTMENT OF MICHAEL AULICK TO THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the appointment of Michael Aulick to the Hays County Parks and Open Space Advisory Board. All voting "Aye". MOTION PASSED

27743 APPROVE THE APPOINTMENT OF PAULINE TOM TO THE PARKS AND OPEN SPACE ADVISORY BOARD FOR THE PRECINCT TWO COMMISSIONER

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the appointment of Pauline Tom to the Parks and Open Space Advisory Board for the Precinct Two Commissioner. All voting "Aye". MOTION PASSED

27744 ADOPT A RESOLUTION PETITIONING THE LCRA BOARD OF DIRECTORS TO TAKE CERTAIN ACTIONS RELATED TO ITS INTENT TO MARKET THE 32 LCRA-OWNED WATER AND/OR WASTEWATER SYSTEMS AS A SINGLE BLOCK TO THE HIGHEST BIDDER

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a resolution petitioning the LCRA Board of Directors to take certain actions related to its intent to market the 32 LCRA owned water and/or wastewater systems as a single block to the highest bidder. All voting "Aye". MOTION PASSED

27745 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AGREEMENT WITH THE CITY OF KYLE FOR THE COUNTY'S LEASE OF THE EXISTING PRECINCT 2 OFFICES AT 111 FRONT STREET IN KYLE, TEXAS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Lease Agreement with the City of Kyle for the county's lease of the existing Precinct 2 offices at 111 Front Street in Kyle Texas also to amended the budget of $21,000 annual. All voting "Aye". MOTION PASSED

27746 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEXAS 1033 SURPLUS PROPERTY PROGRAM APPLICATION LETTER AND RELEASE OF LIABILITY FOR THE HAYS COUNTY SHERIFF'S OFFICE

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Texas 1033 Surplus Property Program Application Letter and Release of Liability for the Hays County Sheriff's Office. All voting "Aye". MOTION PASSED

27747 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 WITH MYERS CONCRETE CONSTRUCTION, LP, FOR THE WINTERS MILL PARKWAY TRAIL, IN THE AMOUNT OF $54,279.59

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute Change Order #1 with Myers Concrete Construction, LP for the Winters Mill Parkway Trail, in the amount of $54,279.59. All voting "Aye". MOTION PASSED

27748 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL #4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH , ANDREWS & NEWNAM, INC. (LAN)

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract for Engineering Services Supplemental #4 to the Professional Services Agreement with Lockwood, Andrews & Newnam, Inc. All voting "Aye". MOTION PASSED

27749 ACCEPT THE ANNUAL RACIAL PROFILE REPORT FROM CONSTABLE PCT. 3

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept the Annual Racial Profile Report from Constable Pct.3. All voting "Aye". MOTION PASSED

27750 ACCEPT RESULTS OF BALLOTS RECEIVED FROM RECORD OWNERS OF PROPERTY ON PIEDRAS PASS IN THE ROCKY RANCH ACRES SECTION 2 SUBDIVISION REGARDING IMPROVEMENTS AND ASSESSMENT OF THE COST PURSUANT TO TEXAS TRANSPORTATION CODE CHAPTER 253 WITH POSSIBLE ACTION ORDERING THE IMPROVEMENTS AND ASSESSING THE COST OF THE IMPROVEMENTS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept results of ballots received from record owners of property on Piedras Pass in the Rocky Ranch Acres Sec 2 Subdivision regarding improvement and assessment of the cost pursuant to Texas Transportation code Chapter 253 with possible action ordering the improvements and assessing the cost of the improvements. All voting "Aye". MOTION PASSED

27751 POST AND TEMPORARILY ASSIGN AN ADMIN III POSITION TO RPTP TO PROVIDE ADMINISTRATIVE ASSISTANCE

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to allow RPTP to hire Admin III position for the total amount of $17,355 from the salary savings in the RPTP budget with the start date of 01/24/2011 and end date of 05/20/2011. All voting "Aye". MOTION PASSED

27752 AUTHORIZE THE COUNTY JUDGE EXECUTE SEVERAL POSSESSION AND USE AGREEMENTS RELATED TO RIGHT OF WAY (ROW) ACQUISITION IN HAYS COUNTY; AND TO DISCUSS AND DETERMINE COMMISSIONERS COURT POLICY PERTAINING TO THE AUTHORITY OF INDIVIDUAL COURT MEMBERS TO EXECUTE DOCUMENTS RELATED TO ROW AND ROW ACQUISITION

Lenee Lovejoy requested the court to table this item for one week. Court convened into closed executive session at 10:40 a.m. and reconvened into open meeting at 10:54 a.m. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to accept and for the County Judge to sign a Possession and Use Agreement for highway project Ranch Road 12 parcel number 17 also to authorize the County Judge to sign a Possession and Use Agreement with Wimberley Springs Quicksand Partnership on three tracts they own along Highway 2325 and with Black Family Partnership Ltd also property along Highway 2325 which is part of our safety improvement project. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Conley seconded by Commissioner Whisenant to table the proposed Amendments to the Resolution until the adjustments are made for one week until next Commissioner Court date. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING SOAH DOCKET NO 582-10-5643, WHICH RELATES TO A PROPOSAL FOR THE CREATION OF A REGIONAL GROUNDWATER CONSERVATION DISTRICT THAT SERVES THE HILL COUNTRY PRIORITY GROUNDWATER MANAGEMENT AREA. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 12:23 p.m. No action taken

DISCUSSION AND POSSIBLE ACTION TO DISCUSS THE ORGANIZATION OF RPTP. PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, COMMISSIONERS COURT MAY CONVENE TO EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF THE RPTP DIRECTOR AND INDIVIDUAL EMPLOYEES OF DEVELOPMENT SERVICES. ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 12:23 p.m. No action taken.

Clerk's Note – Agenda # 28 Re: *DISCUSSION OF RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINT OFFICES; RESOURCES PROTECTION TRANSPORATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS. POSSIBLE ACTION MAY FOLLOW* **was PULLED no discussion and no action taken**

Clerk's Note – Agenda # 29 Re: DISCUSSION OF ISSUES RELATED TO THE RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR ***was PULLED no discussion and no action taken***

Court was adjourned.

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 JANUARY 18, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF JANUARY 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:

Pastor Erich Siemens of the Calvary Chapel of Springs gave the invocation and Commissioner Whisenant led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

Public Comments
Jerry Borcherding of the Hays County RPTP Department recognized Donna Kruger for her years of services, Mark Key made a public comment

27753 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 $1,376,231.26 submitted by the County Auditor. All voting "Aye". MOTION PASSED

27754 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 11TH AND JANUARY 18TH, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioner Court minutes of January 11th and January 18th, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27755 APPROVE OUT OF STATE TRAVEL FOR CHARLES CHAPMAN RN, EMERGENCY PREPAREDNESS COORDINATOR TO ATTEND AN EMERGENCY PREPAREDNESS CONFERENCE PRESENTED BY THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO) AND THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) IN ATLANTA, GEORGIA FROM MARCH 21-24, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve out of state travel for Charles Chapman RN, Emergency Preparedness Coordinator to attend an Emergency Preparedness Conference presented by the National Association of County and City Health Officials (NACCHO) and the centers for Disease Control and prevention (CDC) in Atlanta, Georgia from March 21-24, 2011. All voting "Aye". MOTION PASSED

27756 ACCEPT THE DELIVERY OF THE 2010 INTERNAL EXAMINATION REPORTS FOR THE OFFICES OF JUSTICE OF THE PEACE PCT. 1, PLACE 1; PERSONAL HEALTH DEPARTMENT; SHERIFF'S JAIL COMMISSARY; JUSTICE OF THE PEACE PCT. 2; JUSTICE OF THE PEACE 3; JUSTICE OF THE PEACE PCT. 1, PLACE 2; SAN MARCOS/HAYS COUNTY EMS; CONSTABLE PCT. 3; AND JUVENILE PROBATION OFFICE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept the delivery of the 2010 Internal Examination Reports for the offices of Justice of the Peace Pct.1, Place 1, Personal Health Department; Sheriff's Jail Commissary; Justice of the Peace Pct.2; San Marcos/Hays County EMS; Constable Pct. 3 and Juvenile Probation Office. All voting "Aye". MOTION PASSED

27757 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN EMPG GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR UP TO $ 36,305

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to submit an EMPG Grant application to the Office of the Governor, Division of Emergency Management for up to $36,305. All voting "Aye". MOTION PASSED

27758 CALL FOR A PUBLIC HEARING ON FEBRUARY 8, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON TIGER LANE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on February 8, 2011 to establish traffic Regulations on Tiger Lane. All voting "Aye". MOTION PASSED

27759 GREAT HILLS SUBDIVISION, SECTION IV [11-2-2-57 LOTS] **APPROVE OF FINAL PLAT**

A motion was made by Commissioner Jones seconded, by Commissioner Whisenant to approve final plat on Great Hills Subdivision Section IV. All voting "Aye". MOTION PASSED

27760 RESUBDIVISION OF LOT 62 GOLDENWOOD, SECTION II [10-4-14--2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON FEBRUARY 22, 2011**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve preliminary plan Resubdivision of Lot 62 Goldenwood, Section II and call for a public hearing on February 22, 2011. All voting "Aye". MOTION PASSED

27761 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE 2010 TAX ABATEMENT CERTIFICATES FOR CFAN, GENLYTE - HADCO DIVISION, AND GENLYTE - WIDE-LITE DIVISION PER PREVIOUSLY APPROVED AGREEMENTS

Beverly Pennington of Genlyte-HADCO spoke on this item, Benoit Cloutier of CFAN gave a Powerpoint presentation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley, to authorize the County Judge to execute the 2010 Tax Abatement Certificates for CFAN, Genlyte - HADCO Division, and Genlte – Wide-Lite division per previously approved agreements. All voting "Aye". MOTION PASSED**

27762 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM CONSTABLE PCT. 1.

Constable Peterson gave a presentation on the Annual Racial Profile Report**. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant, to accept the Annual Racial Profiling Report from Constable Pct.1. All voting "Aye". MOTION PASSED**

27763 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO HAYS COUNTY'S LEASE OF SPACE FOR COMMISSIONER, PRECINCT 3 AT 109 E. HOPKINS IN SAN MARCOS, TEXAS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Letter Amendment to Hays County's Lease of space for Commissioner, Precinct 3 at 109 E. Hopkins in San Marcos, Texas. All voting "Aye". MOTION PASSED

27764 CONSIDER LIFTING THE COUNTY BURN BAN AND REVIEW THE BURN BAN POLICY

Mark Chambers Hays County Fire Marshall explained about Procedure to lift and to place a burn ban, Dan and Karen Evans gave a Powerpoint presentation on lifting the county burn ban. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to lift the burn ban. MOTION WITHDRAWN **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to keep the burn ban in effect until review next week, this item will be placed on the agenda as a standing agenda item. All voting "Aye". MOTION PASSED**

27765 APPROVE THE RE-ORGANIZATION OF RPTP, INCLUDING BUT NOT LIMITED TO MODIFICATION OF JOB DESCRIPTIONS AND THE SEPARATION OF THE CURRENT RPTP DEPARTMENT INTO TWO SEPARATE DEPARTMENTS: TRANSPORTATION AND DEVELOPMENT SERVICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe. to authorize the separation of the current RPTP Department into two separate departments: Transportation and Development Services; approve a title change to the Director, RPTP to Director, Transportation position, no change in grade; approve the Director, Transportation job description and assign Jerry Borcherding to the position, no change in salary; Approve a title change to the Deputy Director, Development Services position to Director, Development Services, no change in grade; approve an exception to the county posting policy and appoint Clint Garza to the Director, Development Services position, without posting the position; Approve an exception to the county promotion salary administration policy and authorize a salary of $66,515, the 12.5% percentile of the range, for Clint Garza (23.31% increase above current salary of $53,969; promotion policy would increase salary 16% to the grade 117 minimum of $62,602); approve the addition of a Subdivision Coordinator position, salary grade 111; approve an exception to the county promotion salary administration policy and authorize a salary $38,000, the 15.07% percentile of the range, upon selection of Roxie Botkin to the Subdivision Coordinator position (total increase of 15.95% above current salary of $32,773, promotion policy would increase salary 7.82% to the grade 111 minimum of $35,337); approve the elimination of one Environmental Health Specialist I, position, after Roxie Botkin vacates the position; all actions effective immediately. All voting "Aye". MOTION PASSED

27766 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD IN THE AMOUNT OF $100,000 FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT, NATIONAL RECREATIONAL TRAILS FUND, FOR THE DEVELOPMENT OF THE DAHLSTROM RANCH PUBLIC ACCESS AREA AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to accept a grant award in the amount of $100,000 from the Texas Parks and Wildlife Department, National Recreational Trails Fund, for the Development of the Dahlstrom Ranch public access area and amend the budget accordingly. All voting "Aye". MOTION PASSED

27767 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE COMMERCIAL LEASE BETWEEN HAYS COUNTY (INFORMATION TECHNOLOGY DEPT.) AND YELLOW ROCK BUSINESS PARK, LLC TO EXTEND THE LEASE FOR A TERM OF ONE (1) YEAR

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Letter Amendment to the Commercial Lease between Hays County (Information Technology Dept) and Yellow Rock Business Park, LLC to extend the lease for a term of one (1) year. All voting "Aye". MOTION PASSED

27768 HIRE A TEMPORARY POSITION IN THE TREASURER'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to hire a temporary position in the Treasurer's office not to exceed one thousand hours and amend the budget accordingly. All voting "Aye". MOTION PASSED

Clerk's Note Agenda # 17 Re; AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL OF AGREEMENT, WITH MODIFICATIONS, BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND DR. JURAIRAT MOLINA, MD FOR PEDIATRIC ALLERGY SERVICES TO BE PROVIDED IN THE PERSONAL HEALTH DEPARTMENT FACILITY **was PULLED no discussion and no action taken**

27769 RESOLUTION OF THE COMMISSIONERS COURT, ESTABLISHING POLICIES AND PROCEDURES ASSOCIATED WITH RIGHT OF WAY AND RIGHT OF WAY ACQUISITION, INCLUDING BUT NOT LIMITED TO THE INDEPENDENT AUTHORITY OF HAYS COUNTY COMMISSIONERS ACTING AS *EX OFFICIO* ROAD COMMISSIONERS AND THE AUTHORITY OF THE COUNTY JUDGE TO EXECUTE POSSESSION AND USE AGREEMENTS

Lene-e Lovejoy, Sam Brannon made public comments. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to accept amendment to Resolution of the Commissioners Court, establishing policies and procedures associated with Right of Way and Right of Way Acquistion, including but not limited to the independent authority of Hays County Commissioners acting as EX Officio Road Commissioners and the authority of the County Judge to execute Possession and Use Agreements. All voting "Aye". MOTION PASSED**

27770 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 1 TO THE ADVANCE FUNDING AGREEMENT REGARDING REALIGNMENT OF FM 2001 EAST OF I-35 IN BUDA, CSJ# 1776-02-015

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Amendment No.1 to the Advance Funding Agreement regarding realignment of FM 2001 East of I-35 in Buda, CSJ# 1776-02-015. MOTION WITHDRAWN **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe, to table this item for one week. All voting "Aye". MOTION PASSED**

27771 AUTHORIZE THE HAYS COUNTY JUVENILE CENTER TO CONTRACT WITH AVATT AIR CONDITIONING AND ELECTRICAL TO REPLACE ONE 15 TON AIR CONDITIONER IN THE AMOUNT OF $12,256.44 AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Hays County Juvenile Center to contract with Avatt Air Conditioning and Electrical to replace one 15 ton air conditioner in the amount of $12,256.44 and amend the budget accordingly. All voting "Aye". MOTION PASSED

27772 SET AN INFORMATIONAL WORKSHOP ON THE LCRA ISSUES ON FEBRUARY 8, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to set an informational workshop on the LCRA issues on February 8, 2011. All voting "Aye". MOTION PASSED

Clerk's Note--Agenda # 22 Re; ACTION TO CONSIDER GRANTING A VARIANCE TO HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01 TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO LARRY SPECTOR, OWNER OF APPROXIMATELY 9.254 ACRES IN THE LOS RANCHOS SUBDIVISION IN PRECINCT 4 **was PULLED no discussion and no action taken**

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO RECEIVE INFORMATION ONLY ON PROJECT SUNBURST AND PROJECT BIOCENTRAL

Court convened into closed executive session at 11:05 a.m. and reconvened into open meeting at 11:38 a.m. No action taken.

Clerk's Note – Agenda # 24 Re: *DISCUSSION OF RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINT OFFICES; RESOURCES PROTECTION TRANSPORATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS. POSSIBLE ACTION MAY FOLLOW* **was PULLED no discussion and no action taken**

Clerk's Note – Agenda # 25 Re: DISCUSSION OF ISSUES RELATED TO THE RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR ***was PULLED no discussion and no action taken***

A motion was made by Commissioner Jones seconded by Commissioner Whisenant to adjourn Commissioners Court. All voting "Aye". MOTION PASSED

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 JANUARY 25, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF FEBRUARY 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:

Jeff English of First Baptist Church of Kyle 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
Alan Cameron introduced Troy Yocum who is walking across America and is literally drumming up support for struggling military families around the US. Troy Yocum spoke of his deployment to Iraq and his return to the US and the struggle of Veterans returning to the work field. He is asking for support for all returning Veterans and their families.

27773 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 $ 1,124,795.16 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27774 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 25, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioner Court Minutes of January 25, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27775 AUTHORIZE THE COUNTY JUDGE TO SIGN RENEWAL CONTRACTS FOR GENERATOR PLANNED MAINTENANCE AT THE HAYS COUNTY JUSTICE CENTER AND HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to sign renewal contracts for Generator Planned Maintenance at the Hays County Justice Center and Hays County Personal Health Department. All voting "Aye". MOTION PASSED

27776 APPROVE SPECIFICATIONS FOR RFQ #2011-P04 REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SURVEYING SERVICES ON AN AS-NEEDED-BASIS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve specifications for RFQ #2011-P04 Request for Qualifications for Professional Surveying Services on an As-Needed-Basis and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

27777 APPROVE SPECIFICATIONS FOR RFQ #2011-P05 REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES ON AN AS-NEEDED BASIS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve specifications for RFQ #2011-P05 Request for Qualifications for Professional Engineering Services on an As-Need Basis and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

27778 APPROVE SPECIFICATIONS FOR RFQ #2011-P06 "QUALIFICATIONS FOR CONSTRUCTION INSPECTION & MATERIALS TESTING FOR IMPROVEMENTS TO FM 1626 & FM 110" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve specifications for RFQ #2011-P06 "Qualifications for Construction Inspection & Materials Testing for improvements to FM 1626 & FM 100" and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

27779 APPROVE THE AMENDMENT OF CONSTABLE 1, 3, 4, 5 BUDGETS FOR THE TEXAS WORKFORCE COMMISSION ON-LINE RESOURCES AGREEMENT

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the amendment of Constable 1,3,4,5 budgets for the Texas Workforce Commission On-Line Resources Agreement. All voting "Aye". MOTION PASSED

27780 CONSIDER THE RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SHADOW CREEK SUBDIVISION, PHASE 3

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to consider the Release of the Maintenance Bond and accept for maintenance all road and drainage improvements within County ROW for Shadow Creek subdivision, Phase 3. All voting "Aye". MOTION PASSED

27781 HOLD A PUBLIC HEARING TO ESTABLISH A "NO PARKING" ZONE ON THE CUL-DU-SAC ON RICH LANE.

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. This is to establish a "No Parking" zone on the Rich Lane cul-du-sac. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish a "No Parking" zone on the cul-du-sac on Rich Lane. All voting "Aye". MOTION PASSED**

27782 RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BIG SKY RANCH SUBDIVISION

The Maintenance Bond for Big Sky Ranch subdivision expired January 14, 2011. The Road Department has inspected and recommends its acceptance for maintenance. The roads in big Sky Ranch include: Blue Sky Lane (3,322 ft.),Starlight Trail(1,031 ft.) and Moondance Trail (713ft.) Jerry Borcherding Transportation Director gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to consider the release of the Maintenance Bond and accept for maintenance all road and drainage improvements within County ROW for Big Sky Ranch Subdivision. All voting "Aye". MOTION PASSED**

27783 AMENDING PLAT OF LOTS 130, 154, AND 155 OF WIMBERLEY CAMPFIRE #2, SECTION 3 [10-3-10--3 Lots] **WAIVE PUBLIC HEARING AND PRELIMINARY PLAN APPROVE VARIANCE TO MINIMUM LOT SIZE IN SECTION 10.1 OF HAYS COUNTY OSSF REGULATIONS AND APPROVE FINAL PLAT**

Roxie Botkin Subdivision Coordinator gave an overview of the replat. John Doucet spoke of the lots and how it's been divided and how there are two homes on three lots and is requesting a variance to lot size. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve amending plat of lots 130,154, and 155 of Wimberley Campfire #2 Section 3 and approve variance to minimum lot size in Section 10.1 of Hays County OSSF regulations. All voting "Aye". MOTION PASSED**

27784 HIGHPOINTE PHASE IV, SECTION 2. SUBDIVISION [10-4-49] **DISCUSSION AND POSSIBLE ACTION TO CONSIDER APPROVAL OF FINAL PLAT.**

Roxie Botkin Subdivision Coordinator gave an overview of the plat and gave the final approval. **A motion was made by Commissioner Whisenant, and seconded by Commissioner Conley to approve the Highpointe Phase IV, Section 2 Subdivision. All voting "Aye". MOTION PASSED**

27785 NOMINATE JERRY BORCHERDING TO THE LONE STAR RAIL DISTRICT TECHNICAL ADVISORY COMMITTEE

The Lone Star Rail District would like to have a Hays County staff member serve on a Technical Advisory Committee and attend two station location workshops as part of an Environmental Impact Statement on the Georgetown to San Antonio passenger rail project. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to nominate Jerry Borcherding to the Lone Star Rail District Technical Advisory Committee. All voting "Aye". MOTION PASSED**

27786 ADOPT A RESOLUTION IN SUPPORT OF HJR 56 (HOUSE JOINT RESOLUTION 56) BY REPRESENTATIVE SOLOMONS REGARDING UNFUNDED MANDATES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a resolution in support of HJR 56 (House Joint Resolution 56) by Representative Solomons regarding unfunded mandates. All voting "Aye". MOTION PASSED

27787 ADOPT A RESOLUTION IN SUPPORT OF EXPEDITED ENVIRONMENTAL REVIEW FOR LOCALLY-FUNDED PROJECTS BY TXDOT

Mike Weaver of Prime Strategies spoke. Commissioner Conley spoke of this being approved at the next meeting of CARTPO and **CAMPO. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a resolution in support of Expedited Environmental Review for Locally-Funded Projects by TxDot. All voting "Aye". MOTION PASSED**

27788 PASS A RESOLUTION OF HAYS COUNTY'S PARTICIPATION WITH THE CITY OF KYLE IN AN APPLICATION FOR A REGIONAL WATER AND WASTEWATER PLANNING GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD

Special Counsel, Mark Kennedy spoke of the Resolution and an unspecified amount of in-kind services. This would include staff assistance from time to time. Grants Director Jeff Hauff spoke of the grant. Commissioner Jones stated of the City of Kyle is seeking the County's support by passing this Resolution. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to pass a Resolution of Hays County's participation with the City of Kyle in an application for a Regional Water and Wastewater Planning Grant from the Teas Water Development Board with the exception of bullets 2 & 3. All voting "Aye". MOTION PASSED**

27789 TRANSFER A 2006 WHITE CROWN VICTORIA (VIN # 2FAFP71W76X125482) FROM THE HAYS COUNTY SHERIFF'S OFFICE TO THE CONSTABLE PRECINCT 3 OFFICE THAT WILL REPLACE THE 2002 CROWN VICTORIA (VIN # 2FAFP71W52X132859) THAT IS CURRENTLY BEING USED

A motion was made by Commissioner Conley, seconded by Commissioner Jones to transfer a 2006 white Crown Victoria(VIN #2FAFP71W76X125482) from the Sheriff's Office to the Constable Precinct 3 Office that will replace the 2002 Crown Victoria(VIN#2FAFP71W52X132859) that is currently being used. All voting "Aye". MOTION PASSED

27790 PROMOTE AND FUND HEALTH CHECK 2011 FOR HAYS COUNTY EMPLOYEES AND ELIGIBLE DEPENDENTS, AUTHORIZE PAYROLL DEDUCTION OF ADDITIONAL FEES FOR OPTIONAL SERVICES EMPLOYEES MAY ELECT

Dee Dee Baen Human Resources Director spoke of employees appreciation of the County's coverage of the Health Check. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to promote and fund Health Check 2011 for Hays County employees and eligible dependents, authorize payroll deduction of addition fees for optional services employees may elect. All voting "Aye". MOTION PASSED**

27791 APPROVE THE APPOINTMENT OF MIKE OWENS TO ESD #2 FOR A TWO YEAR TERM, BEGINNING FEBRUARY 1, 2011

Mike Owens is replacing Celedonio Mendoza, Jr. as a member of ESD # 2. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the appointment of Mike Owens to ESD # 2 for a two year term, beginning February 1, 2011. All voting "Aye". MOTION PASSED**

27792 APPROVE THE EXCEPTION OF THE PROMOTION SALARY ADMINISTRATION POLICY OF TWO STAFF MEMBERS OF THE COUNTY CLERK'S OFFICE AT THE 25TH PERCENTILE EFFECTIVE FEBRUARY 1, 2011

Two staff members were promoted to Chief Deputy position in the County Clerk's Office. County policy states that when someone is promoted that they are to receive a 6% increase. The problem is that a few of staff that they would be supervising would be earning more that the Chief Deputies would. These ladies have been with the County Clerk's Office for over 12 years and are very knowledgeable. The court is willing to make a exception to the Promotion Salary Administration Policy to the 25th percentile. The request for increase on one of the deputies is 3.95% and on the other deputy it's 8.59% above what they are currently earning. This will come out of salary savings within the County Clerk's budget. This has been reviewed by both Auditor and HR Departments. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the exception of the promotion salary Administration Policy of two staff members of the County Clerk's Office at the 25th percentile effective February 1, 2011. All voting "Aye". MOTION PASSED**

27793 RATIFY THE EXTENDED DOUBLE FILL OF ADMINISTRATIVE ASSISTANT III POSITION IN THE COUNTY JUDGE'S OFFICE

In order to ease the transition of executive administration, the County's Judge Office requested the Administrative Assistant III position be double-filled for the month of January 2011. By error, the request was never submitted to Commissioner's Court, which is required for any double-fill that extends beyond 2 weeks. Now that the double-fill has entered the second half of January, counsel has advised that the best way to accommodate this issue is to request ratification. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify the extended double fill of Administrative Assistant III position in the County Judge's office. All voting "Aye". MOTION PASSED**

27794 ACCEPT THE HAYS COUNTY WATER/WASTEWATER PLAN WITH EXCEPTIONS AND INSTRUCT HDR TO SUBMIT TO THE STATE WATER DEVELOPMENT BOARD

Tony Bagwell of HDR spoke of the different recommendations like the possibility of running waterlines under the existing walking trail and all channel reservoirs. This plan will be used for informational purposes. Commissioner Conley spoke of need to turn in something to the state by the end of the month. Commissioner Conley will coordinate with Commissioner Whisenant prior to moving ahead. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to accept the Water/Wastewater Study with exceptions and instruct HDR to submit to the State Water Development Board. All voting "Aye". MOTION PASSED**

27795 EXECUTIVE SESSION PURSUANT TO SECTION 552.071 TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION RELATED TO CCN AMENDMENT APPLICATIONS (CCN NOS. 11157 AND 20453) FROM AQUA UTILITIES, INC.

Mark Kennedy made the Court aware that this item was inadvertently posted as 552.071 and should have been as 551.071 of the Texas Government Code. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Counsel to draft and send a letter to Glen Lewis of Aqua Texas, requesting: 1) That Aqua withdraw the applications to modify the service area for CCN Nos. 11157 and 20453; and 2) That Aqua consent to the transfer of Westridge's Contract with Aqua to Hays County, since Hays County is now fee owner of the property in question. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 12:30 p.m. and reconvened into open meeting at 3:48 p.m. No action taken

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/ORCONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed executive session at 12:30 p.m. and reconvened into open meeting at 3:48 p.m. No action taken

DISCUSSION RELATED TO THE BURN BAN

At this time the Court decided to leave the burn ban in effect.

Clerk's Note Agenda item # 27 RE: *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* **– was pulled**

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

Mike Weaver of Prime Strategies gave a powerpoint presentation on Hays County Pass Through Financing Program.

PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS

Jeff Turner Office of Emergency Management Coordinator gave an overview of the duties of his office. Some of the duties include planning for disasters and training county staff on how to handle emergency situations. He also spoke of a newly elected officials Emergency Preparedness Training on February 25, 2011 at the Courthouse. Mike Mendoza Veterans Services Officer gave an overview of the duties his office. Since he's been in this position he's seen an increase in the number of Veterans being served.

COURT ADJOURNMENT

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adjourn Commissioners 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 FEBRUARY 1, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF FEBRUARY 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:

Brother Cole Phillips of Connection Church gave the invocation and there was a Moment of Silence in remembrance of Charelle Burnett wife of the former Commissioner William Burnett. Judge Cobb led the court in the pledge of allegiance to the flags and called the meeting to order.

PUBLIC COMMENTS
Dee Dee Baen Human Resources Director introduced the new hires to Hays County.

27796 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $394,896.29 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27797 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 1, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioner Court Minutes of February 1, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27798 ACCEPT THE HAYS COUNTY ESD #5 ANNUAL REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the Hays County ESD #5 Annual Report. All voting "Aye". MOTION PASSED

27799 PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON TIGER LANE

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. This is to establish a 20 MPH school zone limit w/flasher light and accompanying pedestrian signs on Tiger Lane, at the request of the Dripping Springs ISD. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to establish traffic regulations on Tiger Lane. All voting "Aye". MOTION PASSED**

27800 RESUBDIVISION OF LOT 69, ROLLING OAKS SUBDIVISION, SECTION 4 [10-4-47 – 2 Lots] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza Director of Development Services gave staff recommendation. The Rolling Oaks Subdivision is a recorded subdivision located off of F.M. 3237 Precinct 4 Section 4 was originally divided in 1969 and at that time there were 141 lots in the section. Today there are 158 taxable parcels on the CAD Records. Lot 69 is 5.46 acres as platted but the proposed configuration will divide the lot into 2 parcels of 2.73 acres in size. Both lots will be served by OSSFs and individual water wells. Preliminary plan was approved on January 11, 2011. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the plat of the Re-subdivision of Lot 69, Rolling Oaks Subdivision Section 4. All voting "Aye". MOTION PASSED**

27801 REPLAT OF CREEKSIDE AT WIMBERLEY, VACATING LOT 1, CREEKSIDE AT WIMBERLEY, AND LOT 2, CREEKSIDE AT WIMBERLEY, SECTION 2, AND ESTABLISHING LOT 1R, CREEKSIDE AT WIMBERLEY [10-3-48] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON MARCH 8, 2011**

Clint Garza Director of Development Services gave staff recommendation. This is a platted subdivision located off Ranch Road 12 and Cypress Creek in Precinct 3. The owner of Lot 2, Creekside at Wimberley Section 2 (6.08 acres) and the owner of Lot 1, Creekside at Wimberley (2.00 acres) wish to vacate the two lots and create Lot 1R, Creekside at Wimberley(8.08 acres). Although this is a decrease in density, a public hearing is required on all cancellation and vacations of previously platted lots. The newly plated 8.08 acre lot will be serviced by existing connection to public water supply and sanitary sewer service. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve the preliminary plan and to call for public hearing on March 8, 2011 of the re-plat of Creekside at Wimberley, vacating Lot 1, Creekside at Wimberley, and Lot 2, Creekside at Wimberley, Sect 2 and establishing lot 1R, Creekside at Wimberley. All voting "Aye". MOTION PASSED**

27802 AUTHORIZE A COMMERCIAL OSSF PERMIT FOR TEXAS STATE UNIVERSITY LOCATED ON THE FREEMAN RANCH, IN PRECINCT 3

Texas State University is proposing an OSSF to serve a 6358 sq ft Multipurpose Educational Facility. The facility will contain two meeting rooms, offices and research laboratory. The tract of land is 3486.6 acres. The proposed on-site sewage facility consists of an aerobic treatment unit followed by surface dispersal. The spray will be dispersed between the hours of midnight and 5 a.m. The system was designed by John D. Mercer, P.E. The On Site Sewage Facility is designed for a maximum wastewater flow of 615 gpd. The water supply is an On Site well.The process wastewater from the research lab will be discharged to a 1500 gallon holding tank and will be hauled to a wastewater treatment plant. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize a Commercial OSSF Permit for Texas State University located on the Freeman Ranch, in Precinct 3. All voting "Aye". MOTION PASSED**

27803 ADOPT A RESOLUTION IN SUPPORT OF TRAVIS COUNTY'S APPLICATION FOR PASS-THROUGH FINANCE FUNDING FOR IMPROVEMENTS TO FM 1626 IN TRAVIS COUNTY, A ROAD LINKING HAYS AND TRAVIS COUNTIES

This would put the Hays County Commissioners Court on record in support of Travis County Application for pass-through fund improve FM 1626 near the Hays/Travis County Line to FM 2304(Manchaca Road). There is no funding or other effort required from Hays County, except perhaps minimal coordination with our consulting engineers. Travis County Commissioners Court is seeking an agreement with the state to improve this section of FM1626 in order to enhance regional transportation and take pressure off Brodie Lane. The improvements would link with the study area included in the Hays County FM 1626 pass through project- and would either link, or come close to linking with actual improvements planned by Hays County. Though some Travis officials have been concerned about Hays County's efforts to improve traffic flow and safety on this corridor- fearing it might lead to more vehicle trips- We should be supportive of any effort to improve capacity and safety along either side of FM 1626, and appreciate Travis County's interest in both improving a regional connector and relieving congestion for their neighborhoods along Brodie Lane. The Resolution also supports improvements to Manchaca Road off FM 1626, a route that could be used by some Hays County commuters as an alternate to Brodie Lane. Those improvements to Manchaca Road are planned to be completed by Tx Dot outside of the Pass Through Finance Application. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to adopt a resolution in support of Travis County's application for pass-through funding for improvements to FM 1626 in Travis County, a road linking Hays and Travis counties. All voting "Aye". MOTION PASSED**

27804 APPROVE THE SHERIFF'S OFFICE RE-ORGANIZATION PLAN

In an effort to maximize the efficiency and potential of the Sheriff's Office, the following changes in the organization need to be made. (1) delete a Law Enforcement Lieutenant and add a Captain.(2) delete a Jail Sergeant and add a Jail Lieutenant. In order to accomplish the goal, $9000.00 will need to be utilized from our salary savings. Mike Davenport of the Sheriff's Department explained the re-organization. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the Sheriff's office Re-Organization plan this will include promotions with an effective date of March 1, 2011. All voting "Aye". MOTION PASSED**

27805 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDED FY 2011 BIOTERRORISM PREPAREDNESS CONTRACT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an amended FY 2011 Bioterrorism Preparedness contract between the Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD). All voting "Aye". MOTION PASSED

27806 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL AGREEMENT, WITH MODIFICATIONS, BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND DR. JURAIRAT MOLINA, MD FOR PEDIATRIC ALLERGY SERVICES TO BE PROVIDED IN THE PERSONAL HEALTH DEPARTMENT FACILITY

This is the renewal of the agreement which offers space within the PHD for DR. Jurairat Molina, M.D. to provide pediatric allergy services to Medicaid or unfunded clients (currently at Medicaid rates) referred by the PHD and area physicians. These services will be provided from February 01, 2011 to February 01, 2012. Modifications have been made to further protect the County from liability, and to clarify the types of cases that will be handled by Dr. Molina. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Renewal Agreement, with modifications, between Hays County Personal Health Department (PHD) and Dr. Jurairat Molina, MD for Pediatric Allergy Services to be provided in the Personal Health Department Facility. All voting "Aye". MOTION PASSED**

27807 APPROVE PAYMENT OF $18,849.83 FOR THE RELOCATION OF A VERIZON 400-PAIR COPPER CABLE LOCATED ALONG DACY LANE FROM GOFORTH ROAD TO KYLE PARKWAY AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE AGREEMENT

This cable was placed along the east side of Dacy Lane back in June 2010 as requested by the City of Kyle. Shortly after we began the reconstruction of Dacy Lane, we were notified by Verizon that the cable would need to be relocated and the cost would be $56,549.49. The county was not notified during the preliminary discussions and the county should not be responsible for the entire cost to relocate the cable. After some discussions with Verizon and Kyle representatives, they each agreed to pay for a third of the cost. Commissioner Ingalsbe is asking the county to consider paying $18,849.83 of 1/3 of the cost as well. This cable serves Seton Hospital. Graham Moore of LAN gave an overview of the project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of $18,849.83 for the relocation of a Verizon 400-pair cooper cable located along Dacy Lane from Goforth Road to Kyle Parkway and authorize the County Judge to sign the agreement. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #13 RE: *APPOINT MICHAEL R. AULICK TO DIRECTOR, POSITION #2 AND M. SCOTT ROBERTS TO DIRECTOR, POSITION #5 ON THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT'S BOARD OF DIRECTORS* **– was pulled**

PRESENTATION BY LCRA REGARDING THE PLANNED SALE OF THEIR WATER AND WASTEWATER FACILITIES

Heather Richardson and Janet Stephenson of LCRA gave a brief outline on the Sale of their Water and Wastewater Facilities. Jim McMeans spoke of the Trinity Water Authority in the Dallas area. He spoke of the County being possible owners of certain areas and wanting it to be publicly owned/run. He spoke of the disservice of privately owned water companies have provided, namely Aqua Texas. Lenee Lovejoy asked about the Resolution that was passed in court a couple of weeks ago.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 3:15 p.m. No action taken.

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 HAYS COUNTY PROPERTY ON OLD BASTROP HIGHWAY ADJACENT TO SAN PEDRO CEMETERY

Sam Brannon spoke of meetings that he's attended to review items that County is considering. At this time he's requesting the County hold public hearings on items #16 & 17 prior to making any decisions. Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 3:15 p.m. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT-OF-WAY ACQUISITION ON OR NEAR FM 150 IN PRECINCT 1

Sam Brannon spoke of meetings that he's attended to review items that County is considering. At this time he's requesting the County hold public hearings on items #16 & 17 prior to making any decisions. In attendance was Lori Bible, of LAN and Special Counsel Mark Kennedy. Court convened into closed executive session at 9:50 a.m. and reconvened into open meeting at 10:05 a.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 3:15 p.m. No action taken.

DISCUSSION RELATED TO THE BURN BAN

Mark Chambers Hays County Fire Marshal gave an overview of the conditions within Hays County and is recommending that at this time the Court leave the Burn Ban in effect.

Clerk's Note: Agenda Item #20 RE: *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**

Clerk's Note: Agenda Item #21 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS

Jerry Pinnix Director of Transfer & Citizens Collection and Parks Departments gave an overview of duties his office performs. At this time the County has two Collection Stations, one in Pct 3 and one in Pct 4. He also named some of the parks that the County has acquired due to the voter approved Park Bond money, and all the work done to them this past year. **A motion was made by Judge Cobb, seconded by Commissioner Jones to accept Jerry Pinnix's Report as presented. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant 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 February 8, 2011.

Liz Q Gonzalez

Liz Q Gonzalez, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF FEBRUARY 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:

Brother David Sweet of Hays Hills Baptist Church of Buda gave the invocation and Judge Cobb led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

27808 ADOPT A PROCLAMATION DECLARING FEBRUARY 20-26, 2011 AS SEVERE WEATHER AWARENESS WEEK

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a proclamation declaring February 20-26, 2011 as Severe Weather Week. All voting "Aye". MOTION PASSED

Clerk's note Agenda item #2 RE: *PRESENTATION FOR SWEARING-IN AND CONFIRMATION OF MEMBERS TO THE HAYS COUNTY HISTORICAL COMMISSION* **– was postponed until next week**

PUBLIC COMMENTS
Alan Cameron gave a big thank you to staff involved in acquiring a bus for the Veteran's Service Office. Mike Mendoza also thanked everyone and spoke of all the Veterans this will provide service to. Jeff Reeves spoke on behalf of Hays County Youth Athletic Association and the need for emergency release of $55K from the County.

27809 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of county invoices in the amount of $310,613.18 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27810 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 8, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioner Court Minutes of February 8, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27811 APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMC, TO ATTEND NEW MEXICO TECH'S ENERGETIC MATERIALS RESEARCH AND TESTING CENTER (EMRTC) IN SOCORRO, NEW MEXICO FOR THE INCIDENT RESPONSE TO TERRORIST BOMBINGS (IRTB) COURSE ON MARCH 28TH TO MARCH 31ST , 2011.

Jeff Turner has been accepted into a training program at New Mexico Tech's Energetic Materials Research and Texting Center (EMRTC) in Socorro, New Mexico. The Course will be in Homeland Security Response to Terrorist Bombings based scenario. This program has a zero cost for attending and no budgeted dollars will be necessary for attendance. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve out of state travel for Jeff Turner, EMC, to attend New Mexico Tech's Energetic Materials Research and Testing Center(EMRTC) in Socorro, New Mexico for the Incident Response to Terrorist Bombings (IRTB) course on March 28th to March 31st , 2011. All voting "Aye". MOTION PASSED**

27812 APPROVE THE ISSUANCE OF A CREDIT CARD FOR JEFF TURNER, EMC, PER THE HAYS COUNTY POLICY FOR CREDIT CARD USE

This request for EMC Jeff Turner to be approved for and issued a County Credit Card. Normal credit card policy will be implemented with this approval not to exceed $1500. The use of the card will be for operational efficiencies within the Emergency Management department related to purchases and travel. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the issuance of a credit card for Jeff Turner, EMC, per the Hays County Policy for Credit Card Use. All voting "Aye". MOTION PASSED**

27813 CALL FOR A PUBLIC HEARING ON MARCH 1, 2011 FOR SHADOW CREEK SUBDIVISION, PHASE 3 FOR TRAFFIC REGULATIONS

The County accepted maintenance of all roads with Shadow Creek subdivision, Ph 3 on February 1, 2011. This public hearing will establish a stop sign on Antelope Plains Road(990 FT.) at Marsh Lane(885ft.) a stop sign on Antelope Plains Road at Heron Drive (784ft.) a stop sign on Kings Ridge Drive(1202ft) at Marsh Lane, a stop sign on Kings Ridge Drive at Heron Drive, a stop on Heron Drive at Spanish Trails Blvd (3054ft.) a stop sign on Quarter Avenue(1024 ft) at Shadow Creek Blvd(272ft) a stop sign on Dragonridge Road (1478 ft) at Spanish Trails Blvd, a stop sign on Hunter Creek Cove(351ft) at Dragonridge Road, a stop on Pebble Creek Lane (477 ft) at Spanish Trails Blvd, a stop sign on Wildfire Cove (440 Ft) at Spanish Trails Blvd, and set a speed limit of 25 MPH on all roads. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for public hearing on March 1, 2011 for Shadow Creek Subdivision, Phase 3 for traffic regulations. All voting "Aye". MOTION PASSED**

27814 CALL FOR A PUBLIC HEARING ON MARCH 1, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON TAYLOR DRIVE IN CIMARRON PARK SUBDIVISION

This request is to establish a 3-way stop on Taylor Drive at Vail Lane, and a 3-way stop on Taylor Drive at Edgewood Drive in Cimarron Park Subdivision. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on March 1, 2011 to establish traffic regulations on Taylor Drive in Cimarron Park subdivision.**
All voting "Aye". MOTION PASSED

27815 CALL FOR A PUBLIC HEARING ON MARCH 1, 2011 FOR BIG SKY RANCH SUBDIVISION TO ESTABLISH TRAFFIC REGULATIONS

The County accepted maintenance for all roads within Big Sky Ranch subdivision on February 1, 2011. This public hearing will be to establish: a stop sign on Blue Sky Lane (3,322ft) at Mt. Sharp Road (CR219) a stop sign on Starlight Trail (1,031ft) at Blue Sky Lane, a stop sign on Moondance Trail (713 ft) at Blue Sky Lane, set a speed limit of 30 MPH on Blue Sky Lane, and set a speed limit of 25 MPH on both Moondance Trail and Starlight Trail. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on March 1, 2011 for Big Sky Ranch subdivision to establish traffic regulations. All voting "Aye". MOTION PASSED**

27816 ACCEPT THE RACIAL PROFILING REPORT FROM CONSTABLE PRECINCT 2

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the Racial Profiling Report from Constable Precinct 2. All voting "Aye". MOTION PASSED

27817 ADOPT A RESOLUTION IN SUPPORT OF SJR 17 (SENATE JOINT RESOLUTION 17) BY SENATOR CARONA REGARDING UNFUNDED MANDATES

Two weeks ago, the court adopted the House Version (HJR 56 by Rep. Burt Solomons R-Carrollton) of SJR 17 regarding unfunded mandates that has been filed by Sen. John Carona (R-Dallas) Senator Carona describes an unfunded mandates prohibition as "fair and responsible policy". It's a constitutional amendment outlawing unfunded mandates. Carona went on to say," when the state shifts the cost burden in the manner, it puts local government in the difficult position of cutting services of increasing taxes in order to shoulder cost." Just as the state created a budget, local government create a budget and prioritize services within that budget, he continued. The Senate and House resolutions ensure that when the state requires local government entities to make an expenditure, the state must provide payment for that expense, effectively banning unfunded mandates. We must ensure that we can continue to provide the services we deem necessary and important. Passage of the legislation will be the most effective way the state can affect property tax rates- by ensuring that local governments will not assume the undue burden of unfunded mandates. If passed by the Legislature, SJR 17 and HJR 56 would be on the ballot in November of this year and, if voters approve it, take effect Jan 1,2012. As of Feb 2, TAC has received resolutions supporting passage of HJR 56 from more than 55 counties, and they continue to arrive each day and as of Feb 7, there are 27 House members signed on as co-authors of HJR 56. It is a bi-partisan group. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a resolution in support of SJR 17 (Senate Joint Resolution 17) by Senator Carona regarding unfunded mandates. All voting "Aye". MOTION PASSED**

27818 APPROVE PAYMENT OF AN INVOICE FROM ENVIROSOPH TECHNOLOGIES, LP FOR REPAIRS MADE AT THE YORK CREEK RD, LOW-WATER CROSSING EARLY WARNING SYSTEM, NOT TO EXCEED $4,035.00, AND TO AMEND THE BUDGET ACCORDINGLY

Envirosoph Technologies, LP repaired the electronics at the York Creek Rd location, which was damaged and not functioning due to a lighting strike in a storm during the week of June &, 2010. Sensor boards and equipment connections were placed and that location is now operational. Currently, there are no funds available in line item 020-710-00-5411 (Equipment Maintenance & Repair) for these repairs. The Transportation Department is looking for emergency funds for this repair, as funds were not available in FY 2010 for payment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of an invoice from Envirosoph Technologies, LP for repairs made at York Creek Rd, low-water crossing early warning system, not to exceed $4,035.00 and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

27819 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR SCHOOL FOOD ESTABLISHMENT INSPECTION SERVICES BETWEEN HAYS COUNTY AND THE CITY OF WIMBERLEY; AND TO PROVIDE GUIDANCE TO STAFF REGARDING THE ASSESSMENT OF FEES FOR THIS SERVICE COUNTY-WIDE

Hays County, the City of Wimberley, and Wimberley ISD have been in conversation regarding the responsibility of permitting and inspecting the food establishments in the City of Wimberley. Hays County previously performed these inspections as a part of the previous agreement with the city, under which all food establishments in the City of Wimberley's jurisdiction. Since that time, the city has adopted rules for food establishments and took over the inspections of the Schools. Currently Hays County does not charge permit or inspections fee's to any ISD throughout the County however, the City of Wimberley charges a small fee to cover costs associated with the inspections. The ISD would like the County to perform the inspections at no cost to the district as done in the past. Estimated costs with these inspections are $ 288.16 for all 4 schools covered by the attached agreements. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute an Interlocal Agreement for School Food Establishment Inspection Services between Hays County and the City of Wimberley; and to provide guidance to staff regarding the assessment of fees for this service county-wide at this time we will do this free of charge. All voting "Aye". MOTION PASSED**

27820 APPOINT PRECINCT 4 COMMISSIONER, RAY WHISENANT AS THE COURTS REPRESENTATIVE ON THE CAPITOL AREA COUNCIL OF GOVERNMENTS (CAPCOG) CLEAN AIR COALITION (CAC)

A motion was made by Commissioner Conley, seconded by Commissioner Jones to appoint Precinct 4 Commissioner, Ray Whisenant as the Courts Representative on the Capitol Area Council of Governments (CAPCOG) Clean Air Coalition (CAC). All voting "Aye". MOTION PASSED

27821 AMEND THE ANIMAL CONTROL AND ESD DISPATCH BUDGETS FOR HOLIDAY OVERTIME COSTS

Due to staffing coverage over the holidays, the Animal Control division and ESD Dispatch occasionally has overtime hours paid out of their budgets. Historically the Sherriff's office has covered these charges out of their overtime budget. However, in order to accurately record expenses to operate each department, the Auditor's Office has asked that these funds be moved to the appropriate department. Funds from the Sherriff's office overtime budget will be used to cover this amendment. No additional funds needed. Amount required $1,394- Animal Control, $6,650- ESD Dispatch. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Animal Control and ESD Dispatch budgets for Holiday Overtime costs. All voting "Aye". MOTION PASSED**

27822 AMEND THE ANIMAL CONTROL BUDGET FOR ANIMAL SHELTER SERVICES CONTRACT WITH THE CITY OF SAN MARCOS

The County contracted with the City of San Marcos to expand the animal shelter and provide shelter services to the County, in which the County would pay out annually over a ten year period. Due to an oversight during the budget process, there were not enough funds budgeted to cover the FY11 contracted amount. The Sheriff's Office has vehicle savings to cover this budget amendment. No additional funds needed. Amount required $4,087. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Animal Control budget for animal shelter services contract with the City of San Marcos. All 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 RIGHT-OF-WAY ACQUISITION ON R.M. 2325 IN PRECINCT 3

Sam Brannon requested that the Court take no action at this time. In attendance will be Lori Bible of LAN and Special Counsel Mark Kennedy. Court convened into closed executive session at 9:48 a.m. and reconvened into open meeting at 10:03 a.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Sam Brannon requested that the Court take no action at this time. In attendance will be Dee Dee Baen Human Resources Director, Special Counsel Mark Kennedy, County Auditor Bill Herzog, Captain Mike Davenport of the Sheriff's Office and Shari Miller of the Human Resources Department. Court convened into closed executive session at 10:02 a.m. and reconvened into open meeting at 11:22 a.m. No action taken.

DISCUSSION RELATED TO THE BURN BAN

At this time the Fire Marshal advises the County not to lift the Burn Ban.

Clerks Note: Agenda item # 20 RE: *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* **–pulled**

Clerks Note Agenda item # 21 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– pulled**

Clerks Note Agenda item # 22 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– pulled**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones 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 February 15, 2011.

Liz Q Gonzalez

Liz Q Gonzalez, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF FEBRUARY 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:

Robert Horton Retired Pastor from the First Bapist Church of Kyle gave the invocation and Judge Cobb led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

PRESENTATION FOR SWEARING-IN AND CONFIRMATION OF MEMBERS TO THE HAYS COUNTY HISTORICAL COMMISSION

Kate Johnson introduced all members that will be sworn in today. Judge Cobb gave the swearing in and confirmation of members to the Hays County Historical Commission. Hays County Historical Commission is required in odd-numbered years thus securing a two-year commitment from each member. Members receiving appointments or reappointments are Kate Johnson, Lu Hickey, Jeffrey Jordan, Dorothy Gumbert, Richard Kidd, Madeline Van Brunt, Marie Bassett, Samantha Bellows, Linda Coker, Mary Giberson, Betty Harrison, Adam Wagner, Jerry Bullock, Robert Frizzell, Richard Gachot, Shelley Henry, Celeste Zygmont, Jim Cullen, Bonnie Eissler, Luanne Cullen, Marianne Moore, SarahAnn Lowther, Ofelia Vasquez-Philo, and Clemmie New

PRESENTATION AND RECOGNITION OF THE NEW HAYS COUNTY VETERAN'S SERVICES TRANSPORT VEHICLE

Mike Mendoza Veterans Service Officer spoke of the vehicle that has been provided to the County Free of Charge through a grant from TxDOT and the partnership of Hays County. Alan Cameron Retired Veteran spoke his experience with the Veterans Service Office and his trip on the old VA bus and how glad he is that the County has acquired the new van. The Hays County Veteran's Services Transport Vehicle will provide medical assistance to our Veterans. This grant, under the Section 5310 Program for elderly and persons with Disabilities Transportation, will cover the cost of the van, which is $46,972.49, and maintenance associated with the vehicle. The award is more than we need for the purchase and maintenance. We would like to recognize and thank the VA Transportation Committee for all their hard work. Committee members are Commissioner Will Conley, Dee Dee Baen, Susan Davis, Jeff Hauff, Bill Herzog, Mike Mendoza, Abel Velasquez and Alan Cameron.

27823 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 $1,933,726.47 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27824 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 15, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioner Court Minutes of February 15, 2011. All voting "Aye". MOTION PASSED

27825 ACCEPT CONSTABLE'S OFFICE, PCT. 4, RACIAL PROFILING ANNUAL REPORT FOR 2010 IN ACCORDANCE WITH TEXAS CODE OF CRIMINAL PROCEDURE, CHAPTER 2.132(B)(6) & (7)

This report consists of statistical data collected by the Hays County Constable, Pct.4 by statue of the calendar year of 2010. It is important to note that reporting requirements under the Texas CCP Chapter 2.134 have been exempted due to compliance with the provisions of the Texas CCP Chapter 2.135. In addition, the Hays County Constable, Pct. 4 has adopted a policy concerning Racial Profiling. The Policy is within the requisite standards as have been set forth by statue and recommended by the legislature. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept Constable's Office, Pct. 4, Racial Profiling Annual Report for 2010 in accordance with Texas Code of Criminal Procedure, Chapter 2.132(b)(6) & (7). All voting "Aye". MOTION PASSED**

27826 ACCEPT THE HAYS COUNTY SHERIFF'S OFFICE RACIAL PROFILING ANNUAL REPORT FOR 2010 IN ACCORDANCE WITH TEXAS CODE OF CRIMINAL PROCEDURE, CHAPTER 2.132(B)(6) & (7)

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept the Hays County Sheriff's Office Racial Profiling Annual Report for 2010 in accordance with Texas Code of Criminal Procedure, Chapter 2.132(b)(6) & (7). All voting "Aye". MOTION PASSED

27827 APPROVE SPECIFICATIONS FOR RFP #2011-P07 "QUALIFICATIONS FOR PROFESSIONAL UTILITY COORDINATION/RELOCATION SERVICES ON AN AS NEEDED BASIS" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

This request is for general utility coordination/relocation and consultation services performed by firms with a proven track record in such work. Services are expected to include work such as contracting utility companies to advise of upcoming projects, researching utility easements, negotiating with land owners regarding utility easements, and working with design engineers regarding aspects of projects related to utility installations, modifications, or re-routes. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve specifications for RFP #2011-P07 "Qualifications for Professional Utility Coordination/Relocation Services On An As Needed Basis" and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED**

27828 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

Goodwill has expressed an interest in receiving the computer equipment from the county. I.T. has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment as worthless (pursuant to LGC 263.152- Disposition (3) and send to Goodwill for recycling. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Information Technology to dispose of Computer Equipment. All voting "Aye". MOTION PASSED**

27829 AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE BID #2011-B02 REGARDING IMPROVEMENTS TO TURNERSVILLE ROAD & CR 118 AFTER APPROVAL OF SPECIFICATIONS FROM PRECINCT 2 COMMISSIONER WITH INPUT FROM STAFF

The County has completed 90% review of the project Contract Documents including the Project Manual and construction drawings. The 100% review is scheduled to be completed by 2-23-11. The Project Manual including the front end documents and specifications is nearly complete, however, without the County having performed 100% review the request is made to allow for later approval by Commissioner Mark Jones in the event there are any modifications resulting from the 100% review. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Purchasing to solicit for bid and advertise Bid #2011-B02 regarding improvements to Turnersville Road & CR 118 after approval of specifications from Precinct 2 Commissioner with input from staff. All voting "Aye". MOTION PASSED**

27830 APPROVE TRANSFER OF 1998 GMC TRUCK, VIN 1GTEC19M1WE537139, FROM HAYS COUNTY DEVELOPMENT SERVICES AND A 1997 FORD LTD CROWN VIC, VIN#2FALP71W5VX173113 FROM CONSTABLE PCT 4 TO THE HAYS COUNTY MAINTENANCE DEPARTMENT

These vehicles will replace the 1999 Ford F-150 pick-up and the 1997 Ford Crown Vic that were recently sold in the auction that was held in January 2011. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve transfer of 1998 GMC truck, VIN 1GTEC19M1WE537139, from Hays County Development Services and a 1997 Ford LTD Crown Vic, VIN#2FALP71W5VX173113 from Constable Pct 4 to the Hays County Maintenance Department. All voting "Aye". MOTION PASSED**

27831 CALL FOR A PUBLIC HEARING ON MARCH 8, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON PARK SOUTH DRIVE

The request is to establish a speed limit of 25 MPH on Park South Drive, off of Windy Hill Rd, CR 131. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on March 8, 2011 to establish traffic regulations on Park South Drive. All voting "Aye". MOTION PASSED**

27832 RESUBDIVISION OF LOT 62 GOLDENWOOD, SECTION II 10-1-14 (2 LOTS) **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza, Development Services Director gave staff recommendation. Goldenwood Section II was originally platted in 1982 as a 38 lot subdivision. There are currently 53 taxable parcels in the section. The owner of lot 62 wishes to divide the 10.13 acre lot into 2 parcels. The new configuration consists of the following: Lot 62 A 5.08 acres, Lot 62 B 5.05 acres. This re-subdivision was approved by the City of Dripping Springs in fall of 2010. Each lot will be restricted to one single family residence and will utilize individual water wells or rainwater collection, and individual on-site sewage facilities. Lot 62B will be subject to a 500 foot building and OSSF setback from and parallel to the rear lot line in order to protect recharge features found on the lot. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the final plat of Lt 62 Goldenwood Section II (2 Lots). All voting "Aye". MOTION PASSED**

27833 APPROVE EXPENDITURES TO RELOCATE THE OFFICE OF EMERGENCY MANAGEMENT INCLUDING THE HAYS COUNTY EMERGENCY OPERATIONS CENTER TO A PORTION OF THE FORMER HAYS COUNTY ENVIRONMENTAL HEALTH/DEVELOPMENT SERVICES/GIS BUILDING AT 1251 CIVIC CENTER LOOP

Hays County Emergency Operations Center which is located with the Hays County Sheriff's office has recently been identified as not a functional location due to some operational issues. Additionally with the relocation of some county departments to new facilities, and the completion of the new Hays County Government Center, the Office of the Emergency Management will need to relocate to another office area sometime within the next twelve to twenty-four months. The possibilities of relocating both the Office of Emergency Management office and the County EOC to the previously occupied facility of Hays County Development Services which is located at 1251 Civic Center Loop, San Marcos. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve expenditures to relocate the office of Emergency Management including the Hays County Emergency Operations Center to a portion of the former Hays County Environmental Health/Development Services/GIS building at 1251 Civic Center Loop in an amount of $3,000 with the money coming out of contingencies 001-645-00.5399. All voting "Aye". MOTION PASSED**

27834 APPROVE THE INSTALLATION OF AN UNINTERRUPTIBLE POWER SUPPLY SYSTEM AND ELECTRICAL EQUIPMENT AT THE HAYS COUNTY SHERIFF'S OFFICE DISPATCH CENTER AND TRANSFER FUNDS WITHIN THE SHERIFF'S OFFICE BUDGET AND AMEND THE BUDGET ACCORDINGLY

Jaime Page Chief Deputy from the Sheriff's Office introduced Erica Carpenter Supervisor over the Communications Division. Erica Carpenter spoke of the UPS and how recently during the ice storm the power shut down 6 times and one was during a police chase. LCRA will provide the materials and labor necessary to install the UPS and equipment at the Hays County Sheriff's Office Dispatch Center. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the installation of an Uninterruptible Power Supply System and electrical equipment at the Hays County Sheriff's Office Dispatch Center and transfer funds within the sheriff's office budget and amend the budget accordingly in an amount of $27,676 coming from 001-618-00.5713 (-$6,380) & 001-618-00.5021 (-$21,296) to 001-618-00.5719. All voting "Aye". MOTION PASSED**

27835 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE GOVERNOR'S OFFICE-CRIMINAL JUSTICE DIVISION FOR THE HAYS COUNTY SHERIFF'S OFFICE IN THE AMOUNT OF $47,265.00

Mike Davenport gave a brief overview of this item. The Sheriff's Office is requesting grant funding to purchase an Automatic Vehicle Locator (AVL) system to enhance Dispatch communications functions. The Sheriff's Office Emergency Communications Center received 48,495 calls last year which included emergency and non-emergency calls. The AVL uses the Global Positioning System (GPS) to monitor the Patrol Vehicle and can pinpoint the longitude, latitude, and the course of direction of the vehicle in operation at any given time. In situations where an officer is unable to radio their exact location, the dispatcher would be able to pinpoint officer locations and send the nearest patrol vehicle to the incident scene. This technology will help decrease response time to emergency and non emergency calls and increase officer safety. The grant application must be submitted electronically to the Texas Governor's Office-Criminal Justice Division (CJD) on or before February 28, 2011. The total amount for this project is $47,265.00 and includes an annual support fee of $6,615.00. The total support fee of $6,615.00 is a cost that the County would have to incur if the project is awarded. No matching funds are required for this grant program. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County judge to execute the Resolution and submit a grant application to the Governor's Office-Criminal Justice Division for the Hays County Sheriff's Office in the amount of $47,265.00. All voting "Aye". MOTION PASSED**

27836 REAPPOINT MARK CHAMBERS TO THE POSITION OF COUNTY FIRE MARSHAL FOR A TERM NOT TO EXCEED TWO YEARS – TABLED FOR ONE MONTH

As required by Local Government Code 352.011b the Commissioners Court shall establish the term of office for a County Fire Marshal for a period not to exceed two years. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to do an Interim Appointment for 1 month for Mark Chambers as Fire Marshal to do departmental review and bring back to court for appointment. All voting "Aye". MOTION PASSED**

27837 APPROVE OUT OF STATE TRAVEL FOR DEBORAH HICKS RN/EPIDEMIOLOGY TO ATTEND THE EPI: 101 COURSE (EDUCATION FOR THE PREVENTION OF INFECTION) PRESENTED BY THE ASSOCIATION FOR PROFESSIONALS IN INFECTION CONTROL AND EPIDEMIOLOGY (APIC) IN LAS VEGAS, NV FROM APRIL 4-7, 2011

Priscilla Hargraves Personal Health Director spoke of the RN needing this training and this is the first one being offered this year. This training and travel budgeted for in the Personal Health Department's FY 2011 Public Health Emergency Response extension grant which ends July 31, 2011. In the Epidemiology position, this RN is responsible for the prevention, detection, investigation and reporting of communicable disease outbreaks, pandemics, and acts of bioterrorism. The guidance and direction for these requirements is addressed in the statement of work for both the Public Health Emergency Preparedness and Public Health Emergency Response grants. The April training is the first EPI training offered and the only one offered during the current budget year. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve out of state travel for Deborah Hicks RN/Epidemiology to attend the EPI: 101 course (Education for the Prevention of Infection) presented by the Association for Professionals in Infection Control and Epidemiology (APIC) in Las Vegas, NV from April 4-7, 2011. All voting "Aye". MOTION PASSED**

27838 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL CONTRACT FOR SCRAP TIRE RECYCLING WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR GRANT FUNDS IN THE AMOUNT OF $6000.00.

Jeff Hauff Grants Administrator gave an overview of the grant. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an Interlocal Contract for Scrap Tire Recycling with the Capital Area Council of Governments for grant funds in the amount of $6000.00. All voting "Aye". MOTION PASSED**

27839 ADD ONE (1) PART-TIME CUSTODIAN POSITION TO THE BUILDING MAINTENANCE DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY

Ron Knott Building Maintenance spoke of the need for additional staff. Commissioner Ingalsbe spoke of money coming out of County Wide Temporary staffing. The custodial requirements for the existing Transportation Department, the Kyle precinct office, and the Kyle Health Department office and currently being provided by one person providing part-time service to the Kyle and Yarrington Road locations. The addition of the new building for the Development Services and the Fire Marshal's Office has meant that the currently assigned part-time custodian is no longer able to provide existing custodial services in addition to those required by the new building. The requested part-time slot will be designated to provide custodial services to the Kyle offices, allowing the current employee to provide full time custodial care to the buildings located on Yarrington Road. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to add one (1) part-time custodian position to the Building Maintenance department and amend the budget accordingly in an amount of $5,740 which will be 20 hrs/wk min. at Grade 106 ($8.72/hr x for 7 months salary only no fringe). All voting "Aye". MOTION PASSED**

27840 HIRE A TEMPORARY EMPLOYEE IN THE DISTRICT CLERK'S OFFICE

Two employees are currently out on FMLA. Beverly Crumley the District Clerk is requesting to hire a temp employee at a rate not to exceed $14.04 (minimum of grade 109) for a maximum of two months. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hire a temporary employee in the District Clerk's office. All voting "Aye". MOTION PASSED**

27841 APPROVE THE APPOINTMENT OF LISA RAILSBACK TO THE PRECINCT 2 POSITION ON THE HAYS COUNTY SHOOTING SPORTS TASK FORCE (HCSSTF)

Lisa Railsback will replace John Sanford in the Precinct 2 position. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the appointment of Lisa Railsback to the Precinct 2 position on the Hays County Shooting Sports Task Force (HCSSTF). All voting "Aye". MOTION PASSED**

27842 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCED FUNDING AGREEMENT (AFA) WITH TXDOT FOR THE RM 967 AT RUBY RANCH PROJECT

A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute an Advanced Funding Agreement (AFA) with TxDot for the RM 967 at Ruby Ranch project will hold off on one project and move forward with another. All voting "Aye". MOTION PASSED

27843 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #2 TO THE CONTRACT WITH CENTRAL TEXAS WATER MAINTENANCE FOR THE CEDAR OAK MESA WATER SUPPLY CORPORATION, WATER STORAGE TANK PROJECT

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Change Order #2 to the contract with Central Texas Water Maintenance for the Cedar Oak Mesa Water Supply Corporation, Water Storage Tank Project. All voting "Aye". MOTION PASSED

27844 AUTHORIZE THE HAYS COUNTY JUVENILE CENTER TO PAY AN INVOICE TO AVATT SERVICES, INC. TO REPLACE TWO COMPRESSORS, BLOWER, MOTOR, BEARINGS, AND HEAT EXCHANGER IN THE SCHOOL AND ONE DORM IN THE AMOUNT OF $2,387.55

Brett Littlejohn, Juvenile Detention Director, spoke of not acquiring a PO during the recent ice storm. The person who did this, at the Juvenile Detention is not the one who normally does this and didn't know the procedures of acquiring a PO prior to the work being done. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Hays County Juvenile Center to pay an invoice to Avatt Services, Inc. to replace two compressors, blower, motor, bearings, and heat exchanger in the school and one dorm in the amount of $2,387.55. All voting "Aye". MOTION PASSED**

27845 AUTHORIZE THE HAYS COUNTY JUVENILE CENTER TO PURCHASE A REPLACEMENT FIVE PAN/COMPARTMENT, CONVECTION COUNTER-TOP STEAMER FROM SYSCO CORPORATION IN THE AMOUNT OF $5,514.04 AND AMEND THE BUDGET ACCORDINGLY

Brett Littlejohn, Juvenile Detention Director, explained the need for this request. This agenda item would require moving money from line item: 070-685-99-017.5232 to a newly created line item: 070-685-99-017.5719 to replace the current convection steamer in use at the Hays County Juvenile Center. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Hays County Juvenile Center to purchase a replacement five pan/compartment, convection counter-top steamer from Sysco Corporation in the amount of $5,514.04 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27846 AMEND JUVENILE DETENTION BUDGET FOR OVERTIME COSTS

Brett Littlejohn, Juvenile Detention Director, explained the need for additional staff when we have additional detainee's which is required by the State. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to amend Juvenile Detention budget for overtime costs. All voting "Aye". MOTION PASSED**

27847 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN HAYS COUNTY YOUTH ATHLETIC ASSOCIATION (HCYAA) AND HAYS COUNTY, TEXAS FOR THE IMPROVEMENT OF THE HAYS YOUTH SPORTS COMPLEX

On December 7, 2010, Commissioner Court awarded HCYAA funding totaling $447,256. The Agreement that accompanies this item serves to protect Hays County's and the public interests related to the expenditure of those 2007 Parks Bond Funds. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Agreement between Hays County Youth Athletic Association (HCYAA) and Hays County, Texas for the Improvement of the Hays Youth Sports Complex. All voting "Aye". MOTION PASSED**

27848 SET UP A PROCESS TO BEGIN DEVELOPING A HAYS COUNTY TRANSPORTATION PLAN, APPROVE SPECIFICATIONS FOR RFQ#2011-P08, AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

Lenee Lovejoy made a public comment. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to set up a process to begin developing a Hays County Transportation Plan, approve specifications for RFQ#2011-P08, and authorize purchasing to solicit for proposal and advertise and appoint Jerry Borcherding, Clint Garza Cindy Maiorka and Steve Floyd to be on the committee, they will receive, score & bring back recommendations. All voting "Aye". MOTION PASSED**

27849 APPROVE FUNDING FOR THE HILLSIDE TERRACE WASTEWATER SURVEY AND AUTHORIZE HAYS COUNTY TO ASSIST THE CITY OF BUDA AS A CO-APPLICANT IN THE PRE-APPLICATION PROCESS

Nikki Dictson of the Texas AgriLife Extension Service gave a powerpoint presentation. The Hillside Terrace Wastewater project is located in Hays County and the ETJ of Buda, but it is outside of the current service area. The project is for the entire Subdivision of Hillside Terrace located off of Hillside Terrace Rd south of Buda and along I-35. The project is within Goforth Special Utility District Water CNN but is not within any Wastewater CNN jurisdiction. There are approximately 360 occupied residences within Hillside Terrace, that has 399 platted lots but the remaining lots are located within floodplain. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve funding for the Hillside Terrace Wastewater Survey and authorize Hays County to assist the City of Buda as a co-applicant in the pre-application process in an amount not to exceed $2,500 coming out of LCRA Funds. All voting "Aye". MOTION PASSED**

NO ACTION RELATED TO THE BURN BAN

Mark Chambers Fire Marshal recommended that the Burn Ban stay in effect.

Clerk's Note Agenda Item #31 RE: *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**

Clerk's Note Agenda Item #32 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note Agenda Item #33 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones 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 February 22, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF MARCH 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:

Trent Kennedy from the Texas State Campus Minister 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
Mary E. Gonzales spoke of public meeting for FM 110. Sam Brannon spoke of needing Statesmen representing the public and requested holding public meetings and delay moving forward on certain upcoming issues.

27850 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $ 1,149.436.46 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27851 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 22, 2011

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the Commissioner Court Minutes of February 22, 2011. All voting "Aye". MOTION PASSED

27852 APPROVE REAPPOINTMENT OF COMMISSIONER DEBBIE INGALSBE TO THE CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) BOARD OF DIRECTORS

The appointment is for a two year term beginning in March 2011. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve reappointment of Commissioner Debbie Ingalsbe to the Capital Area Rural Transportation System (CARTS) Board of Directors. All voting "Aye". MOTION PASSED**

27853 APPROVE HAYS COUNTY ESD #4 ANNUAL REPORT FOR 2010, FINANCIAL REPORT, AND INDEPENDENT AUDITORS' REPORT

In accordance with the Vernon Statue 234-L relating to the information of a fire district requiring a report annually to the County Commissioners Court in January of each year. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Hays County ESD #4 Annual Report for 2010, Financial Report, and Independent Auditors' Report. All voting "Aye". MOTION PASSED**

27854 APPROVE SPECIFICATIONS FOR RFP #2011-P09 CONSTRUCTION MANAGER AT RISK FOR THE HAYS COUNTY LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR PROPOSAL AND ADVERTISE

Hays County and Broadus & Associates are soliciting proposals for selection of a Construction Manager at Risk firm for the Law Enforcement Center Immediate Needs in accordance with the terms, conditions, and requirements set forth in this request for proposals. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve specifications for RFP #2011-P09 Construction Manager at Risk for the Hays County Law Enforcement Center Immediate Needs Project and authorize Purchasing Manager to solicit for proposal and advertise. All voting "Aye". MOTION PASSED**

27855 CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR MUSTANG VALLEY SUBDIVISION, SECTION IV

Transportation Director Jerry Borcherding gave staff recommendation for construction of road and drainage improvements, release of the construction bond, and acceptance of the maintenance bond for two years for Mustang Valley Subdivision, Section IV. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to consider the acceptance of road construction and drainage improvements, release of the construction bond, and acceptance of the maintenance bond for two years for Mustang Valley subdivision, Section IV. All voting "Aye". MOTION PASSED**

27856 HOLD A PUBLIC HEARING FOR BIG SKY RANCH SUBDIVISION TO ESTABLISH TRAFFIC REGULATIONS

Judge Cobb opened the public hearing. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. The County accepted maintenance for all roads within Big Sky Ranch subdivision on February 1, 2011. This public hearing will be to establish: a stop on Blue Sky Lane (3,322 ft.) at Mt. Sharp Road (CR219), a stop sign on Starlight Trail (1,031 ft.) at Blue Sky Lane, a stop sign on Moondance Trial (713 ft.) at Blue Sky Lane, set a speed limit of 30 MPH on Blue Sky Lane, and set a speed limit of 25 MPH on both Moondance Trail and Starlight Trail. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to establish traffic regulations for Big Sky Ranch. All voting "Aye". MOTION PASSED**

27857 HOLD A PUBLIC HEARING FOR SHADOW CREEK SUBDIVISION, PHASE 3, FOR TRAFFIC REGULATIONS

Judge Cobb opened the public hearing. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. The County accepted maintenance of all roads with Shadow Creek subdivision, Ph 3 on February 1, 2011. This public hearing is to establish a stop sign on Antelope Plains Road (990 ft.) at Marsh Lane (885 ft.),a stop sign on Antelope Plains Road at Heron Drive(784 ft.), a stop sign on Kings Ridge Drive (1202 ft.) at Marsh Lane, a stop sign on Kings Ridge Drive at Heron Drive, a stop sign on Heron Drive at Spanish Trails Blvd (3054 ft.), a stop sign on Quarter Avenue(1024 ft) at Shadow Creek Blvd(272 ft), a stop sign on Dragonridge Road (1478 ft.) at Spanish Trails Boulevard, a stop sign on Hunter Creek Cove (351 ft.) at Dragon Road, a stop sign on Pebble Creek Lane (477 ft.) at Spanish Trails Boulevard, a stop sign on Wildfire Cove(440 ft.) at Spanish Trails Boulevard, a stop sign on Wildfire Cove (440 ft.) at Spanish Trails Boulevard, and set a speed limit of 25 MPH on all roads. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish traffic regulations for Shadow Creek subdivision, Phase 3. All voting "Aye". MOTION PASSED**

27858 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON TAYLOR DRIVE IN CIMARRON PARK SUBDIVISION

Judge Cobb opened the public hearing. Timothy Ponewash spoke of need for stop sign at this intersection. Constable Pct 3 Darrell Ayres asked if this will be regulated by County Personnel. It will be. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation to establish a 3-way stop on Taylor Drive at Vail Lane, and a 3-way stop on Taylor Drive at Edgewood Drive in Cimarron Park subdivision. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish traffic regulations on Taylor Drive in Cimarron Park subdivision. All voting "Aye". MOTION PASSED**

27859 ADOPT A RESOLUTION IN SUPPORT OF PROPOSED LEGISLATION TO ADD SUBDIVISION AND ROAD POWERS TO RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICTS NO. 1 AND NO. 2, CONSENT TO AND SUPPORT THE BILL, ENTER THE RESOLUTION IN THE MINUTES OF THIS COURT, AND DELIVER A COPY TO THE STATE SENATOR GLENN HEGAR, STATE REPRESENTATIVE JASON ISAAC, AND TO ANY MEMBER OF THE PUBLIC DESIRING A COPY OF THE SAME

Amanda Morrow spoke on behalf of Walton Texas made public comment. The court has been requested to support a proposed legislative bill regarding Ranch at Clear Fork Creek Municipal Utility Districts (MUD) No.1 and No.2. The MUD is a district located within Hays County. The district will provide for the extension of water, wastewater, and drainage services to currently undeveloped land, enable construction of roadways within currently undeveloped land, and preserve natural resources. The construction of roadways, the improvement, and the development of the land, as proposed by the developers, will increased the tax base of Hays County, which will be of economic benefit to the citizens. Caldwell County and the City of Uhland have approved this. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a resolution in support of proposed legislation to add subdivision and road powers to Ranch at Clear Fork Creek Municipal Utility Districts No. 1 and No. 2, consent to and support the bill, enter the resolution in the minutes of this Court, and deliver a copy to the State Senator Glenn Hegar, State Representative Jason Isaac, and to any member of the public desiring a copy of the same. All voting "Aye". MOTION PASSED**

27860 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #4 WITH HARRIS ROAD COMPANY FOR THE SPRING LAKE (San Marcos Springs) PRESERVE PROJECT

On October 5, 2010 the Commissioners Court awarded the construction contract for the Spring Lake (San Marcos Springs) Preserve project to Harris Road Company of Wimberley, Texas in the amount of $108,220.00. Change Order #1 was approved by Commissioners Court on December 7, 2010 with no net change to the contract price. Change Order # 2, approved by the Commissioner Court on December 21, 2010 was done at the request of the City of San Marcos, and increased the contract amount by $11,250.00 to $119,470.00. Change Order #3, approved by the Commissioners Court on January 11, 2011 was for $10,750.00 and increased the total contract amount of $130,220.00. The current Change Order #4 for $5,000.00 and is to provide additional trail base materials to gain an accessible route (ADA requirements) to an interpretive kiosk constructed as a Scout project, and to provide an additional viewing station near the sundial feature, enhancing park amenities. These improvements are at the request of the City of San Marcos. The total contract amount with approval of the Change Order would be $135,220.00. The project is an ongoing joint effort between Texas State University (TSU), the City of San Marcos, and Hays County to conserve a significant land resource of 251 acres located over the Edwards Aquifer Recharge Zone near Aquarena Springs, and provide public access to this area. The project includes accessible and primitive trail development, interpretive signage, benches, outdoor amphitheater (sundial), boardwalk/wildlife viewing station over a pond, and other amenities. This project is funded through a grant from the Texas Parks and Wildlife Department (TPWD), with TSU and the City of San Marcos providing additional funding. No County funds have been allocated or are necessary to complete the construction project. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute Change Order #4 with Harris Road Company for the Spring Lake (San Marcos Springs) Preserve project. All voting "Aye". MOTION PASSED**

27861 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT #4 TO EXHIBIT A OF THE PRIMARY CONTRACT BETWEEN LOOMIS PARTNERS AND HAYS COUNTY, REGARDING DEVELOPMENT OF A HABITAT CONSERVATION PLAN

Clifton Ladd of Loomis spoke if all goes well with this, it will be approved within the next 30 days. Sam Brannon spoke of not being supportive of items like this. Lenee Lovejoy spoke of serious problems with the Habitat Plan that should be addressed and the land should be assessed. This contract amendment would authorize Loomis Partners to work on final approval of Hays County's endangered Species Act Section 10 (a) permit application. 6Loomis Partners would also work to amend the Habitat Conservation Plan and Environmental Impact Statement. This assignment is expected to take approximately 6 months and not to exceed $10,000.00. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Amendment #4 to Exhibit A of the primary contract between Loomis Partners and Hays County, regarding development of a Habitat Conservation Plan with the money coming out of Infrastructure fund. All voting "Aye". MOTION PASSED**

27862 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE CHAPTER 381 ECONOMIC DEVELOPMENT INCENTIVES AGREEMENT BETWEEN HAYS COUNTY AND U.S. FOODS

Per Commissioners Jones request, U.S. Foods has agreed to push back the contractual deadline for substantial completion of CR 118, one of the two roadways associated with the Chapter 381 agreement executed last year between Hays County and U.S Foods. The County's obligation to completion is necessary and essential for the operations of the distribution facility. In addition to deadline changes, K Friese and Associates has provided some technical edits to the specifications for the roadway, all of which U.S Foods has indicated are acceptable. The changes in specifications do not substantially alter the proposed improvements under the original Chapter 381 Agreement. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to the Chapter 381 Economic Development Incentives Agreement between Hays County and U.S. Foods. All voting "Aye". MOTION PASSED**

27863 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LICENSE AGREEMENT WITH THE CITY OF SAN MARCOS FOR USE OF THE JUSTICE CENTER PARKING LOT BY THE GENERAL PUBLIC DURING CERTAIN WEEKLY HOURS

This License Agreement is an adaptation of Hays County's standard agreements for use of Courthouse Grounds. The City has expressed a desire to provide more available parking for patrons of its Central Business District during evening and weekend hours. This license agreement accomplishes that and obligates the City to provide services for keeping the Licensed Area free of trash and debris. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a License Agreement with the City of San Marcos for use of the Justice Center Parking lot by the general public during certain weekly hours and authorize Special Counsel Mark Kennedy to negotiate final adjustments to the Agreement. All voting "Aye". MOTION PASSED**

27864 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEXAS 1033 SURPLUS PROPERTY PROGRAM APPLICATION LETTER AND RELEASE OF LIABILITY FOR HAYS COUNTY CONSTABLE PRECINCT 1, 3, 4 & 5

Constable Pct 4 Ron Hood spoke of the need for this equipment for the Constable's to carry out their duties. Special Counsel Mark Kennedy spoke of this item not requiring any money at this time. Constable Pct 3 Darrell Ayres spoke of utilizing other means and not incurring costs to the tax payers. Constable Pct 1 David Peterson also spoke of the new ways they are looking at for acquiring needed items without costing more money to the taxpayers. Section 1033 of the National Defense Authorization Act of 1997 authorizes the Department of Defense to transfer excess military property to state and local law enforcement agencies. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Texas 1033 Surplus Property Program Application Letter and Release of Liability for Hays County Constable Precinct 1, 3, 4 & 5 with the condition that any acquisition that has no further expenses or liability if so it must come back to the Court for further approval. All voting "Aye". MOTION PASSED**

27865 AMEND THE DEVELOPMENT SERVICES OPERATING BUDGET TO COMPLETE THE FACILITY MOVE

Clint Garza Development Services Director spoke of the need for this request. The development services department is completely moved into the new location at 2171 Yarrington Road and since moving various needs have been identified that were not budgeted for the current fiscal year (a) 3 telephone headsets at $850. The new phones system is not compatible with the existing headsets. (b) 7 chair mats at $550. (c) 1 Laptop Computer at $1,100. This computer would be used by the new subdivision coordinator as this position works many times outside of "normal hours". This would be funded from the General Fund Project Budget savings. (2,500) 001-645-00.5741- Misc Capital Improvements (1,400) 001-657-00.5211- Office Supplies (1,100) 001-657-00.5712 Computer Equipment. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the purchase of chair mats, headsets and laptop unless one is available from IT for the Development Services Department. All voting "Aye". MOTION PASSED**

27866 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #2 WITH MYERS CONCRETE CONSTRUCTION, LP, FOR THE WINTERS MILL PARKWAY TRAIL

On August 3, 2010 the Commissioners Court authorized award of the bid for the Winter's Mill/Blue Hole Loop Trail project to Myers Construction, in the amount of $367,417.20 Change Order (#1) increased the contract amount by $54,279.59. Change Order (#2) in the amount of $26,818.90, includes the installation of additional handrail, rock rip-rap, limestone retaining wall, and drainage pipe in the switchback area, and additional concrete walkway in areas along Winters Mill Parkway that are prone to water erosion. Modifications in the switchback area include steeper slope ratios that are designed to minimize the removal of trees and to avoid encroachment into adjacent drainage areas, and to address natural water seepage found for this area. The revised contract amount will be $448,515.69, with allowable contract increases. This project is funded by a grant from the Texas Department of Transportation (TxDOT) and Hays County Park Bond Interest allocation, on an 80/20 matching basis, and funds made available from the Village of Wimberley. Adequate funding is available to cover the Change Order. The TxDOT will also need to approve this Change Order. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Change Order #2 with Myers Concrete Construction, LP, for the Winters Mill Parkway Trail in an amount of $26,818.90. All voting "Aye". MOTION PASSED**

27867 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 1 TO THE ADVANCE FUNDING AGREEMENT FOR FM 2001

Jeff Watson of HNTB gave an overview of the project. The AFA was originally approved by Commissioners Court on May 4, 2010. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the County Judge to execute Amendment No. 1 to the Advance Funding Agreement for FM 2001. All voting "Aye". MOTION PASSED**

27868 APPOINT KENT BUD WYMORE, JON LEONARD, WILL CONLEY AND DEBBIE INGALSBE TO THE REDISTRICTING COMMITTEE

Mary E. Gonzales San Marcos resident spoke of needing different representation, namely Commissioner Mark Jones. Sam Brannon spoke for Rob Roarke and Mr. Roarks email that was sent to the court, Sam also spoke of needing representation that aren't in any political affiliation. Craig Young Wimberley resident spoke. Lenee Lovejoy spoke of removing the elected officials from the committee. The census numbers have been released. Hays County's population is 157,107. Although our redistricting firm/attorney has begun preliminary work, we need to begin our redistricting process locally with the help of the committee and staff. The staff that will be important to and participating in the process are: Joyce Cowan, Elections Admin., Steve Floyd, Mapping and GIS and Mark Kennedy, Special Counsel, Civil Division. Rolando Rios our redistricting attorney supports our efforts to appoint the committee. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Ingalsbe to appoint Kent Bud Wymore, Jon Leonard, Will Conley and Debbie Ingalsbe to the Redistricting Committee. All voting "Aye". MOTION PASSED**

27869 APPOINT MICHAEL R. AULICK TO DIRECTOR, POSITION #2 AND M. SCOTT ROBERTS TO DIRECTOR, POSITION #5 ON THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT'S BOARD OF DIRECTORS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to appoint Michael R. Aulick to Director, Position #2 and M. Scott Roberts to Director, Position #5 on the Driftwood Economic Development Municipal Management District's Board of Directors. All voting "Aye". MOTION PASSED

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF THE FIRE MARSHAL

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 12:17 p.m. No action taken. In attendance will be the Commissioners Court, Special Counsel, Mark Kennedy, Human Resources Director, Dee Dee Baen, and Hays County Fire Marshal, Mark Chambers

DISCUSSION RELATED TO THE BURN BAN

Mark Chambers, Hays County Fire Marshal gave recommendation to leave the burn ban in effect.

Clerk's Note Agenda Item #23 RE: *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* **– was pulled**

Clerk's Note Agenda Item RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

27870 PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS

Joyce Cowan, Elections Administrator/Voter Registrar gave an overview of the duties her office performs. Joyce Cowan spoke of how redistricting will affect her office. Barry Nelson, Director of the Hays County Civic Center gave an overview of the duties his office performs. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept Departmental Reports. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adjourned 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 March 1, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF MARCH 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:

Commissioner Conley gave the invocation and Judge Cobb led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

27871 ADOPT A PROCLAMATION DECLARING MARCH 14 TO MARCH 20, 2011 AS MULTIPLE SCLEROSIS AWARENESS WEEK

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring March 14 to March 20, 2011 as Multiple Sclerosis Awareness Week. All voting "Aye". MOTION PASSED

27872 ADOPT A PROCLAMATION DECLARING MARCH 14-18 AS FLOOD SAFETY AWARENESS WEEK IN HAYS COUNTY

A motion was made by Judge Cobb, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring March 14-18 as Flood Safety Awareness Week in Hays County. All voting "Aye". MOTION PASSED

PUBLIC COMMENTS
Sandra Martinez San Marcos resident spoke of having a grievance and being wrongfully terminated. Mary E. Gonzales spoke of the redistricting committee.

27873 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payments of county invoices in the amount of $ $115,000.00 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27874 APPROVE COMMISSIONER COURT MINUTES OF MARCH 1, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Commissioner Court Minutes of March 1, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27875 AMEND FY11 BUDGET OF CONSTABLE PCT 1 AND JUSTICE OF PEACE PCT 1 PLACE 1 FOR CONTINUING EDUCATION

Constable 1 continuing education requires a transfer from Commissioner 1 community programs Justice of Peace 1-1 transfer from within her own budget. Amount required $100 to 001-635-00.5551 Constable 1 continuing from 001-601-00.5353 Commissioner Pct 1. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to amend FY11 Budget of Constable Pct 1 and Justice of Peace Pct 1 Place 1 for Continuing Education. All voting "Aye". MOTION PASSED**

27876 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON PARK SOUTH DRIVE

Judge Cobb opened the public hearing. No public input was received. Judge Cobb declared the Public hearing closed. Transportation Director Jerry Borcherding gave staff recommendation. The public hearing will seek to establish a speed limit of 25 MPH on Park South Drive, off of Windy Hill Rd, CR131. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish traffic regulations on Park South Drive. All voting "Aye". MOTION PASSED**

27877 REPLAT OF CREEKSIDE AT WIMBERLEY, VACATING LOT 1, CREEKSIDE AT WIMBERLEY, AND LOT 2, CREEKSIDE AT WIMBERLEY, SECTION 2, AND ESTABLISHING LOT 1R, CREEKSIDE AT WIMBERLEY [10-3-48]

Judge Cobb opened the public hearing. No public input was received. Judge Cobb declared the public hearing closed. Judge Cobb opened the public hearing. Public hearing was closed. Roxie Botkin Subdivision Coordinator gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve replat of Creekside at Wimberley, Vacating lot 1, Creekside at Wimberley, and lot 2, Creekside at Wimberley, Section 2, and Establishing lot 1R, Creekside at Wimberley. All voting "Aye". MOTION PASSED**

27878 CANCEL THE MARCH 15, 2011 COMMISSIONERS COURT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to cancel the March 15, 2011 Commissioner Court meeting. All voting "Aye". MOTION PASSED

27879 AMEND THE LOOMIS PARTNERS PROFESSIONAL SERVICE AGREEMENT FOR NECESSARY ADDITIONAL SERVICES ON THE RM 2325 PROJECT IN PRECINCT 3

Tracy Bratton Engineer with Loomis Partners gave an overview of the project. The RM 2325 project from Carney Lane to Fisher Store Rd, was identified as a key project in Precinct 3 as part of the 2008 Priority Road Bond Program. The project is nearing completion of design in preparation for letting by the Texas Department of Transportation. Timing of the project letting is crucial due to the proposed roadway and other safety improvements located along the entrance to Jacobs Well Elementary School. The project's goal is to have the work adjacent to the elementary school mostly complete prior to the start of the 2011/2012 school year. As the project is nearing design completion, there have been several requests by TxDot that were not in the original project scope. As this project is no longer being let by the County, to take advantage of the savings by allowing TxDot to let the project and provide construction engineering and inspection services, these items need to be addressed. These items include: (1) Additional submittals and reviews by TxDot necessitated by TxDot letting the project. (2) Revision of Environmental Document for updated TxDot Standards of Uniformity (SOUs). (3) Preparation of a full drainage report as requested by TxDot hydraulics engineer. In addition, as utility companies are moving forward with the design of their relocations, they are requesting various proposed elements to be surveyed/staked to assist in their design process. As Loomis provided the design survey, it is the most expeditious route to allow the Loomis surveyors to provide these services which also include the preparation of field notes pertaining to a utility easement which was found during the ROW acquisition process. Funds are available within the project's bond program budget. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to amend the Loomis Partners Professional Service Agreement for necessary additional services on the RM 2325 project in Precinct 3 in the amount of $60,000.00. All voting "Aye". MOTION PASSED**

27880 AUTHORIZE HAYS COUNTY TO CONSENT TO PROPOSED LEGISLATION RELATING TO THE HUDSON RANCH FRESH WATER SUPPLY DISTRICT NO. 1 IN ACCORDANCE WITH THE TEXAS WATER CODE, TEXAS GOVERNMENT CODE, THE TEXAS CONSTITUTION, AND OTHER SUCH LAWS AS ARE APPLICABLE AND SUPPORT PASSAGE OF SUCH LEGISLATION

Andy Barrett representing Jeremiah Development spoke of the legislation. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Hays County to consent to proposed legislation relating to the Hudson Ranch Fresh Water Supply District No. 1 in accordance with the Texas Water Code, Texas Government Code, the Texas Constitution, and other such laws as are applicable and support passage of such legislation in the form attached as Exhibit B which is in the backup. All voting "Aye". MOTION PASSED**

27881 APPROVE A RESOLUTION TO SUPPORT THE HAYS COUNTY DEVELOPMENT DISTRICT NO. 1

Andy Barrett representing Hays County Development District #1 spoke. The proposed legislation currently being reviewed by legislative counsel, a proposed resolution in support of the legislation, and past action taken by the Commissioners Court on January 11, 2000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a resolution to support the Hays County Development District No. 1. All voting "Aye". MOTION PASSED**

27882 AWARD THE BALANCE OF UNCOMMITTED FUNDS FROM THE PARKS AND OPEN SPACE BOND TO THE HAYS COUNTY WCID #2 GREENBELT/PARK PROJECT IN THE AMOUNT OF $100,000.00

Lenee Lovejoy made a public comment. Andy Barrett representing Hays County WCID #2 made a public comment. Hays County Parks and Open Space Advisory Board Project Comments are (1) City of Dripping Springs, Harrison Ranch Park, Park Bond request $1,700,000 (2) Trust for Public Land, Purgatory Creek Tracts park bond request $950,000 (3) City of Buda, Bradfield Park/Trail park bond request $334,200 (4) City of Buda, Skate Park bond request $150,000 (5) Hays County WCID #2 park bond request $280,000 (6) Hays County Youth Athletic Assoc. park bond request $822,200,(7)Friends of Craddock Park bond request $2,281,900 (8) City of Buda park bond request $25,000 (9) Hill Country Conservancy $300,000 (10) Dripping Springs Youth Sports Assoc. park bond request $129,268 (11) Swimberley, Inc park bond request $2,000,000 (12) HC Shooting Sports Task Force $3,500,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to award uncommitted funds from the Parks and Open Space Bond to the Hays County WCID #2 Greenbelt/Park Project in the amount of $100,000.00. All voting "Aye". MOTION PASSED**

27883 AUTHORIZE BROADDUS & ASSOCIATES TO MOVE FORWARD WITH DESIGN AND CONSTRUCTION MANAGEMENT OF A BUILDING FOR PRECINCT 2 UNDER THE DIRECTION OF COMMISSIONER MARK JONES

Lucy Johnson Mayor of Kyle spoke of needing the office space for the Kyle Police Department. Brenda Jenkins and Jeff Larr of Broaddus and Associates spoke of needing approval today for moving forward on this project. Cora Furr and Marla Sanders of the Personal Health Department spoke of revenue that would be generated. Margie Rodriguez Indigent Health Care spoke of the numbers showing the need in the Kyle area for Personal Health. Rachell Thomas Chief and Lisa Pacheco the Director of the Adult Probation Office spoke of the needs the probation office has in the Kyle/Buda area. Luanne Caraway Tax Assessor/Collector spoke of having two offices, one in Kyle and one in Buda. Luanne Caraway spoke of the big volume of people in those two offices. She requested combing the two offices. A drive-thru would be ideal but not necessary. Brenda Jenkins spoke of a simple drive-thru proposed at the proposed Kyle/Buda office. Constable Pct 5 Matt Mancillas spoke of the amount of people that come into the precinct 5 office and the space needs in that office. Constable Pct 2 James Kohler spoke of the Plum Creek area that is still being developed. Justice of the Peace Pct 2 Beth Smith spoke of the revenue that her office brings in. Shelly Williams Juvenile Probation spoke of needing space in the Kyle/Buda area if the court would consider it. Captain, Mike Davenport of the Sheriff's Department requested any additional space would be appreciated. Sam Brannon San Marcos resident asked, if this had already been budgeted? Lenee Lovejoy San Marcos resident questioned if this item had been posted correctly. The City of Kyle requested that Hays County vacate the building that is currently being occupied by Commissioner Jones. Therefore, Commissioner Jones is requesting that Broaddus & Associates be allowed to move forward with design and construction management for the project. On February 14, 2011, Commissioner Jones received a summary of the project costs of the building and the appraisal for the two buildings sites that were suggested, Plum Creek and FM 150. The Plum Creek location was selected by a panel of Precinct 2 stakeholders following a thorough solicitation and selection process involving multiples sites and landowners. The new facility is expected to be approximately 17,000 square ft and will house all precinct functions which include the Justice of the Peace, Juvenile Probation, Adult Probation, the Tax Assessor, Sherriff's Office, Public Health, Constable, and Commissioner. Estimated cost not to exceed $225 and $250 per square foot. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Broaddus & Associates to move forward with design and construction management of a building for Precinct 2 under the direction of Commissioner Mark Jones. All voting "Aye". MOTION PASSED**

27884 ADOPT A RESOLUTION IN SUPPORT OF THE TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY (ABTPA)

Hays County Sheriff Gary Cutler requested support of this Resolution. The Hays County Sherriff's Department belongs to the Sherriff's Combined Auto Theft Task Force and receives grant money to fund a deputy position and expenses related to auto burglary and theft. The Legislative Budget Board has recommended all funds collected will be used to offset budget shortages and funding to the ABTPA will be indefinitely suspended resulting in dissolution of the ABTPA and funding to the law enforcement agencies supported by those funds. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a resolution in support of the Texas Automobile Burglary & Theft Prevention Authority (ABTPA). All voting "Aye". MOTION PASSED**

27885 REAPPOINT MARK CHAMBERS TO THE POSITION OF COUNTY FIRE MARSHAL FOR A TERM NOT TO EXCEED TWO YEARS PER LGC 352.011B

This is required for all county Fire Marshals in the state. As required by Local Government Code 352.011b. The Commissioner's Court shall establish the term of office for the County Fire Marshal not to exceed a period of two years. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to reappoint Mark Chambers to the position of County Fire Marshal for a term not to exceed two years. All voting "Aye". MOTION PASSED**

27886 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LICENSE AGREEMENT WITH THE FIRST BAPTIST CHURCH WIMBERLEY FOR PUBLIC USE OF PARKING SPACE ADJACENT TO THE WINTER'S MILL HIKE AND BIKE TRAIL

This License Agreement proposes that the First Baptist Church in Wimberley allow the public to use parking space as a means of accessing the Winter's Mill Hike and Bike Trail. The agreement calls for the County to maintain cleanliness in the parking lot during the term of License. This parking area is the best means of public access to the Hike and Bike Trail on its northern side. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to execute a License Agreement with the First Baptist Church Wimberley for public use of parking space adjacent to the Winter's Mill Hike and Bike Trail with modifications made by Special Counsel. All voting "Aye". MOTION PASSED**

27887 ACCEPT THE TRANSFER OF CONTRACTUAL TERMS FROM THE WIMBERLEY VALLEY WATERSHED ASSOCIATION OF A LEASE HELD BY THE WOODCREEK PROPERTY OWNERS ASSOCIATION (WPOA)

The WOPA has been leasing of the old clubhouse at the Jacob's Well Natural Area since 2010. They use the space for their regular meetings. Their lease ends December 31, 2011. Since the County received dedication of the property that includes the old clubhouse, WOPA's lease payment for 2011 has been forwarded to Hays County. Acceptance of the contractual terms will provide a means for audit reconciliation by the Hays County Auditor's Office, and it will guide the WPOA continued use of the property through the remainder of this calendar year. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to accept the transfer of contractual terms from the Wimberley Valley Watershed Association of a Lease held by the Woodcreek Property Owners Associations (WPOA). All voting "Aye". MOTION PASSED**

27888 INSTITUTE COUNTY-WIDE FREEZE ON HIRING, PROMOTIONS, AND/OR TRANSFERS INTO VACANT POSITIONS WITHOUT COMMISSIONERS COURT APPROVAL; AND TO DECLARE AN EFFECTIVE DATE AS OF MARCH 8, 2011; IF A COUNTY DEPARTMENT HAS ALREADY MADE A COMMITMENT TO HIRE SOMEONE AND ARE IN THE PROCESS OF HIRING FOR THEM TO PROCEED TO FILL THOSE POSITIONS

Chief Deputy Sheriff, Jamie Page, spoke of slots they still have unfilled. Chief Paige spoke of candidates that are currently in the academy and wanting to hire some of them. Sheriff Gary Cutler requested that his office be exempted from this hiring freeze due to the fact that hiring in the Sheriff's Office takes longer than a usual office (i.e. background checks, checking credentials, review boards). Mary E. Gonzales San Marcos resident spoke of some concerns. Sam Brannon San Marcos resident spoke of half on certain projects. While an absolute hiring freeze may not be needed at this time, a policy of approval through Commissioners Court operates as a check and balance against filling positions that could be delayed until a clear view of FY 2012 has been realized. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to institute county-wide freeze on hiring, promotions, and/or transfers into vacant positions without Commissioners Court approval; and to declare an effective date of March 8, 2011. Commissioner Conley made an amendment motion, seconded by Commissioner Ingalsbe if a County Department has already made a commitment to hire someone, and are in the process of hiring for them to proceed to fill those positions. All voting "Aye". MOTION PASSED**

27889 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT BUDGET ADJUSTMENT TO PURCHASE EQUIPMENT FOR THE HAYS COUNTY CONSTABLE'S OFFICE PRECINCT ONE

Constable Pct 1 David Peterson explained about the money left in the grant and the items he is requesting out of this money. On March 9, 2010 the Commissioners Court accepted an award from the Office of the Governor, Criminal Justice Division for the Hays County Constable's Office Precinct One for In-Car Video Cameras. The estimated cost for the (3) In-Car Video Cameras was $15,717, the amount of the grant. After the purchase of these cameras in the amount of $14,250.60, funds remain in the amount of $1,466.40. Constable Peterson is requesting a desktop Computer to download and store data collected from the video cameras, and patrol vehicle emergency lights. The current patrol vehicle does not possess emergency lights. Cost for the Computer is $1,026.40 and for the lights $1,083.50 for a total of $2,109.90. Remaining balance will come from Commissioner Pct 1 budget and will come out the Community Service Budget (001-601-00.5353. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to accept a grant budget adjustment to purchase equipment for the Hays County Constable's Office Precinct One. All voting "Aye". MOTION PASSED**

27890 ALLOW ONION CREEK SENIOR CITIZENS ASSOCIATION TO CONNECT THEIR RAW SEWAGE LINE TO HAYS COUNTY'S SEWAGE LIFT STATION

Sewage from the Justice of the Peace Precinct 5 office complex currently flows to a pump station that delivers the sewage to the City's collection system. Onion Creek Senior Citizens Association is planning to build a separate facility near the current Justice of the Peace Precinct 5 office. They're petitioning the County to allow their sewage to flow to our pump station rather than go the expense of either building a septic field or running their own line to the City's collection system. This action would allow this proposal to move forward and authorize Commissioner Jones to sign any agreements that are deemed needed to facilitate this action. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to allow Onion Creek Senior Citizens Association to connect their raw sewage line to Hays County's sewage lift station. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 1:00 pm and reconvened into open court meeting at 3:30 p.m. In attendance in Executive Session will be the Bargaining Committee, Attorney, Liz Provencio, and Special Counsel, Mark Kennedy. No action was taken.

27891 EXECUTIVE SESSION, PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS PROJECT SUNBURST AND PROJECT BIOCENTRAL

Court convened into closed executive session at 3:37 p.m. and reconvened into open court meeting at 4:06 p.m. In attendance in Executive Session will be Special Counsel Mark Kennedy. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute first amendment to Chapter 381 Economic Development Incentive Agreement between Grifols and Hays County which will specifically make changes to Exhibit C of the original Agreement. All voting "Aye". MOTION PASSED**

DISCUSSION RELATED TO THE BURN BAN

At this time Mark Chambers, Hays County Fire Marshal, requested that the burn ban stay in effect.

27892 APPROVE THE SPECIFICATIONS AND AUTHORIZE PURCHASING TO GO OUT FOR BIDS FOR THE GOVERNMENT CENTER FURNITURE

Bob Hinkle of and Associates spoke of the Government Center being on schedule and under budget. He spoke of all the Furniture Bid Package - furnishings that will be placed at the new Government Center. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the specifications and authorize purchasing to go out for bids for the Government Center furniture. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #25 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note Agenda Item #26 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

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 March 8, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF MARCH 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:

Commissioner Conley 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
San Marcos City Mayor Daniel Guerrero spoke of continued partnership between the County and the City. Alan Cameron San Marcos resident spoke of an upcoming event. This is the third year of "Ride 2 Recovery" that will be here in San Marcos next Tuesday. Commissioner Whisenant gave a "Thank you" to all who have given condolences in the passing of his father over the weekend.

27893 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of county invoices in the amount of $ 14,487.62 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27894 APPROVE COMMISSIONER COURT MINUTES OF MARCH 8, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the Commissioners Court Minutes of March 8, 2011 as presented by County Clerk. All voting "Aye". MOTION PASSED

27895 ACCEPT ADDITIONAL FUNDING FROM THE CEDAR OAK MESA WATER SUPPLY CORPORATION, IN THE AMOUNT OF $2,975.00, FOR COMPLETION OF THE CEDAR OAK MESA WATER STORAGE TANK PROJECT AND AMEND THE BUDGET ACCORDINGLY

The Cedar Oak Mesa Water Supply Corporation Water Storage Tank Project is sponsored by Hays County with funding provided under a grant from the Texas Department of Rural Affairs, Community Development Block Grant Program and local contributions from the Cedar Oak Mesa Water Supply Corporation (COMWSC). Hays County has served as the grant sponsor and administer for the project as per requirements of the funding agency. The COMWSC has requested additional work associated with the water system improvements and has provided additional funding to supplement remaining grant funds to complete these improvements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept additional funding from the Cedar Oak Mesa Water Supply Corporation, in the amount of $2,975.00, for completion of the Cedar Oak Mesa Water Storage Tank project and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27896 AUTHORIZE ON-LINE AUCTION WITH RENE BATES AUCTIONEERS OF SURPLUS VEHICLES NO LONGER IN USE FROM THE SHERIFF'S DEPARTMENT

These are vehicles that are no longer in use due to problems that create unsafe use or that have been seized. A list of the vehicles for auction may be reviewed in the Purchasing Office. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize on-line auction with Rene Bates Auctioneers of Surplus vehicles no longer in use from the Sheriff's Department. All voting "Aye". MOTION PASSED**

27897 AMEND BUDGET OF CONSTABLE PCT 3 FOR VEHICLE MAINTENANCE AND SUPPLIES

Constable Ayres Pct 3 has paid for several items from supplies rather that as budgeted empty. to the cost being under the threshold eqpt. amount (and at a savings) and requests that the remainder be transferred from eqpt. to supplies and maintenance. 001-637-00.5206 Law Enforcement Supplies, 001-637-00.5413 Vehicle Maintenance. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend Budget of Constable Pct 3 for vehicle maintenance and supplies. All voting "Aye". MOTION PASSED**

27898 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AN OFFICE AND ELECTRONICS TESTING FACILITY LOCATED AT 13033 TRAUTWEIN ROAD, DRIPPING SPRINGS, TX 78620, IN PRECINCT 4

The Espy Corporation is proposing an OSSF to serve an office and electronics testing facility. This property is located is located at 13033 Trautwein Road, Dripping Springs, Texas in Pct 4. The property is 3.2237 acres. It is a low pressure dosing On Site Sewage Facility designated by Derrick Lormand, R.S. The On Site Sewage Facility is designed for a maximum wastewater flow of 300 gpd for a maximum of 30 employees and guests per weekday. Water is supplied by an existing water well. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to Authorize Institutional OSSF Permit for an office and electronics testing facility located at 13033 Trautwein Road, Dripping Springs, TX 78620, in Precinct 4. All voting "Aye". MOTION PASSED**

27899 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AN OLIVE OIL PROCESSING PLANT, TASTING AND RETAIL ROOM, AND COOKING DEMONSTRATION KITCHEN LOCATED AT 2530 WEST FITZHUGH ROAD, DRIPPING SPRINGS, TX 78620, IN PRECINCT 4

Rick Mensik (Texas Hill Country Olive Orchard) is proposing an OSSF to serve an olive oil processing plant tasting and retail room and cooking demonstration kitchen. This property is located at 2530 West Fitzhugh Road, Dripping Springs, Texas Pct 4. The property is 17.19 acres. It is an Aerobic Treatment Unit using low pressure dosing dispersal designed by Derrick Lormand, RS. The On Site Sewage Facility is designed for a maximum wastewater flow of 300 gpd for a maximum of 4 employees and 10 customers per weekday and 30 customers per weekend day. Water is supplied by a proposed public water well. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to Authorize Institutional OSSF Permit for an olive oil processing plant, tasting and retail room, and cooking demonstration kitchen located at 2530 West Fitzhugh Road, Dripping Springs, TX 78620, in Precinct 4. All voting "Aye". MOTION PASSED**

27900 APPROVE ALLOWING BARRY NELSON, CIVIC CENTER DIRECTOR, TO MODIFY THE TYPE AND QUANTITIES OF FANS TO BE PURCHASED FOR THE HAYS COUNTY CIVIC CENTER

The approved miscellaneous equipment for the civic center is for 10-30 inch wall fans with variable speed controllers at a cost of $5664.00. These fans were to be mounted along the walls of the facility to improve airflow. Together, the fans will produce a total of 200,000 cubic feet of air per minute at full capacity. Since the authorization of the equipment, a new type of fan came on the market that will out-perform the 10 fans for a lower cost. The equipment requested is 24-33, 60" high speed ceiling fan with variable speed controls that will together produce form 1.1 to 1.5 million cubic feet of air per minute at full capacity. The total cost of the fans range from a low of $2960.00 (24 fans) to a high of $4000.00 (33 fans). The first 24 fans will be installed over the main arena to test airflow generated throughout the facility. The additional fans may be installed over the dance floor area and wing area if deemed needed. The material cost of the installation will cost $1200.00 (24 fans) to $1500.00 (33 fans). Labor has already been secured through the Adult Probation Office and license electrician is standing by at this time waiting for the go ahead. Total cost of the change will be from $4160.00 to $5500.00, leaving us well within the original $5664.00 authorized amount that did not include materials or labor.(001-464-00.5719). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve allowing Barry Nelson, Civic Center Director, to modify the type and quantities of fans to be purchased for the Hays County Civic Center. All voting "Aye". MOTION PASSED**

27901 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR ERICA CARPENTER IN THE SHERIFF'S OFFICE

The Navigator 2011 Premier Educational conference for Police, Fire and Medical Dispatch is scheduled for April 20-22, 2011 in Las Vegas, Nevada. Erica Carpenter has been selected to instruct a block call Group Work and Brainstorming: Skills to get it done productively! Erica Carpenter will be the instructor everything will be cover except her meals are being covered by the conference. The HSCO will assume the responsibility to pay her per diem to total 85.00.(001-618-00-5551). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve out of State Training Travel Request for Erica Carpenter in the Sheriff's Office. All voting "Aye". MOTION PASSED**

27902 APPROVE UTILITY PERMITS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve utility permit #831 on Darden Hill Road and utility permit #832 on Whistling Wind issued to Verizon Southwest by the County Road Department. All voting "Aye". MOTION PASSED

27903 HALLETT ENTJER SUBDIVISION [11-2-4 – 2 LOTS] **APPROVE PRELIMINARY PLAN**

The Hallett Entjer Subdivision is a proposed subdivision of 12.574 acres of land located off Palomino Road in Precinct 2.The division will consist of 2 lots with an average lot size of 6.287 acres. The individual lot sizes are as follows; Lot 1 -5.010 acres and Lot 2- 7.564 acres. Both lots are already developed and are served by existing public water connections and individuals on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan for Hallett Entjer Subdivision. All voting "Aye". MOTION PASSED**

27904 1826 NUTTY BROWN SUBDIVISION [10-4- 31 – 1 LOT] **APPROVE PRELIMINARY PLAN**

The Nutty Brown Subdivision is a proposed subdivision of 5.00 acres of land located at the intersection of FM 1826 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 are 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. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the preliminary plan for 1826 Nutty Brown Subdivision. All voting "Aye". MOTION PASSED**

27905 APPROVE THE SHERIFF'S VEHICLE TAKE HOME PROGRAM

Sheriff Gary Cutler spoke of the policy of officers taking their vehicle home. Vehicle Take Home Programs promote and enhance proactive community oriented policing, a proven deterrent to crime. It allows this agency to have double coverage; during shift changes and when deputies are performing other ancillary duties. It permits deputies to routinely respond to calls for service during their commute, which reduces to response time to our citizens and in general promotes a safer community and a greater uniformed presence. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant for the Sheriff's Vehicle Take Home Program to be approved as presented. All voting "Aye". MOTION PASSED**

27906 APPROVE HIRING FOR SHERIFF'S OFFICE JOB VACANCIES

The current hiring freeze enacted. The Sherriff's office is requesting Commissioners Court approval to hire for essential positions within the Sheriff's Office. The Sheriff's Office recognizes the reasons for the hiring freeze and is committed to providing law enforcement services. The following positions are immediately essential (1) Law Enforcement; six dispatchers, two deputy vacancies, crime analyst, part-time mechanic (2) Corrections; two correction officer vacancies, jail medic, building maintenance. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve hiring for Sheriff's Office job vacancies consisting of six dispatchers, two deputies, crime analyst, mechanic(part-time), two correction officers, jail medic and building maintenance. All voting "Aye". MOTION PASSED**

27907 AUTHORIZE THE COUNTY AUDITOR TO WORK WITH THE SHERIFF'S OFFICE TO AMEND BUDGET OF OVERTIME AND HOLIDAY PAY IN RELATION TO DISPATCHERS.

The sheriff's Office would like to extinguish both overtime and holiday line items in ESD Dispatch for dispatchers and use overtime and holiday comp out of the Sherriff's Office budget no additional funds needed. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the county auditor to work with the Sheriff's Office to amend budget of overtime and holiday pay in relation to dispatchers. All voting "Aye". MOTION PASSED**

27908 ACTION TO HAVE CINTAS DOCUMENT MANAGEMENT PROVIDE ON-SITE DOCUMENT SHREDDING SERVICES FOR THE COURTHOUSE AND SHERIFF'S OFFICE AND CONSIDER A PUBLIC SHRED DAY

There is an estimated 380 boxes to shred at Courthouse and Sheriff's Offices. The quote price is $.18/lb, the average box is 50 lbs resulting in an estimated cost of $3,420. Funds from the option for a county-wide contingencies were use in 2009. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to have Cintas Document Management provide on-site document shredding services for the Courthouse and Sheriff's Office and County Buildings in San Marcos in an amount of $3,420 with money coming out of contingencies line item #001.645.00.5399. All voting "Aye". MOTION PASSED**

27909 APPROVE A TEMPORARY BAIL BOND ADMINISTRATIVE ASSISTANT POSITION AND AMEND THE BUDGET ACCORDINGLY

David Mendoza, Assistant District Attorney, spoke of the need for this position. A temporary position is needed to investigate Bail Bond applications, research financial statements, prepare agendas and record official minutes of all Bail Bond meetings. Human Resources has graded this position at a grade 106(minimum $10.55 per hour). From 051.5449 Temporary Personnel $704.13 to 051.5021 salary staff $654.10, 051.5101_100 FICA-$40.55,051.5101_200 Medicare-$9.48. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve a temporary Bail Bond Administrative Assistant position and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27910 APPROVE THE PERSONAL HEALTH DEPARTMENT FILLING TWO POSITIONS: THE ADMINISTRATIVE ASSISTANT 1-TB AND THE ADMINISTRATIVE ASSISTANT 1-WELL CHILD/IMMUNIZATION RECEPTIONIST FOR THE SAN MARCOS CLINIC

Priscilla Hargraves Personal Health Director requested the filling of these two positions. The Tuberculosis (TB) program and the Administrative Assistant 1-TB position is partially funded by DSHS (for FY11 $14,710). This position handles a number of administrative duties for the TB program, including delivering Direct Observed Therapy (DOT), client assessment including vital signs and weight, making reminder calls for the monthly TB Clinic, reminder/recalls to LTBI clients when they need to come into clinic for their monthly assessment and pick up their preventive medications, data entry, and other administrative duties as needed. This position is currently vacant. The Administrative Assistant 1-Well Child/Immunization Receptionist position will be vacant as of April 25, 2011. The PHD is requesting to post and fill this position so that the new employee will be able to parallel the current Administrative Assistant 1 for up to two weeks, per policy. This position is essential to the flow and efficient operation of the clinic. This position schedules appointments, makes appointment reminder calls, follows up on missed appointments, answers the phone and direct calls, greet clients, prepares charts, checks clients in, take payments for services, provides clients with receipts for payments, faxes charts as needed for continuity of client services, and other administrative services as needed. Both positions have been approved and funded in the FY 2011 budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the Personal Health Department filling two positions: the Administrative Assistant 1-TB and the Administrative Assistant 1-Well Child/Immunization receptionist for the San Marcos clinic. Commissioner Conley, Commissioner Whisenant voting "No". Commissioner Ingalsbe, Commissioner Jones, Judge Cobb voting "Aye". MOTION PASSED**

27911 SUPPORT THE 2ND ANNUAL RAINWATER FESTIVAL TO BE HELD IN DRIPPING SPRINGS (DATE TO BE DETERMINED)

The purpose of this event is to educate, promote and celebrate rainwater collection. The event will include a day long schedule of presentations by professional and users of rainwater from across Texas. There will be water conservation related business vendor booths, rainwater system displays and experts to provide guidance, information and services. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to support the 2nd Annual Rainwater Festival to be held in Dripping Springs (date to be determined) with Hays County to be a Gold member and to be funded out of the LCRA funds. All voting "Aye". MOTION PASSED**

27912 SUPPORT THE HAYS COUNTY HISTORICAL COMMISSION'S APPLICATION FOR A GRANT OF $100,000.00 FROM THE BURDINE JOHNSON FOUNDATION

Kate Johnson spoke of applying for this grant. The Hays County Historical Commission would like to apply for a grant of $100,000.00 from the Burdine Johnson Foundation. This grant will be used to fulfill the obligation to finish Ph 1 of the Rehabilitation of the Old Hays County Jail. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to support The Hays County Historical Commission's application for a grant of $100,000.00 from the Burdine Johnson Foundation. All voting "Aye". MOTION PASSED**

27913 ADOPT A RESOLUTION IN SUPPORT OF PROPOSED LEGISLATION THAT WOULD MODIFY THE PROCESS FOR APPOINTMENT OF BAILIFFS IN THE DISTRICT COURTS OF HAYS COUNTY

Steve Thomas District Coordinator for Hays Caldwell & Comal Counties, spoke of Resolution. The proposed legislation may be found in backup. The changes provide greater input for both Commissioners Court and the District Court Judges who have not been appointed to the Local Administrative Judge position. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a resolution in support of proposed legislation that would modify the process for appointment of bailiffs in the District Courts of Hays County. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #22 RE: *APPROVE SUPPLEMENTAL #1 TO WORK AUTHORIZATION #3 FOR ROW ACQUISITION OF FM 110 (TERMINATION DATE EXTENSION) WITH LOCKWOOD, ANDREWS AND NEWNAM* **– was pulled**

Clerk's Note: Agenda Item #23 RE: *ACCEPT THE ANNUAL REPORT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #3* **– was pulled**

27914 APPROVE SPECIFICATIONS FOR IFB #2011-B04 "PHASE 3 INTERIOR RENOVATIONS TO THE LBJ MUSEUM OF SAN MARCOS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve specifications for IFB #2011-B04 "Phase 3 Interior Renovations to the LBJ Museum of San Marcos" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

27915 WAIVE OSSF PERMIT FEES FOR BELINDA VAN DYKE, OWNER OF THE HOME AT 311 REIMER IN SAN MARCOS

The OSSF at the Van Dyke Residence is in need of replacement and the owners have begun the process of securing a new design and hiring an installer. The Van dykes purchased the property in 2000 and feel they were misled about the actual age of the OSSF, which was presented as being only 15 years old at the time when it was in fact 28 years old. The drain field size requirements were much different in 1972 when the system was actually installed compared to 2000 when purchase took place. The owners say they have worked diligently to reduce the flow through the system and conserve water, but the time has come to replace the entire system. The owners have requested the county waiver the permitting fees for the system replacement. The total fees for this type of permit are $410.00. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to waive OSSF permit fees for Belinda Van Dyke, owner of the home at 311 Reimer in San Marcos. All voting "Aye". MOTION PASSED**

27916 APPOINT RANDY GARST TO THE NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1 BOARD OF DIRECTORS

This position is one vacated by the resignation of Board Member Rodney White. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to appoint Randy Garst to the North Hays County Emergency Services District #1 Board of Directors. All voting ."Aye". MOTION PASSED**

10:00 AM WORKSHOP TO DISCUSS WITH THE COUNTY'S FINANCIAL ADVISOR AND OTHERS, THE COUNTY'S UPCOMING FINANCIAL OBLIGATIONS, OPTIONS AND THE COUNTY DEBT

Commissioner Ingalsbe thanked everyone who attended. Lila Knight, Kyle resident, Lucy Johnson Mayor of Kyle, Chance Sparks, San Marcos resident and Planning Director for the City of Buda, Warren Ketteman Buda Economic Development Director, Dwain York Wimberley ISD Superintendent, Constable Pct 2 James Kohler, Jeff Barton former Commissioner Pct 2, Steve Meeks, PE Teacher in Wimberley, Ken Strange, WISD & ESD, Mary E. Gonzales San Marcos resident, Denise Pruski Wimberley resident, Richard Cox Wimberley resident, Melissa Frensley Buda resident, Norman Rolling Wimberley resident and President of Emily Ann Theatre, Gary Botkin Dripping Springs resident, Lee Taylor Mountain City resident and on the City Council, Dan & Karen Evans Kyle residents, Susie Carter Uhland resident, Clint Frankmann Wimberley resident, Susan Narvaiz former Mayor of San Marcos, and Lenee Lovejoy San Marcos resident, made public comments. Sam Brannon San Marcos resident gave a powerpoint presentation. Dan Wegmiller discussed upcoming options regarding the county's financial responsibilities. Bob Ochoa Wimberley resident asked a question of Dan Wegmiller. John Putnam Kyle resident, Nick Nusbaum San Marcos CISD Transportation Department made a public comment. County Auditor gave a powerpoint presentation. David Crowell Kyle resident made a public comment.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON OR NEAR CR 266 AKA OLD BASTROP HWY IN PRECINCT 1

Court convened into closed executive session at 4:05 p.m. and reconvened into open court meeting at 4:13. In attendance in Executive Session were Commissoner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Appraiser Lori Bible. No action taken.

27917 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON FM 2325

Court convened into closed executive session at 4:13 p.m. and reconvened into open court meeting at 4:34. In attendance in Executive Session were Commissoner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Appraiser Lori Bible. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize Lori Bible, our ROW Coordinator to finalize a Purchase Agreement for parcel No. 7 in the FM 2325 Project pursuant to our discussions in Executive Session; and to authorize the County Judge to execute that Agreement. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 4:34 p.m. and reconvened into open court meeting at 5:23. In attendance in Executive Session were Commissoner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb and Special Counsel Mark Kennedy. No action taken.

27918 REINSTATE THE 90-DAY BURN BAN

A motion was made by Commissioner Conley, seconded by Commissioner Jones to reinstate the 90-day burn ban and to authorize the County Judge to lift as he sees fit. All voting "Aye". MOTION

27919 APPROVE CHANGE ORDER DOCUMENT #7 FOR THE GOVERNMENT CENTER WITH A SAVINGS BACK TO THE COUNTY IN THE AMOUNT OF $1,487.116.80

Bob Hinkle of Broaddus and Associates spoke of being on schedule and under budget. Lenee Lovejoy San Marcos resident made a public comment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve change order document #7 for the Government Center with a savings back to the County in the amount of $1,487,116.80. All voting "Aye". MOTION**

Clerk's Note Agenda Item #33 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note Agenda Item #34 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

27920 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S).

Michele Tuttle explained that she was in the middle of interviewing when the hiring freeze took place. Since this was a budgeted item the Court decided they didn't need to approve officially in open court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize Brett Littlejohn to do the hiring and advertising of those positions at the Juvenile Detention Center. All voting "Aye". MOTION**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the District Attorney's Office to hire Legal Assistant. All voting "Aye". MOTION PASSED

COURT WAS ADJOURNED.

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 MARCH 22, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29th DAY OF MARCH 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**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT. 4 RAY O. WHISENANT, JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley 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 COMMENT

Jack Hollon of the Wimberley Valley Watershed Association spoke, David Crowell of Kyle spoke of the Hays County Budget. Sam Brannon of San Marcos spoke, Alan Cameron spoke of County gratitude and encouragement for Veterans.

PRESENTATION OF THE 2010 DISTINGUISHED SERVICE AWARD TO THE HAYS COUNTY HISTORICAL COMMISSION

The Hays County Historical Commission has been recognized with the Distinguished Service Award (DSA) for outstanding preservation work accomplished in 2010.

27921 ADOPT A PROCLAMATION DECLARING APRIL 3 – 9, 2011 AS NATIONAL PUBLIC HEALTH WEEK IN HAYS COUNTY

This proclamation is for promoting, protecting and preserving health and quality of life for the Hays County citizens. Priscilla Hargraves of the Personal Health Department spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring April 3 – 9, 2011 as National Public Health Week in Hays County. All present voting "Aye". MOTION PASSED**

27922 ADOPT A PROCLAMATION DECLARING APRIL 2011 AS NATIONAL COUNTY GOVERNMENT MONTH

A motion was made by Commissioner Jones, by Commissioner Ingalsbe to adopt a Proclamation declaring April 2011 as National County Government Month. All present voting "Aye". MOTION PASSED

27923 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve county invoices in the amount of $1,505.47 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

27924 APPROVE COMMISSIONER COURT MINUTES OF MARCH 22, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the Commissioner Court Minutes of March 22, 2011 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

27925 APPROVAL TO PRE-QUALIFY ALL RESPONDENTS OF RFQ #2011-P05 "QUALIFICATIONS FOR PROFESSIONAL CIVIL ENGINEERING SERVICES ON AN AS-NEEDED BASIS"

Jerry Borcherding, RPTP Director, would like to pre-quality all respondents to develop a pool of civil engineering firms from which to select to provide services on an as-needed basis. As projects are developed by the Road Department, the RPTP Department would select a firm from the pre-qualified list to perform required duties. Negotiated contracts, from the selected firms, will be brought back to Commissioners Court for approval and to be executed by the County Judge. It is anticipated that the scope of projects assigned will result in total billings of $50,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approval to pre-qualify all respondents of RFQ #2011-P05 "Qualifications for Professional Civil Engineering Services On An As-Needed Basis". All present voting "Aye". MOTION PASSED**

27926 APPROVAL TO PRE-QUALIFY ALL RESPONDENTS OF RFQ #2011-P04 "QUALIFICATIONS FOR PROFESSIONAL SURVEYING SERVICES ON AN AS-NEEDED BASIS"

Jerry Borcherding, RPTP Director, would like to pre-qualify all respondents to develop a pool of surveying firms from which to select to provide services on an as-needed basis. As projects are developed by the Road Department, the RPTP Director would select a firm from the pre-qualified list to perform required duties. Negotiated contracts, from the selected firms, will be brought back to Commissioners Court for approval and to be executed by the County Judge. It is anticipated that the scope of projects assigned will result in total billings of $50,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approval to pre-qualify all respondents of RFQ #2011-P04 "Qualifications for Professional Surveying Services On An As-Needed Basis". All present voting "Aye". MOTION PASSED**

27927 AMEND BUDGET OF PARKS FUND FOR ADMINISTRATION CONTINUING EDUCATION

This is to pay for a training expense amount required $217.00.140-700-00.5551 from 140-700-00.5453 repair and maintenance. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend Budget of Parks Fund for administration Continuing Education. All present voting "Aye". MOTION PASSED**

27928 AMEND BUDGET OF DEPARTMENT OF PUBLIC SAFETY/LICENSE & WEIGHTS FOR EQUIPMENT PURCHASE OF REAR VISOR LIGHT BAR

Sgt. Rojas needs to purchase a rear window light bar and has found one for $400.00 which requires transfer into equipment 001-651-00.5717 Law Enforcement Equipment 004-651-00.5391 Misc 001-651-00.5206. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend Budget of Department of Public Safety/License & Weights for equipment purchase of rear visor light bar. All present voting "Aye". MOTION PASSED**

27929 APPROVE THE SEPTEMBER 2010, OCTOBER 2010, NOVEMBER 2010, DECEMBER 2010 AND JANUARY 2011 TREASURER'S REPORTS AND INVESTMENT REPORTS

David Crowell of Kyle made a public comment. Michelle Tuttle County Treasurer and Bill Herzog County Auditor spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the September 2010, October 2010, November 2010, December 2010 and January 2011 Treasurer's Reports and Investment Reports. All present voting "Aye". MOTION PASSED**

27930 APPROVE A PRELIMINARY HAYS COUNTY BUDGET CALENDAR FOR FY 2012

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve a preliminary Hays County Budget Calendar for FY 2012. All present voting "Aye". MOTION PASSED

27931 CALL FOR A PUBLIC HEARING ON APRIL 12, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON VALLEY VIEW ROAD IN BURNETT RANCH ESTATES SUBDIVISION

Jerry Borcherding, Transportation Director gave staff recommendation. This is to establish a "No Parking" zone of about 700 feet from the park gate on the south side of Valley View Road going towards the Blanco River low-water crossing only three signs are needed. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to call for a public hearing on April 12, 2011 to establish traffic regulations on Valley View Road in Burnett Ranch Estates subdivision. All present voting "Aye". MOTION PASSED**

27932 CALL FOR A PUBLIC HEARING ON APRIL 12, 2011 TO ESTABLISH TRAFFIC REGULATIONS IN BRUSHY CREEK SUBDIVISION

Jerry Borcherding, Transportation Director gave staff recommendation. This public meeting will be held to establish a stop sign on Meyers Road at S. Turnersville Rd. a stop sign on Lanes Lane at S. Turnersville Rd, a stop sign on Calderon Street at Meyers Road, a stop sign on Calderon Street at Lanes Lane, and a speed limit of 25 MPH. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on April 12, 2011 to establish traffic regulations in Brushy Creek subdivision**. **Commissioner Ingalsbe, Commissioner Jones, Judge Cobb voting "Aye" Commissioner Conley not present for vote. MOTION PASSED**

27933 HALLETT ENTJER SUBDIVISION [11-2-4 – 2 Lots] **ACTION TO CONSIDER APPROVAL OF FINAL PLAT**

Roxie Botkin Subdivision Coordinator gave staff recommendation. This proposed subdivision of 12.574 acres of land located off Palomino Road in Precinct 2. The division will consist of 2 lots with an average lot size of 6.287 acres. The individual lot sizes are as follows: Lot 1-5.010 acres and Lot 2- 7.564 acres both lots are already developed and are served by existing public water conditions and individual on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the final plat of Hallett ENTJER Subdivision 2 lots. All present voting "Aye". MOTION PASSED**

27934 APPROVE THE ROAD NAME DESIGNATION OF "VISTA VERDE PATH" TO A PRIVATE DRIVEWAY LOCATED OFF OF ARROWLAKE ROAD

Clint Garza Director of Development Services gave staff recommendation. The proposed Vista Verde Path is located within Darlings Hill Subdivision and serves multiple structures. Currently there is an unnamed shared access driveway (20 ft wide) leading into the subdivision however it is common practice to name easement roads or drives which serve multiple homes. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the road name designation of "Vista Verde Path" to a private driveway located off of Arrowlake Road. All present voting "Aye". MOTION PASSED**

27935 APPROVE THE AGREEMENT BETWEEN THE PERSONAL HEALTH DEPARTMENT (PHD) AND SAN MARCOS MEDICAL IMAGING

Priscilla Hargarves of the Personal Health Department spoke. This is an agreement between the PHD and San Marcos Medical Imaging so that they will provide Interpretation on one and two view Chest X-Rays for the Tuberculosis (TB) program at a rate not to exceed $15.00 per interpretation. This agreement starting April 1, 2011, is for a two year period or until terminated by either party. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the agreement between the Personal Health Department (PHD) and San Marcos Medical Imaging. All present voting "Aye". MOTION PASSED**

27936 ACCEPT THE FY 2010 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER, & COMPANY, L.L.P.

Pat Wagner with Holtman, Wagner & Company presented the audit report and gave a powerpoint presentation. David Crowell made a public comment. Bill Herzog County Auditor spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept the FY 2010 financial audit for Hays County as prepared by the accounting firm of Holtman, Wagner, & Company, L.L.P. All present voting "Aye". MOTION PASSED**

27937 APPROVE THE APPOINTMENT OF CHAD BOOTH TO A VACANT POSITION ON THE HAYS COUNTY SHOOTING SPORTS TASK FORCE (HCSSTF)

J.B. Kolodzey from the Hays County Shooting Sports Task Force spoke. Chad Booth will be replacing Willy T. Ribbs. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the appointment of Chad Booth to a vacant position on the Hays County Shooting Sports Task Force (HCSSTF). Commissioner Ingalsbe, Commissioner Jones, Judge Cobb voting "Aye" Commissioner Conley not present to vote. MOTION PASSED**

27938 APPROVE THE APPOINTMENT OF LEIGHTON STALLONS TO A VACANT POSITION ON THE HAYS COUNTY SHOOTING SPORTS TASK FORCE (HCSSTF)

J.B. Kolodzey from the Hays County Shooting Sports Task Force spoke. Leighton Stallons will be replacing John Sanford. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the appointment of Leighton Stallons to a vacant position on the Hays County Shooting Sports Task Force (HCSSTF). Commissioner Ingalsbe, Commissioner Jones, Judge Cobb voting "Aye" Commissioner Conley not present to vote. MOTION PASSED**

County Clerks Note Item #20 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WIMBERLEY AND HAYS COUNTY REGARDING MAINTENANCE OF THE BLUE HOLE HIKE AND BIKE TRAIL* **– was pulled**

27939 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND AZS ENTERPRISES, INC., FOR THE FUNDING OF CONSTRUCTION AND ENGINEERING COSTS ASSOCIATED WITH THE EXTENSION OF THE LEFT TURN LANE AT THE INTERSECTION OF NUTTY BROWN ROAD AND RM 1826 TO ACCOMMODATE LEFT TURN MOVEMENTS INTO THE CONVENIENCE STORE BEING CONSTRUCTED BY AZS ENTERPRISES, INC

Alan Crozier of HDR spoke. The RM 1826 at Nutty Brown Road was identified as a key project in Precinct 4 as part of the 2008 Priority Road Bond Program. At the 60 % project development stage, it was brought to the County's attention that AZS Enterprises, Inc. was in the process of developing the property across RM 1826 from Nutty Brown Road as a convenience store and gas station. Coordination meetings were held with developers engineer, the County's design engineer. TxDot, County Commissioner's and City of Dripping Springs. All parties were in agreement that the left turn bay for Nutty Brown Road should be extended to accommodate the convenience store and improve safety. AZS Enterprises, Inc. has agreed to provide the County with $90,000 to cover the added engineering and construction costs for the extension of the turn lane to accommodate the convenience store. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a development agreement between Hays County and AZS Enterprises, Inc., for the funding of construction and engineering costs associated with the extension of the left turn lane at the intersection of Nutty Brown Road and RM 1826 to accommodate left turn movements into the convenience store being constructed by AZS Enterprises, Inc. All present voting "Aye". MOTION PASSED**

27940 APPROVE INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE CH2M HILL PROFESSIONAL SERVICE AGREEMENT FOR NECESSARY ADDITIONAL SERVICES ON THE RM 1826 AT NUTTY BROWN ROAD PROJECT IN PRECINCT 4

Alan Crozier of HDR spoke. The RM 1826 at Nutty Brown Road was identified as a key project in Precinct 4 as part of the 2008 Priority Road Bond Program. At the 60 % project development stage, it was brought to the County's attention that AZS Enterprises, Inc. was in the process of developing the property across RM 1826 from Nutty Brown Road as a convenience store and gas station. Coordination meetings were held with developers engineer, the County's design engineer. TxDot, County Commissioner's and City of Dripping Springs. All parties were in agreement that the left turn bay for Nutty Brown Road should be extended to accommodate the convenience store and improve safety. The GEC recommends that CH2M Hill perform the additional engineering work required in order to expedite the project and provide consistency within the plans. AZS Enterprises, Inc. has agreed to provide the County with $90,000 to cover the added engineering and construction costs for the extension of the turn lane to accommodate the convenience store. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve increasing the not-to-exceed fee and compensation cap on the CH2M Hill Professional Service Agreement for necessary additional services on the RM 1826 at nutty Brown Road project in Precinct 4. All present voting "Aye". MOTION PASSED**

27941 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A UTILITY ADJUSTMENT AGREEMENT WITH PEC RELATED TO THE RR12 AT RM32 PROJECT

Alan Crozier from HDR spoke. Melissa Horn of Cobb and Finley spoke.RM 32 is one of the Priority Road Bond Project on Ranch Road 12 that the County has authorization to design, construct and maintain. According to the highway contractor the pole at Sac-N-Pac (TxDot Stationing 235 plus 50) has become the critical path. Relocating the pole and utility lines is necessary in order to move forward with this project. Our project management team, HDR Engineering as well as the project engineer have reviewed the utility agreement and recommend approval. PEC has provided cost estimates to perform work order #1 $26,717.82 work order #2 $19,798.06 and work order #3 $133,631.67. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to execute a Utility Adjustment Agreement with PEC related to the RR12 at RM32 project. All present voting "Aye". MOTION PASSED**

27942 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL (OAG), CRIME VICTIM SERVICES DIVISION FOR UP TO $42,000.00

Mike Davenport of the Sheriff's Office spoke, Lori Williams of the San Marcos Police Victim Services spoke in the need for this position. This grant would fund a victim coordinator's position for the Hays County Sherriff's Office. This position will provide services to crime victims, their families, and citizens of Hays County who have experienced the trauma of victimization. The victim counselor/coordinator would assist in completing and submitting the required forms for court, provide counseling, coordinate victims for court appearances. The grant term is for up to two years from September 1, 2011 through August 31, 2013, subject to and contingent on funding and approval by the Office of the Attorney General. The grant will fund the position up to $42,000 annually, including fringe benefits. The first annual salary and fringe benefits for this position is $44,194.00, a difference of $2,194.00 and salary and fringe benefits for the second year is $46,326.57 a difference of $4,326.57. The Sherriff's Office budget will supplement the additional funds required. The application will be submitted electronically and, with the exception of the additional funds to cover salary/fringe benefits, no match is required. The county is not required to continue this position after the grant expires. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute resolution and submit a grant application to the Office of the Attorney General (OAG), Crime Victim Services Division for up to $42,000.00 the County is not required to continue this position after the grant expires. All present voting "Aye". MOTION PASSED**

27943 ACCEPT A GRANT IN THE AMOUNT OF $30,000 FROM THE WIMBERLEY VALLEY WATERSHED ASSOCIATION FOR PAYMENT TOWARD REDUCTION OF THE COUNTY'S LOAN FROM THE NATURE CONSERVANCY RELATED TO THE WESTRIDGE/JACOB'S WELL ACRES PURCHASE; AND TO AUTHORIZE THE COUNTY AUDITOR TO DISBURSE SAID FUNDS TO THE NATURE CONSERVANCY FOR SAID PURPOSES

David Baker Executive Director of Wimberley Valley Watershed made a public comment. Jeff Francell and Jack Hollon of the Nature Conservancy spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to accept a grant in the amount of $30,000 from the Wimberley Valley Watershed Association for payment toward reduction of the County's loan from The Nature Conservancy related to the Westridge/Jacob's Well Acres purchase; and to authorize the County Auditor to disburse said funds to The Nature Conservancy for said purposes. All present voting "Aye". MOTION PASSED**

27944 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT EXTENSION WITH SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN, & DOUGLAS, L.L.P. FOR LEGAL COUNSEL ASSOCIATED WITH THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN

The Commissioners Court recently authorized Loomis Partners to continue working on approval of the Regional Habitat Conservation Plan (RHCP). Since Smith Robertson worked in tandem with Loomis Partners through the first submittals of the RHCP, it seems prudent to continue Smith Robertson's service for the final stage of the RHCP's consideration. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract extension with Smith, Robertson, Elliott, Glen, Klein, & Douglas, L.L.P. for legal counsel associated with the Hays County Regional Habitat Conservation Plan not to exceed $10,000. All present voting "Aye". MOTION PASSED**

27945 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A STAGING AGREEMENT BETWEEN HAYS COUNTY AND 2428 PARTNERS FOR ACTIVITIES RELATED TO ROAD IMPROVEMENTS ON TURNERSVILLE ROAD AND CR 118

2428 Partners has presented the Staging Agreement to the County, which must be executed in order to provide a staging area for construction related activities on County Road 118 and Turnersville Road. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute a Staging Agreement between Hays County and 2428 Partners for activities related to road improvements on Turnersville Road and CR 118. All present 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 RANCH ROAD 12

Court convened into closed executive session at 10:54 a.m. and reconvened into open court meeting at 11:12 a.m. in attendance in Executive Session were Commissioner Conley, Commissioner Ingalsbe, Commissioner Jones, Judge Cobb, Special Counsel Mark Kennedy and Elle Dietz. **– No Action taken.**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO HAYS COUNTY'S ARCHITECTURAL SERVICES CONTRACT WITH PBS&J

Court convened into closed executive session at 11:13 a.m. and reconvened into open court meeting at 11:42 a.m. in attendance in Executive Session were Steward Whitehead, Elliott Clark with Winstead, Commissioner Jones, Commissioner Conley, Commissioner Ingalsbe and Special Counsel Mark Kennedy. **– No Action taken.**

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 VARIOUS REAL PROPERTIES OWNED BY HAYS COUNTY

Court convened into closed executive session at 11:43 a.m. and reconvened into open court meeting at 11:56 a.m. in attendance in Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Ingalsbe, Judge Cobb and Special Kennedy. **– No Action taken.**

ACTION RELATED TO THE BURN BAN

Fire Marshall Mark Chambers spoke. Judge Cobb lifted the burn ban March 28 for one week.

Clerks Note Agenda Item # 32 RE: *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* **– was pulled**

Clerks Note Agenda Item # 33 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerks Note Agenda Item # 34 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

27946 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

David Peterson of Constable Precinct 1 spoke of hiring for this position which is within his budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones. All present voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, seconded by Commissioner Conley 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 MARCH 29, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4TH DAY OF APRIL A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	**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 GONZALEZ	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

A motion was made by Commissioner Whisenant, and seconded by Commissioner Jones to convene into closed Executive Session. All voting "Aye". MOTION PASSED Court convened into closed executive session at 1:12 p.m. and reconvened into open meeting at 2:20 p.m. In attendance: Commissioners Court, Bob Bass, Special Counsel Mark Kennedy. No action taken.

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adjourn.

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 APRIL 4, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5th DAY OF APRIL 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:

Pastor Lonnie Poe from Sunset Canyon Baptist Church 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 COMMENT

27948 ADOPT A PROCLAMATION RECOGNIZING APRIL AS CHILD ABUSE AWARENESS MONTH

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a Proclamation recognizing April as Child Abuse Awareness Month. All voting "Aye". MOTION PASSED

27949 ADOPT A PROCLAMATION SUPPORTING SAN MARCOS HIGH SCHOOL STUDENT GOVERNMENT DAY AND RECOGNIZING MAY 13, 2011 AS STUDENT GOVERNMENT DAY IN SAN MARCOS

Kim Porterfield, San Marcos City Council Member gave an overview of this program. This San Marcos High School tradition, is a semester-long social studies program when SMHS students "take over" local government through shadowing, mock meetings and a culminating luncheon. The SMHS Student Council is spearheading the effort which gives SMHS students the opportunity to truly experience what it means to be involved in local government. It also gives those of us in elected positions a first-hand took at how our youth feel about issues important to them. Already at the high school, students have filed to run for office and are currently running campaigns. The students will vote and then the elected officials will appoint key staff and begin identifying issues for their agendas. They are being assisted by senators from Associated Student Government at Texas State University, who are facilitating issue identification, research, and agenda development for the mock meetings. Hays County Elections Administrator, Joyce Cowan is assisting with voting. This will give Hays County the opportunity to serve as a mentor who can inspire and encourage these high school students to become active, contributing citizens in all levels of government for the rest of their lives. The following were elected by their fellow students: County Judge – Andrew Liguez, Commissioner Pct. 1 – Samantha Govea, Commissioner Pct. 2 – Molly Hickson, Commissioner Pct. 3 – Sara Jo Porterfield, Commissioner Pct. 4- Jordyn Lattie and Sheriff – Pamela Stover. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation supporting San Marcos High School Student Government Day and recognizing May 13, 2011 as Student Government Day in San Marcos. All voting "Aye". MOTION PASSED**

27950 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $2,592.47 as submitted be the County Auditor. All voting "Aye". MOTION PASSED

27951 APPROVE DONATED FUNDS IN THE AMOUNT OF $700 TO THE SHERIFF'S OFFICE

The Sheriff's Office received two donations; one from Mr. and Mrs. Dolores Stern & Family ($200) and the San Marcos Lions Club ($500) and request to deposit into line item 001-618-00.4610-contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve donated funds in the amount of $700 to the Sheriff's Office. All voting "Aye". MOTION PASSED**

27952 APPROVE RECOMMENDATION OF AWARD TO RGM CONSTRUCTORS FOR IFB#2011-B02 IMPROVEMENTS TO TURNERSVILLE ROAD & CR 118

The low bidder was RGM Contractors, LP. We have reviewed the statement of Bidder's Experienced submitted, and RGM Contractors, LP has successfully completed roadway improvements projects. We believed RGM Constructors, LP. has the experience and capacity to complete the Turnersville RD and CR 118 improvements project within the timeframe in the contract. Therefore the Turnersville RD and CR 118 improvements contract to be awarded to RGM Constructors, LP in the amount of $2,078,275.67. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve recommendation of award to RGM Constructors for IFB#2011-B02 Improvements to Turnersville Road & CR 118. All voting "Aye". MOTION PASSED**

27953 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-BUCK WINN DOCUMENTARY AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received donations for the Buck Winn documentary. These funds will be used for the production and distribution of the Buck Winn DVD's. No matching county funds needed. Amount requested $100.00 from 001-676-00-055.4610-contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept contributions for the Historical Commission-Buck Winn documentary and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**

27954 ACCEPT LEOSE FUNDS FOR THE FIRE MARSHAL OFFICE AND AMEND THE BUDGET FOR USE OF THOSE FUNDS

The Fire Marshal receives funds annually from the State Comptroller Office per State Occupation Code 1701.156 for expenses related to the continuing education of license peace officers. No matching county funds needed. Amount requested $726.14 from 001-665-00.4310-contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept LEOSE funds for the Fire Marshal office and amend the budget for use of those funds. All voting "Aye". MOTION PASSED**

27955 ACCEPT THE BUDGET AMENDMENT OF THE SHERIFF'S DRUG FORFEITURE FUND

The Sheriff's Office would like to purchase a universal forensic extraction device for Narcotics with existing funds in the Sheriff's Drug Forfeiture Fund to use for investigative purposes. No additional funds needed. Amount requesting is $4,564.00 moving funds from 053-618-00.5362 to 053-618-00.5717. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept the budget amendment of the Sheriff's drug forfeiture fund. All voting "Aye". MOTION PASSED**

27956 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WIMBERLEY AND HAYS COUNTY REGARDING MAINTENANCE OF THE WINTER'S MILL / BLUE HOLE HIKE AND BIKE TRAIL

The Blue Hole Bike and Bike Trail is nearing completion. Hays County is proposing that the cost of maintaining the trail be shared by the City of Wimberley and Hays County. This inter-local Agreement details the responsibilities of each party and outlines a maintenance plan. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between the City of Wimberley and Hays County regarding maintenance of the Winter's Mill / Blue Hole Hike and Bike Trail. All voting "Aye". MOTION PASSED**

27957 APPROVE THE NOMINATION OF COMMISSIONER MARK JONES AS AN ALTERNATE TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) TRANSPORTATION POLICY BOARD

Commissioner Will Conley is the Hays County representative on the CAMPO Transportation Policy Board. Commissioner Mark Jones is nominated to be named his alternate. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the nomination of Commissioner Mark Jones as an alternate to the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #11 RE: *APPROVE PAYMENT OF AN INVOICE FROM ENVIROSOPH TECHNOLOGIES, LP FOR REPAIRS MADE AT THE WINDY HILL RD, LOW-WATER CROSSING EARLY WARNING SYSTEM, NOT TO EXCEED $8,028.00, AND TO AMEND THE BUDGET ACCORDINGLY* **– was pulled**

27958 HURLBUT RANCH EAST RESUBDIVISION OF PORTION OF LOT 2 [11-4-6-2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING MAY 3, 2011**

Roxie Botkin Subdivision Coordinator gave staff recommendation. 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 Central Appraisal Dist. Records, As platted, Lot 2 Block E consists of 228.17 acres. The proposed configuration will divide a 138.229 acre portion of Lot 2 into 2 new lots (Lot 2A: 37.800ac; Lt 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 facility and private water well. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve preliminary plan and hold a public hearing May 3, 2011. All voting "Aye". MOTION PASSED**

27959 ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF HAYS COUNTY. LGC 352.081 WITH THE OPTION TO ALLOW THE COUNTY JUDGE TO LIFT THE BURN BAN AS NEEDED

Tim Gothard Assistant Fire Marshal spoke of lifting the burn ban last week and having to put it back on last Friday. This is to re-state the county wide burn ban. The ban was lifted as a result of favorable weather conditions for the citizens to burn. The dry conditions are expected to remain and the need to re-instate the ban is needed. If conditions remain favorable it is recommended to keep the ban lifted. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to order prohibiting outdoor burning in the unincorporated areas of Hays County. LGC 352.081 with option to allow County Judge to lift the burn ban as needed. All voting "Aye". MOTION PASSED**

27960 AUTHORIZE THE COUNTY JUDGE TO SIGN AN APPLICATION FOR THE RENEWAL OF THE IMMUNIZATION GRANT BETWEEN THE PERSONAL HEALTH DEPARTMENT (PHD) AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR $192,341.00

This is a renewal application between the Personal Health Department and DSHS to fund the immunization program for FY 2012. The funding is for September 1, 2011. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to sign an application for the renewal of the Immunization Grant between the Personal Health Department (PHD) and the Texas Department of State Health Services (DSHS) for $192,341.00. All voting "Aye". MOTION PASSED**

27961 APPOINT ALLAN NEIGHBORS TO A VACANT POSITION ON THE HAYS COUNTY SHOOTING SPORTS TASK FORCE (HCSSTF)

Allan Neighbors to serve as a Precinct 3 Representative he will be replacing Mr. Charles Capp **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to appoint Allan Neighbors to a vacant position on the Hays County Shooting Sports Task Force (HCSSTF) who will replace Mr. Charles Capp. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #16 RE: *ACTION TO GRANT DEVELOPMENT AUTHORIZATIONS TO MELISSA MACEO, OWNER OF LOT 1 IN THE DARLINGS HILL SUBDIVISION; PROVIDE GUIDANCE TO STAFF REGARDING FUTURE DEVELOPMENT AUTHORIZATIONS IN DARLINGS HILL SUBDIVISION* **– was pulled**

DISCUSSION WITH STAFF REGARDING CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS

Jacey Warrick made a public comment. 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 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 two areas identified are the application requirements for all development authorization and storm water runoff requirements.

27962 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN IRS FORM 8283 RELATED TO THE COUNTY'S PURCHASE OF APPROXIMATELY 1,000 ACRES OF PROPERTY FROM NICHOLSON PARTNERS, LTD

Mark Kennedy Special Counsel explained the form. Hays County closed on the Nicholson Ranch project in December of 2010. Fee title to approximately 1,000 acres was purchased for $5,034,570.00. Seller has now submitted an IRS Form 8283 to Hays County, requesting execution. The form 8283 and supporting appraisal cites the market value of that approximately 1,000 acres as $5,627,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an IRS Form 8283 related to the County's purchase of approximately 1,000 acres of property from Nicholson Partners, Ltd. All voting "Aye". MOTION PASSED**

27963 ACTION TO IMPLEMENT A HAYS COUNTY PROPERTY USE POLICY

Mark Kennedy Special Counsel gave a brief overview of the Policy that is in the agenda backup. A property use policy was considered by Commissioners Court on multiple occasions prior to January 1, 2011. However, no policy was implemented. Currently, the Civil Division of the Hays County District Attorney's Office applies its own rules for processing property use agreements but would prefer to apply policies that are adopted by Commissioners Court, made official and published on the Hays County website. We will add Dudley Johnson Park. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to implement a Hays County Property Use Policy with the addition of Dudley Johnson Park. All voting "Aye". MOTION PASSED**

27964 WAIVE THE POSTING REQUIREMENT AND APPOINT TOM TVRDIK AS THE HAYS COUNTY VETERAN'S AFFAIRS OFFICER ON A PART-TIME, INTERIM BASIS AT A RATE OF $20 PER HOUR, NOT TO EXCEED 24 HOURS PER WEEK; AND TO BE EFFECTIVE AS OF TODAY

Alan Cameron and Jude Prather both Hays County residents and veterans made public comments. While Hays County is considering applications for full-time employment in this position, Mr. Tvrdik has agreed to fill the vacancy on a part-time, interim basis. The suggested rate of pay is just under Mr. Tvrdik's rate of pay when he left position in early 2010. Interim basis at a rate of $20 per hour, not to exceed 24 hours per week with the effective date of "immediately". The funding will come out of salary savings within that budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley waive the posting requirement and appoint Tom Tvrdik as the Hays County Veteran's Affairs Officer on a part-time, interim basis at a rate of $20 per hour, not to exceed 24 hours per week; and to start today. All voting "Aye". MOTION PASSED**

27965 APPROVAL TO DIRECT THE COUNTY ATTORNEY AND BROADDUS & ASSOCIATES TO NEGOTIATE THE CMR CONTRACT WITH THE RECOMMENDED RESPONDENT TO RFP NO.: 2011 – P09; FOR THE IMMEDIATELY NEEDED JAIL RENOVATIONS AT THE LAW ENFORCEMENT CENTER

Brenda Jenkins of Broaddus & Associates spoke. The Commissioner's Court approved $2 million for Jail Renovations on August 23. These renovations are outlined in the Existing Facilities Assessment prepared by Broaddus & Associates. Required amount will be funded for the approved budget. This scope of work has been identified by the Sheriff's Office as critical to continued operation of the Jail facility. Approximately $140,000 from 001-645-00.5741(Pre-con,GC's and Fee). **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to direct the County Attorney and Broaddus & Associates to negotiate the CMR contract with the recommended respondent to RFP No.: 2011 – P09 for the immediately needed jail renovations at the Law Enforcement Center. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item # 22 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN HAYS COUNTY AND HAYS COUNTY LAW ENFORCEMENT ASSOCIATION (HCLEA)* **– was pulled**

BUDGET WORKSHOP FOR ELECTED OFFICIALS AND DEPARTMENT HEADS TO REVIEW ELECTRONIC PROCESS FOR SUBMITTING AND REVIEWING FY 2012 REQUESTED BUDGETS

Vickie Wilhelm of the Auditor's office gave instructions on how to file budget electronically for the budget process and gave a powerpoint presentation. The Auditor's Office began receiving and reviewing budgets electronically last year for the budget process due to the new financial software implemented. This workshop is intended to train newly elected officials and department heads as well as any other key personnel that would like a "refresher course" on entering their FY2012 budgets, attaching documents, placing comments and running reports.

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 RANCH ROAD 12

Court convened into closed executive session at 11:30 a.m. and reconvened into open court meeting at 11:45 a.m. in attendance in Executive Session were Commissioner Conley, Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Ellie Dietz. **– No Action taken.**

Clerk's Note: Agenda Item #25 RE: *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* **– was pulled**

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

Mike Weaver of Prime Strategies gave a handout to the Court. He an overview of a Bill (HB 548) to be enacted by the Legislature of the State of Texas. This Bill would help expedite some of the Road Projects we have going at the moment.

Clerk's Note: Agenda Item #27 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

27966 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Mark Kennedy Special Counsel spoke of need for a temporary position while one of their staff members is out on maternity leave. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to double fill Jennifer McCleary's position with a temporary employee for one month and to substitute the double fill position of Jennifer McCleary's position with Jordan Davisson as soon as she is available.**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant gave a brief report of a meeting that he attended last week and he'll will be attending another meeting place this week. Commissioner Whisenant will bring an update to the Court next week.

A motion was made by Commissioner Conley, seconded by Commissioner Jones 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 APRIL 5, 2011.

Liz Q Gonzalez

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7TH DAY OF APRIL 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**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT. 4 RAY O. WHISENANT, JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DISCUSSION REGARDING HAYS COUNTY'S EFFORTS TO INITIATE A UNIFIED DISPATCH FOR COUNTYWIDE EMERGENCY COMMICATIONS. A COMMITTEE HAS BEEN ASSEMBLED TO DISCUSS THIS OPTION, AN UPDATE WILL BE PROVIDED.

Commissioner Conley spoke of need for moving the Communications Department into the future. Erica Carpenter, PSAP Manager/9-1-1 Dispatch at the Hays County Sheriff's Office gave an overview of the needs for 9-1-1 dispatch. A new Agency is created to dispatch all Fire and EMS calls in Hays County. A secondary PSAP (Public Safety Answering Point) is created with this agency. This agency has to establish its own governing body. All Law Enforcement Agencies keep their 9-1-1 Call Takers. All 9-1-1 calls in Hays County automatically route to the specific PSAP according to jurisdiction. The 9-1-1 Call Taker will ask if the call needs Police, fire or EMS. If the call is for Police, the 9-1-1 Call Taker will process that call and input it into CAD (Computer Aided Dispatch). If the call is for Fire or EMS, the 9-1-1 Call Taker will route the call to the Secondary PSAP. The Secondary PSAP 9-1-1 Call Taker will process the call an input it into CAD. All Fire and EMS 9-1-1 calls will be standardized. Fire and EMS Dispatching will be separated from Law Enforcement Dispatching. Provides more concentration to Fire and EMS Agency and Law Enforcement Agency needs. Law Enforcement Agencies will not loose their PSAP and can standardize call taking per agency. 9-1-1 Call Takers and Dispatchers can cross-train providing more skilled employees for interoperability. All Law Enforcement and fire/EMS Agencies can share information through connected databases. Through the same CAD system. through interfaces with CAD systems and records management systems. Some of the benefits of consolidation are: Shared resources could possibly reduce costs for all citizens; Improve quality of service and continuity for all citizens; More career opportunities; Standardized SOP's and training across all departments; Increased staff on-site for all shifts to cover major incidents; Properly designed Communication Center. Commissioner Conley spoke of approaching all the entities involved to try and get this going as soon as possible. There was representation from all agencies involved and fully support moving forward with this issue.

Court was adjourned.

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 April 7, 2011.

Liz Q Gonzalez

Liz Q Gonzalez, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF APRIL 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:

Brent Batson from the Church of the Springs gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

NEW EMPLOYEES
New Hires were introduced by Abel Velasquez of the Human Resources Department.

CLERK'S NOTE: AUDIO/VIDEO COMPUTER DIED AND WAS BROUGHT UP ON RESOLUTION #27978

PUBLIC COMMENTS
Sam Brannon resident of San Marcos made a public comment.

27967 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $3,316,429.19 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27968 APPROVE COMMISSIONER COURT MINUTES OF MARCH 29, APRIL 4, 5, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of Marcy 29, April 4, 5, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27969 AMEND BUDGET OF CONSTABLE PCT 4 FOR CONTINUING EDUCATION FROM LAW ENFORCEMENT EQUIPMENT SAVINGS

Constable 4 requires additional $250 to pay balance of training cost: has paid for spotlights budgeted in eqpt from supplies, as less than eqpt threshold amount, and requests to transfer savings to needed continuing ed cost 001-638-00.5551 continuing education from 001-638-00.5717 Law Enforcement Equipment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Budget of Constable Pct 4 for continuing education from Law Enforcement equipment savings. All voting "Aye". MOTION PASSED**

27970 APPROVE AND CONFIRM THE APPOINTMENT OF TRAVIS BROWN AS DEPUTY CONSTABLE FOR CONSTABLE PRECINCT 1, DAVID PETERSON EFFECTIVE APRIL 12, 2011

According to Chapter 86 Subchapter B 86.011 the Commissioner's Court shall approve and confirm the appointment of a deputy constable. Travis James Brown was sworn in by Justice of the Peace Pct. 1 Place 1, Joanne Prado. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve and confirm the appointment of Travis Brown as Deputy Constable for Constable Precinct 1, David Peterson effective April 12, 2011. All voting "Aye". MOTION PASSED**

27971 AMEND SHERIFF DRUG FORFEITURE FUND BUDGET TO PURCHASE EQUIPMENT

The Sherriff's drug forfeiture funds may be used at his discretion. To follow county policy the Sherriff's office has requested to move funds into the appropriate general ledger account to purchase five televisions at $787.00 each total cost for all is $3,935.00. These will replace broken PowerPoint projectors that are in training rooms. Purchasing new television will be more effective than replacing or fixing the broken projectors. 053-618-00.5719. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Sheriff Drug Forfeiture Fund budget to purchase equipment. All voting "Aye". MOTION PASSED**

27972 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON VALLEY VIEW ROAD IN BURNETT RANCH ESTATES SUBDIVISION

Judge Cobb opened the public hearing. Constable Pct. 3 Darrell Ayres made a public comment. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. This is to establish a "No Parking" zone of approximately 700 feet from the park gate on the south side of Valley View Road going towards the Blanco River low-water crossing (only three signs needed). **A motion was made by Commissioner Conley, seconded by Commissioner Jones to hold a public hearing and to establish traffic regulations on Valley View Road in Burnett Ranch Estates subdivision. All voting "Aye". MOTION PASSED**

27973 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN BRUSHY CREEK SUBDIVISION

Judge Cobb opened the public hearing. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. This is to establish a stop sign on Meyers Road at S. Turnersville Rd. a stop sign on Lanes Lane at S. Turnersville Rd, a stop sign on Calderon Street at Meyers Road, a stop on Calderon Street at Lanes Lane, and a speed limit of 25 MPH. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to hold public hearing and to establish traffic regulations in Brushy Creek subdivision. All voting "Aye". MOTION PASSED**

27974 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND AZS ENTERPRISES, INC., FOR THE FUNDING OF CONSTRUCTION AND ENGINEERING COSTS ASSOCIATED WITH THE EXTENSION OF THE LEFT TURN LANE AT THE INTERSECTION OF NUTTY BROWN ROAD AND RM 1826 TO ACCOMMODATE LEFT TURN MOVEMENTS INTO THE CONVENIENCE STORE BEING CONSTRUCTED BY AZS ENTERPRISES, INC.

The RM 1826 at Nutty Brown Road was identified as a key project in Precinct 4 as part of the 2008 Priority Road Bond Program. At the 60 % project development stage, it was brought to the County's attention that AZS Enterprises, Inc. was in the process of developing the property across RM 1826 from Nutty Brown Road as a convenience store and gas station. Coordination meetings were held with developers, engineer, and the County's design engineer. TxDot, County Commissioner's and City of Dripping Springs. All parties were in agreement that the left turn bay for Nutty Brown Road should be extended to accommodate the convenience store and improve safety. AZS Enterprises, Inc. has agreed to provide the County with $90,000 to cover the added engineering and construction costs for the extension of the turn lane to accommodate the convenience store. The GEC believes this amount is sufficient to cover the additional work. Per Commissioners Court's request on March 29th Special Counsel Mark Kennedy has provided edits that would commit developer for overage related to the extension of the turn lane. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a development agreement between Hays County and AZS Enterprises, Inc., for the funding of construction and engineering costs associated with the extension of the left turn lane at the intersection of Nutty Brown Road and RM 1826 to accommodate left turn movements into the convenience store being constructed by AZS Enterprises, Inc along with the fact that if the costs are less $90,000 we would reimburse for the cost of construction. All voting "Aye". MOTION PASSED**

27975 ACCEPT THE ANNUAL REPORT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #3

Chief David Smith gave an overview of the ESD No. 3 Annual Report. Hays County ESD #3 was originally a Rural Fire District formed on August 22, 1983. The RFD was converted to an ESD on August 28, 1997. In 1998 they contracted with South Hays Fire Department. This ESD covers 116 square miles of area surrounding San Marcos. There are currently 86 volunteers – 27 Career Certified Firefighters, 37 Volunteer Certified Firefighters, 42 EMT's or Paramedics, 16 SMART Divers (San Marcos Area Recovery Team), 2 paid staff – Chief and Administrative Assistant. There are 3 full service fire stations – San Antonio Street, Ranch Road 12, and Hilliard Road. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the annual report from the Hays County Emergency Services District #3. All voting "Aye". MOTION PASSED**

27976 APPOINT SANDRA TENORIO TO THE REDISTRICTING COMMITTEE

John Leonard has stepped down from the Redistricting Committee due to health reasons. Sandra Tenorio has been an active member in our county. She has been involved in many local organizations and is currently serving on the Buda Council. Mary Gonzales San Marcos resident made a public comment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to appoint Sandra Tenorio to the Redistricting Committee. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27977 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION REGARDING AN EXCESSIVE FORCE POLICY RELATED TO NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS AS REQUIRED UNDER TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REQUIREMENTS

Hays County has served as the applicant and administrator for grant funding received from the Texas Department of Rural Affairs, Texas Community Development Block Grant Program for the Cedar Oak Mesa Water Supply Corporation, Water System Improvement projects. Requirements associated with this Program include a Resolution by the County regarding an Excessive Force Policy that prohibits the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility of location which is the subject of such demonstrations. Failure to have this Resolution is place would result in the need to repay the grants received and further restrict County eligibility for future funding opportunities under this program. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt the Excessive Force Policy, as presented by the Grants Office, for the purposes of qualifying for particular federal grant monies; and to recognize the existence and congruence of a Use of Force Policy already in effect at the Hays County Sheriff's Office. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27978 ACTION IN REGARD TO THE PARTICIPATION OF THE HAYS COUNTY WATER & WASTEWATER AUTHORITY IN THE CURRENT CUSTOMER COALITION EFFORT TO PREPARE AN INDICATIVE BID FOR PURCHASE OF LCRA WATER & WASTEWATER HOLDINGS – TABLED

Sam Brannon San Marcos and Lenee Lovejoy San Marcos residents made a public comment. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to table this item until next week when we will have documentation. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27979 ACTION TO AMEND THE HISTORICAL JAIL RESTORATION BUDGET FOR THE OLD HAYS COUNTY JAIL FUNDRAISING CAMPAIGN

The Historical Commission will be hosting a fundraising event to kick off the Old Jail "fundraiser" campaign. All staff for the Historical Commission are volunteers, therefore, we would like to use funds budgeted in miscellaneous capital improvements to contract with an event coordinator. No additional funds are needed. Amount requesting $2,750.00 (144-676-00.5448-contract services). Mary Gonzales San Marcos resident made a public comment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Historical Jail Restoration budget for the Old Hays County Jail fundraising campaign. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27980 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT LOCATED AT FOULKROD BUSINESS PARK #2, 5295 DACY LANE, BUDA, TX, IN PRECINCT 2

Foulkrod Business Park # 2 is proposing an OSSF to serve an office warehouse park at 5295 Dacy Lane, Buda in Precinct 2. The 3.0137 acre property is owned by Mr. James Foulkrod. The proposed system is low pressure dosing (subsurface) that was designed by Jim Conner. In addition, the On Site Sewage Facility is designed for maximum wastewater flow of 250 gpd. The water is supplied by Goforth WSC. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize an institutional OSSF Permit located at Foulkrod Business Park #2, 5295 Dacy Lane, Buda, TX, in Precinct 2. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27981 AUTHORIZE COMMERCIAL ON-SITE SEWAGE FACILITY PERMIT FOR MARY GREGOIRE (SOUTHWEST HILLS VET CLINIC) LOCATED AT 13345 NUTTY BROWN ROAD, IN PRECINCT 4

Mary Gregoire representing Brother Francis LP is proposing an OSSF to replace the existing on site-sewage facility that services an existing Veterinary Clinic. The facility consists of an existing vet clinic and horse stall building and a new 840 sq ft kennel building. The tract of land is 13.7 acres. The proposed on-site sewage facility consists of an aerobic treatment unit followed by surface dispersal. The spray will be dispersed between the hours of midnight and 5 a.m. The system was designed by Joe Wells, Jr. P.E. The On Site Sewage Facility is designed for a maximum wastewater flow of 295 GPD. The water supply is an on-site water well. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Commercial On-site Sewage Facility permit for Mary Gregoire (Southwest Hills Vet Clinic) located at 13345 Nutty Brown Road, in Precinct 4. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27982 AUTHORIZE THE COUNTY JUDGE TO SIGN A LETTER OF SUPPORT FOR THE HDR ENGINEERING, INC. RESEARCH GRANT PROPOSAL TO THE TEXAS WATER DEVELOPMENT BOARD FOR A SUBDIVISION-SCALE RAINWATER HARVESTING SYSTEM STUDY

Jeff Hauff Grants Director gave an overview of this item. Peter Newell with HDR gave an overview of this item. Lenee Lovejoy San Marcos resident made a public comment. Texas Water Development Board has issued a call for proposals to assess the feasibility of subdivision-scale rainwater harvesting systems, including design, cost, regulatory requirements and other considerations involved with such systems. Grant funds will be made available by the TWDB to conduct the study. HDR Engineering, Inc. is interested in submitting a proposal to undertake the study and has requested that Hays County support the project through a letter of support and in-kind services provided by County personnel and the proposed County Water Working Group. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a letter of support for the HDR Engineering, Inc. research grant proposal to the Texas Water Development Board for a Subdivision-scale Rainwater Harvesting System study. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27983 AUTHORIZE COMMISSIONER WILL CONLEY TO REPRESENT HAYS COUNTY IN DISCUSSIONS WITH THE OFFICIALS FROM THE DEPARTMENT OF INTERIOR AND OTHERS IN WASHINGTON D.C.; AND TO AUTHORIZE PAYMENT OF TRAVEL AND ACCOMMODATIONS OUT OF COUNTYWIDE CONTINGENCIES

Commissioner Conley will be meeting with representatives from the Department of the Interior and other officials in Washington D.C. to discuss streamlining the permitting processes related to the Regional Habitat Conservation Plan, Hays County road projects and other projects that require permitting by the federal government. Since that is not a precinct specific issue, payment out of the country budget is appropriate to authorize payment of $2,186.85 for travel and accommodations out of county wide contingencies 001-645-00.5399. Mary Gonzales and Lenee Lovejoy San Marcos residents made a public comment. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Commissioner Will Conley to represent Hays County in discussions with the officials from the Department of Interior and others in Washington D.C.; and to authorize payment of travel and accommodations out of countywide contingencies. All voting "Aye". MOTION PASSED**

Clerk's Note: COMMISSIONER CONLEY LEFT COURT TO TRAVEL TO WASHINGTON D.C.

27984 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN HAYS COUNTY AND HAYS COUNTY LAW ENFORCEMENT ASSOCIATION (HCLEA). EXECUTIVE SESSION MAY BE CONVENED PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 9:52 a.m. and reconvened into open meeting at 10:17 a.m. In attendance were: Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Dee Dee Baen Human Resources Director, and Mark Kennedy Special Counsel. County representatives have been negotiating an agreement with HCLEA under Chapter 174 of the Local Government Code and have now reached a final agreement with the bargaining agent. It is expected that the law enforcement Bargaining Unit will have ratified the final draft proposal. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Collective Bargaining Agreement between Hays County and Hays County Law Enforcement Association (HCLEA) as negotiated by the bargaining team and to be effective April 1, 2011. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #19 RE: *EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON CR 266 AKA OLD BASTROP HWY IN PRECINCT 1* **– was pulled**

ACTION RELATED TO THE BURN BAN

At this time the Court will continue the Burn Ban. The County Judge spoke of Hays County Volunteer Fire Departments helping out in East Texas.

Clerk's Note Agenda Item # 21 RE: *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* **– was pulled**

Clerk's Note Agenda Item #22 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note *Agenda Item # 23 RE:* *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

27985 ACTION TO APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Sherri Eldridge HR Director in the Sheriff's Office and Captain Mark Cumberland spoke of need to fill some existing positions and explained that these are not new hires. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to hire 2 full time and one full time positions in the Sheriff's Office and that these are to fill existing positions and are within in the budget. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item # 25 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/ OR THE LCRA DIVESTITURE*-**was pulled**

Sam Brannon San Marcos resident made a public comment regarding agenda item #22 & #25.

A motion was made by Commissioner Jones, 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 April 12, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH DAY OF APRIL 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**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT. 3 WILL CONLEY ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Craig Curry of the First Baptist Church of Dripping Springs 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

Judge Cobb read an email sent to him by Susie Carter. Jim McMeans Wimberley resident and a member of Citizen Alliance for Responsible Development, Lila McCall Wimberley resident, Donna Williams Wimberley resident, Brent Pulley Woodcreek resident, David Glenn Wimberley resident, Constable Pct 2 James Kohler, Sam Brannon San Marcos resident made public comments.

27986 ADOPT A PROCLAMATION DECLARING APRIL 23 – 30, 2011 AS NATIONAL INFANT IMMUNIZATION WEEK

Sam Brannon San Marcos resident and Priscilla Hargraves Personal Health Director spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring April 23 – 30, 2011 as National Infant Immunization Week. All present voting "Aye". MOTION PASSED**

27987 ADOPT A PROCLAMATION DECLARING MAY 2011 AS OLDER AMERICANS MONTH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring May 2011 as Older Americans Month. All present voting "Aye". MOTION PASSED

27988 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices of the amount of $305,254.46 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

27989 APPROVE COMMISSIONER COURT MINUTES OF APRIL 7 AND APRIL 12, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of April 7 and April 12, 2011 as presented by County Clerk. All present voting "Aye". MOTION PASSED

27990 APPROVE OUT OF STATE TRAVEL FOR JUDY SEIM, COMPLIANCE / COLLECTIONS ADMINISTRATOR TO ATTEND THE NATIONAL GOVERNMENTAL COLLECTIONS CONFERENCE, TO BE HELD IN LAS VEGAS, NEVADA SEPTEMBER 19-21, 2011

The National Governmental Collections Conference is a two day event with multiple sessions focusing on improving Court Collections and Compliance, Increasing Governmental Revenues and examining collections technologies. The purpose of the conference is to identify issues and discuss strategies positively impacting governmental collections via education, training, techniques and technology. Update on Texas OCA policies along with information pertaining to Federal Intercept Laws. Funds for the conference would be utilized from current continuing education fund which have already be budgeted. Amount budgeted $986.04 (001648-00.5551). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Out of State Travel for Judy Seim, Compliance/Collections Administrator to attend the National Governmental Collections Conference, to be held in Las Vegas, Nevada September 19-21, 2011. All present voting "Aye". MOTION PASSED**

27991 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR JOHN HENRY CAVANAUGH, SHERIFF'S OFFICE CORRECTION INFIRMARY SUPERVISOR, TO ATTEND THE UPDATES IN CORRECTIONAL HEALTH CARE CONFERENCE IN PHOENIX, ARIZONA ON MAY 21-24, 2011

A Correctional Health Care Conference is scheduled in Phoenix, Arizona on May 21-24, 2011. The Hays County Sheriff's would like Correction Infirmary Supervisor, John Henry Cavanaugh, to attend. Updates 2011 is designated to shed light on many of the emerging issues that affect work and will propose strategies for managing them. Topics such as new treatment modalities, updates practice recommendation, evolving standards of care, ever changing laws and regulations and innovative cost containment will be discussed during the conference. Amount required $1800.00 (001-618-00-5551). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Out of State Training Travel Request for John Henry Cavanaugh, Sheriff's Office Correction Infirmary Supervisor, to attend the Updates in Correctional Health Care Conference in Phoenix, Arizona on May 21-24, 2011. All present voting "Aye". MOTION PASSED**

27992 APPROVE THE FY 2010 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) CARRYOVER PROJECT AND AMEND THE BUDGET ACCORDINGLY

DSHS allowed the local health departments to submit an amended budget to expend funds that were not spent during FY2010. The Personal Health Department (PHD) has until July 31, 2011 to spend these funds. The total for the project is $19,765. This will be used to purchase computer equipment for the people in the PHD who are designated in the Continuity of Operations Plan (COOP) as National Incident Management Systems(NIMS) positions. These are the staff that have specific duties during an emergency response and must be able to log in to the Web EOC and the Public Health Information Network (PHIN). The budgeted will need to be amended so that the unspent funds of $19,765 will come out of the computer equipment line item # 120-675-99-023.5712. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the FY 2010 Public Health Emergency Preparedness (PHEP) Carryover project and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

27993 APPROVE REDIRECTION OF FUNDS IN THE FY 2011 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) CONTRACT AND AMEND THE BUDGET ACCORDINGLY. ALSO APPROVE THE 10% "IN-KIND MATCH" ON THE FY2011 PHEP CONTRACT BE MOVED TO ITS OWN COST CENTER PER THE REQUIREMENT OF THE FINANCIAL MANAGEMENT DIVISION OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND AMEND THE BUDGET ACCORDINGLY

Funds from the FY 2010 Public Health Emergency Response extension grant were utilized to purchase radios that were initially earmarked for the FY 2011 PHEP grant. This has left funds in the FY 2011 PHEP budget which need to be moved to other line items so that other needed items to support the program may be purchased. The required 10% "in-kind match" was approved along with the FY 2011 PHEP grant application on June 15, 2010. The PHD has been documenting "in-kind match". However, the Financial Management Division of DSHS requires that this match be shown separately from the operating budget and be moved to its own cost center. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve redirection of funds in the FY 2011 Public Health Emergency Preparedness (PHEP) contract and amend the budget accordingly. Also approve the 10% "in-kind match" on the FY2011 PHEP contract be moved to its own cost center per the requirement of the Financial Management Division of the Texas Department of State Health Services (DSHS) and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

27994 AMEND BUDGET OF JUSTICE OF PEACE PCT 3 FOR CONTINUING EDUCATION FROM JURY EXPENSE

David Crowell Kyle resident made a public comment. Justice of the Peace Pct 3 Andrew Cable is requesting to amend his budget for continuing education from Jury expense amount requesting is $300. (001-628-00.5551 continuing education from 001-628.005306 Jury). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend Budget of Justice of Peace Pct 3 for Continuing Education from Jury expense. All present voting "Aye". MOTION PASSED**

27995 BOSTWICK SUBDIVISION [11-1-1- 2 lots] **APPROVE PRELIMINARY PLAN**

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Bostwick Subdivision is a proposed subdivision of 16.00 acres of land located off S. Old Stagecoach Rd in Pct 2. The division will consist of 2 lots as follows: Lot 1 consist of 5.010 acres and Lot 2 consist of 7.564 acres. Lot 1 is served by an existing private well and OSSF. Lot 2 will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the preliminary plan of Bostwick Subdivision. All present voting "Aye". MOTION PASSED**

GRANT DEVELOPMENT AUTHORIZATIONS TO MELISSA MACEO, OWNER OF LO1 IN THE DARLINGS HILL SUBDIVISION; PROVIDE GUIDANCE TO STAFF REGARDING FUTURE DEVELOPMENT AUTHORIZATIONS IN DARLINGS HILL SUBDIVISION

Clint Garza Director of Development Services spoke of need for a plat restriction and a Joint Maintenance Agreement. Melissa Maceo has submitted an application for development permits including flood hazard area and OSSF. Upon review of the application staff found out, if permitted, the property owner would be in violation a plat restriction in the subdivision. Especially the plat note restricts development to one single-family residence per lot. This restriction was put in place because the subdivision is served by a shared access driveway and a condition for plat approval is the limitation on future development on those lots. The purpose for the restriction is to ensure future lot owners adequate access to their homes and limit the wear on each driveway. Ms Maceo wishes to build three small cabins as part of a "bed and breakfast or wellness retreat". Specifically Chapter 715.4.01 prohibits permitting on any parcel unless all regulations are met. The proposed development does not regulations as submitted: therefore staff will follow the direction of the court. This item will be brought back next week when Commissioner Conley is present since it is in his Precinct.

27996 ACTION TO ADD A COURT COORDINATOR FOR THE 428TH DISTRICT COURT AND AMEND THE BUDGET ACCORDINGLY

428th District Judge Bill Henry and 274th District Judge Gary Steel spoke. In accordance with Government Code, Chapter 74, Court Administration Act, Section 74.101. Court Coordinator. The local administrative judge and each district of statutory county court judge may establish a court coordinator system and appoint a court coordinator for his court to improve justice and expedite the processing of cases through the courts. (b) Each court coordinator serves at the pleasure of the judge who appointed him. The 428th District Court Judge is requesting a dedicated Court Coordinator, grade 111 position. The 428th District Court is in need of a Coordinator to manage and ensure the civil and jail cases are processed through the court system in a timely and efficient manner. This position will also participate in researching and monitoring Drug Court or other relative grants, as well as coordinate case settings on a local level with the District Court Coordinator assigned to Hays, Caldwell, and Comal counties. Anticipated funding requirements: Salary $35,337.12 - $2,944.76 x 5 months = $14,723.75, FICA/Retirement $14,723.75 x 18.07% = $2,660.58, Insurance (medical,dental, life) $798.57x5 months=$3,992.85 total for May-September 2011 $21,377.18. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to add a Court Coordinator for the 428th District Court and amend the budget accordingly pending review by the public Judges of job description in regards of consideration with the Human Resources Department to become effective May 1, 2011. All present voting "Aye". MOTION PASSED**

27997 ACTION TO AWARD THE HAYS COUNTY GOVERNMENT CENTER FURNITURE BID TO BKM TOTAL OFFICE; AND TO AUTHORIZE THE BUILDING COMMITTEE AND PROGRAM MANAGER TO NEGOTIATE A CONTRACT

Bob Hinkle of Broaddus & Associates spoke. Six bids were received and reviewed by four members of the building committee, Bob Hinkle, Program Manager and Brenda Jenkins with Broaddus & Assoc. and John Niesen, RA with HDR Architecture. All bids came in under budget, but after review and evaluation, the group was unanimous in their decision with BKM Total Office. The Building Committee understands that local companies are important, but no bids were received from Hays County. Base bid amount is $ 2,405,232.10. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to award the Hays County Government Center Furniture Bid to BKM Total Office; and to authorize the building committee and program manager to negotiate a contract. All present voting "Aye". MOTION PASSED**

27998 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN DL BANDY AND HAYS COUNTY FOR CONSTRUCTION SERVICES RELATED TO IMMEDIATE NEEDS AT THE HAYS COUNTY LAW ENFORCEMENT CENTER

Codi Newsom of Broaddus & Associates spoke of the summary of revisions to the Contract. The following were added: Section 17.10, Article 23, Section 23:6, Section 23.7; Section 23.9, Exhibit A, Exhibit H, Exhibit J, Exhibit J. On the April 5, 2011 agenda, Hays County Commissioners Court awarded the bid for construction related to immediate needs at the Hays LEC to DL Bandy. DL Bandy's original proposal according to his RFP response included the following fees: Pre-Construction Phase Fee: $7,500, Construction Phase Fee $40,000, General Conditions: $85,585. Program Manager and County Staff are in the process of finalizing the Construction Manager at Risk Agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Construction Manager at Risk Agreement between DL Bandy and Hays County for construction services related to immediate needs at the Hays County Law Enforcement Center. All present voting "Aye". MOTION PASSED**

27999 GRANT A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO JOHNNY CAMPBELL, OWNER OF A 4.99 ACRE PORTION OF LOT 11 IN SILVER SPUR RANCHETTES

Clint Garza Director of Development Services spoke of need for platting of all lots in lot 11. Mr. Campbell is the owner of a 4.99 acre portion of a lot in the Silver Spur Ranchettes Subdivision in Pct 4. Mr. Campbell applied for a permit to construct an On-Site Sewage Facility to replace his existing failing system. He has been informed that his parcel was part of an illegal division of land is required to be platted under both the Local Government Code and the Hays County Development Regulations. In addition to the platting requirement, Chapter 715.4.01 of the Hays County Development Regulations prohibits the Department from issuing any development permit on a tract of land that is not in compliance with all current rules. The property owner has been made aware of the plat requirement, and the noncompliant portions of the lot will have to be re-platted to meet Hays County rules. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to grant a variance from Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow permitting of an On-Site Sewage Facility Development Permit to Johnny Campbell, owner of a 4.99 acre portion of lot 11 in Silver Spur Ranchettes with the provision that all the lots in Lot 11 be platted within 90 days and to include the filing of an Affidavit (required of Mr. Campbell) in the County Clerk's Office. All present voting "Aye". MOTION PASSED**

28000 APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH R.G. MILLER ENGINEERS, INC. FOR STUDY AND RECOMMENDATION FOR REPAIRS/IMPROVEMENTS TO RIVER OAKS DAM, AKA BELL SPRINGS DAM. THIS ACTION WILL AUTHORIZE THE COUNTY JUDGE TO SIGN/EXECUTE THE PSA

Jerry Borcherding Director of Transportation gave staff recommendation. TCEQ has inspected this dam and has determined that it is in poor condition and recommends that a Licensed Texas Professional Engineer study the structure to determine adequacy. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a Professional Services Agreement with R.G. Miller Engineers, Inc. for study and recommendation for repairs/improvements to River Oaks Dam, aka Bell Springs Dam. This action will authorize the County Judge to sign/execute the Professional Services Agreement. All present voting "Aye". MOTION PASSED**

ACCEPT A PETITION FOR THE CREATION OF A "COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION"; APPROVING THE ARTICLES OF INCORPORATION, BYLAWS, AND DIRECTORS OF SAID CORPORATION; AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF LEANDER, AND THE CITY OF BEE CAVE RELATED TO LCRA'S INTENT TO SELL ITS WATER AND WASTEWATER SYSTEMS

Sam Brannon San Marcos resident, Dan Robison Austin resident, Roger Durden Hays County resident & Hays County WCID No. 1 Vice President (read Proclamation), Pix Howell Wimberley resident & Board member from the City of Leander, David Crowell Kyle resident, and Barbara Hopson Wimberley resident spoke. Special Counsel Mark Kennedy spoke of document that was passed in Court in 2000. On April 12, 2011 Commissioners Court Meeting discussion this item considers the County's participation in a coalition of local governments that are interested in receiving information related to bidding for the local water and wastewater utilities, systems, and facilities recently advertised by the Lower Colorado River Authority (LCRA). This contemplated action must be made pursuant to the request of 3 Hays County citizens. It would establish Commissioner Whisenant as one board member on the corporation that would act under the Interlocal Agreement between the collaborating local governmental entities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a petition for the creation of a "Coalition of Central Texas Utilities Development Corporation"; approving the Articles of Incorporation, Bylaws, and Directors of said corporation; and authorizing the County Judge to execute an Interlocal Cooperation Agreement between Hays County, the City of Leander, and the City of Bee Cave related to LCRA's intent to sell its water and wastewater systems. Commissioner Ingalsbe and Commissioner Jones voting "No". Commissioner Whisenant and Judge Cobb voting "Aye". MOTION FAILED**

28001 APPROVE THE APPOINTMENT OF GARY GRIFFIN AS RESERVE DEPUTY CONSTABLE IN PRECINCT 3 TO REPLACE RESERVE DEPUTY CONSTABLE TRAVIS BROWN WHO HAS GONE TO WORK FOR CONSTABLE DAVID PETERSON IN PRECINCT 1

Constable Pct. 3 Darrell Ayres spoke of utilizing Reserve Deputies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe approve the appointment of Gary Griffin as Reserve Deputy Constable in Precinct 3 to replace Reserve Deputy Constable Travis Brown who has gone to work for Constable David Peterson in Precinct 1. All present voting "Aye". MOTION PASSED**

28002 APPROVE THE LIEUTENANT'S POSITION AND ITS FUNDING FOR THE HAYS COUNTY GOVERNMENT CENTER, EFFECTIVE MAY 1, 2011 AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office would like to request the Commissioners Court to release the funds for the position of Lieutenant for the new Government Center. This is a new position that will need to be funded. Lt Ronnie Strain will be place in this position. His current salary is $70,418. Amount requesting is a five month salary of $29,340.83, FICA and retirement $5,301.89, Insurance $ 3,992.85 total of $ 38,635.57. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the creation of a Lieutenant's position and it's funding for the Hays County Government Center, effective May 1, 2011 amount needed is $38,635.57. All present voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.076 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING SECURITY DEVICES AND PERSONNEL AT THE HAYS COUNTY GOVERNMENT CENTER. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 11:55 a.m. and reconvened into open court meeting at 12:55 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, members of the Sheriff's Office: Sheriff Gary Cutler, Captain Mike Davenport, Captain Mark Cumberland, Lt. Ronnie Strain, and Robert Hinkle of Broaddus & Associates. Sam Brannon San Marcos resident made a public comment. No action today.

ACTION RELATED TO THE BURN BAN

Burn Ban will remain in effect due to the conditions not changing in the last week.

Clerk's Note Agenda Item #22 RE: *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* **– was pulled**

Clerk's Note Agenda Item #23 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note Agenda Item #24 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

Clerk's Note Agenda Item #25 RE: *APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)* **– was pulled**

Clerk's Note Agenda Item #26 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 April 19, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26TH DAY OF APRIL 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:

Pastor David Skinner 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
Constable Pct 3 Darrell Ayres, Sam Brannon San Marcos resident made public comments.

28003 ADOPT A PROCLAMATION IN RECOGNITION OF TEXAS DISPOSAL SYSTEMS

A motion was made by Commissioner Jones, seconded by Commissioner Conley to adopt a Proclamation in recognition of Texas Disposal Systems. All voting "Aye". MOTION PASSED

28004 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of $2,814,619.14 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28005 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 19, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of April 19, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28006 APPROVE REDIRECTION OF FUNDS IN THE PUBLIC HEALTH EMERGENCY RESPONSE (PHER) CONTRACT AND AMEND THE BUDGET ACCORDINGLY

The Texas Department of State Health Services (DSHS) has allowed the local health departments, including the Personal Health Department, to submit amended budgets redirecting funds in the PHER grant. The remaining funds may then be used to purchase needed emergency response items before the end of the contract period. The contract period ends July 31, 2011. There is no change to the grant amount. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve redirection of funds in the Public Health Emergency Response (PHER) contract and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28007 ACCEPT DONATION FROM THE BURDINE JOHNSON FOUNDATION FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received a donation for the Historical Jail Restoration Project from the Burdine Johnson Foundation. These funds will be used for the fundraising event and construction costs. Amount required is $100,000.00(144-676-00.4610). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept donation from the Burdine Johnson Foundation for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**

28008 APPROVE OUT OF STATE TRAVEL FOR DEPUTY JEFF JORDON TO ATTEND THE PEACE OFFICER MEMORIAL SERVICE IN WASHINGTON D.C.

At the National Peace Office Memorial Service in Washington D.C, Hays County Deputy Sheriff Henry C. Banks will be added to the National Law Enforcement Officer's Memorial on May 13, 2011. Deputy Banks was shot and killed on November 16, 1873. Deputy Jeff Jordan will be representing Hays County and the Banks family during Police Week. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve out of state travel for Deputy Jeff Jordon to attend the Peace Officer Memorial Service in Washington D.C. All voting "Aye". MOTION PASSED**

28009 AMEND BUDGET OF COUNTYWIDE OPERATIONS IN GENERAL FUND FOR LEGAL SERVICES

Hays County has exhausted the legal services line and requires additional funds, to come from Contingencies (the collective bargaining portion), partial savings in salary adjustment, part self insurance, and savings in longevity fringe. Amount required $160,000.00 to 001-645-00.5441 Legal Services. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend budget of Countywide Operations in General fund for Legal Services. All voting "Aye". MOTION PASSED**

28010 VILLEGAS ACRES SUBDIVISION [10-2-45 – 2 LOTS] **APPROVE PRELIMINARY PLAN**

Clint Garza Director of Development Services gave staff recommendation. The Villegas Acres Subdivision is a proposed subdivision of 2.00 acres of land located off Mathias Lane in Precinct 2. The division will consist of two 1 acre lots. Lot 1 is served by an existing Goforth Water Supply connection and on-site sewage facility. Lot 2 will also be served by public water and OSSF at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve preliminary plan of Villegas Acres Subdivision. All voting "Aye". MOTION PASSED**

28011 APPROVE THE APPOINTMENT JOHN ESTEPP ON THE HAYS COUNTY PARKS BOARD TO REPLACE THAD NANCE AS A VACANT PCT. 3 POSITION

This is an appointment to a vacant position for Precinct 3. John Estepp will be replacing Thad Nance. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the appointment John Estepp on the Hays County Parks Board to replace Thad Nance as a vacant Pct. 3 position. All voting "Aye". MOTION PASSED**

28012 GRANT DEVELOPMENT AUTHORIZATION TO MELISSA MACEO, OWNER OF LOT 1 IN THE DARLINGS HILL SUBDIVISION; PROVIDE GUIDANCE TO STAFF REGARDING FUTURE DEVELOPMENT AUTHORIZATIONS IN DARLINGS HILL SUBDIVISION

Clint Garza Director of Development Services spoke of a plat restriction and the need for a Joint Maintenance Agreement. Melissa Maceo has submitted an application for development permits including flood hazard area and OSSF. Upon review of the application staff found, if permitted, the property owner would be in violation a plat restriction in the subdivision. The plat note restricts development to one single-family residence per lot. This restriction was put in place because the subdivision is served by a shared access driveway and a condition for plat approval is the limitation on future development on those lots. The purpose for the restriction is to ensure future lot owners adequate access to their homes and limit the wear on each driveway. Ms Maceo wishes to build three small cabins as part of a "bed and breakfast or wellness retreat". Specifically Chapter 715.4.01 prohibits permitting on any parcel unless all regulations are met. The proposed development does not meet regulations as submitted; therefore staff will follow the direction of the court. All future development authorizations within the Darlings Hill Subdivision will be brought back to Commissioners Court for consideration. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to grant development authorizations to Melissa Maceo, owner of Lot 1 in the Darlings Hill Subdivision; provide guidance to staff regarding future development authorizations in Darlings Hill Subdivision. All voting "Aye". MOTION PASSED**

28013 ACCEPT A PETITION FOR THE CREATION OF A "COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION"; APPROVING THE ARTICLES OF INCORPORATION, BYLAWS, AND DIRECTORS OF SAID CORPORATION; AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF LEANDER, AND THE CITY OF BEE CAVE RELATED TO LCRA'S INTENT TO SELL ITS WATER AND WASTEWATER SYSTEMS

Per the Court's open meeting discussion on April 12, 2011 and April 19, 2011, this item considers the County's participation in a coalition of local governments that are interested in receiving information related to bidding for the local water and wastewater utilities, systems, and facilities recently advertised by the Lower Colorado River Authority (LCRA). This contemplated action must be made pursuant to the request of 3 Hays County citizens. It would establish Commissioner Ray Whisenant as one board member on the corporation that would act under the Interlocal Agreement between the collaborating local governmental entities. Sam Brannon San Marcos resident, and Barbara Hopson Hays County resident made public comments. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept a petition for the creation of a "Coalition of Central Texas Utilities Development Corporation"; approving the Articles of Incorporation, Bylaws, and Directors of said corporation; and authorizing the County Judge to execute an Interlocal Cooperation Agreement between Hays County, the City of Leander, and the City of Bee Cave related to LCRA's intent to sell its water and wastewater. All voting "Aye". MOTION PASSED**

28014 UPDATE FROM STAFF REGARDING NEWLY ADOPTED HAYS COUNTY OSSF RULES; ACTION TO ENACT A GRACE PERIOD FOR ENFORCEMENT FOR PORTIONS OF THOSE RULES

Clint Garza Director of Development Services spoke. The Texas Commission on Environmental Quality granted final approval for Hays County's new order for On-Site Sewage Facilities. The effective date of the rules is April 7, 2011, however a portion on the rules requires mandatory maintenance for all advanced OSSF's within the county. Staff will notify every affected homeowner: there are over 7,600 of these systems in the county. For many, the initial notification will be the first they have heard of these requirements therefore staff would like a grace period to ease the transition for citizens not currently under contract. Staff also requested guidance to allow homeowner's to maintain their own system on a case by case basis as long as the homeowner obtained the appropriate licensure. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to grant a grace period for enforcement for portions of those rules to have all new contracts with licensed maintenance providers submitted to Hays County by September 1, 2011 and all homeowners obtaining certifications to maintain their own systems do so by December 1, 2011. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". Commissioner Whisenant abstained. MOTION PASSED**

28015 DECLARE AN EMERGENCY AND AMEND THE INDIGENT HEALTH CARE BUDGET TO PROVIDE ADDITIONAL FUNDING FOR INDIGENT MEDICAL SERVICES AS WELL AS PRESCRIPTIONS

Hays County has budgeted $375,000 for medical services and $275,000 for prescriptions. The County has estimate that an additional $400,000 will be needed for medical services and an additional $50,000 will be needed for prescriptions for the remainder of the fiscal year. The county will need to amend the budget to obtain funds from the County's reserves. Amount required $450,000 (120-675-06.5231 $50,000; 120-675-06.5431 $400,000). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to declare an emergency and amend the Indigent Health Care budget to provide additional funding for indigent medical services ($400,000) as well as prescriptions ($50,000) with funds to come out of Contingencies. All voting "Aye". MOTION PASSED**

28016 APPROVE THE CONTINUATION OF THE LOCAL DISASTER DECLARATION IMPLEMENTED BY THE COUNTY JUDGE UNDER CHAPTER 418 OF THE TEXAS GOVERNMENT CODE ON OR ABOUT APRIL 25, 2011 AND TO MAKE THE PENALTY FOR VIOLATING THE JUDGE'S PROCLAMATION UNDER THE DISASTER DECLARATION A CLASS C MISDEMEANOR

Mark Chambers Hays County Fire Marshal explained the potential fire hazard and the long range forecast. While fireworks are not normally an issue related to burn bans during this time of the year, recent reports of fireworks use in Northwestern Hays County have caused great concern for public safety, as drought conditions and other aggravating weather conditions have greatly increased the likelihood of wildwood. The local disaster declaration under Chapter 418 Texas Government Code was the quickest mean for dealing with the issue. However, Section 418.108 declares that the County Judge's order cannot be held in place for longer the 7 days without consent of the Commissioners Court. The County Judge, the Fire Marshall, and the Emergency Management Coordinator request consent of the Court to continue this prohibition against the use of fireworks until weather conditions have improved and the risk of wildfire is reduced. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the Continuation of the Local Disaster Declaration implemented by the County Judge under Chapter 418 of the Texas Government Code on or about 25, 2011 and to make the penalty for violating the Judge's Proclamation under the Disaster Declaration a Class C Misdemeanor. All voting "Aye". MOTION PASSED**

28017 APPROVE THE APPOINTMENTS OF COMMISSIONER WHISENANT, JUDGE COBB AND CLINT GARZA AS NEW BOARD MEMBERS OF THE HAYS COUNTY WATER & SEWER AUTHORITY

In 2000, the Commissioners Court resolved to establish a Hays County Water and Sewer Authority. The initial board members were the Hays County Judge (Jim Powers), Precinct 4 Commissioner (Russ Molenaar), and the Director of Environmental Health (Allen Walther). Since none of those individual board members are still seated in the offices, it is now necessary to reconstitute the Authority's board. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to appoint Commissioner Whisenant, Judge Cobb and Clint Garza as new Board members of the Hays County Water & Sewer Authority. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Commissioner Whisenant voting "Aye". Judge Cobb abstained. MOTION PASSED**

WORKSHOP AND UPDATE FROM JIMMY SKIPTON, PRESIDENT OF HAYS TRINITY GROUNDWATER DISTRICT

Jimmy Skipton President of the Hays Trinity Groundwater District spoke of a Resolution that was passed yesterday about bringing groundwater into Hays County. Mark Key Secretary of the Hays Trinity Groundwater District spoke. Hays Trinity Groundwater District's mission is to conserve, preserve, recharge and prevent waste of groundwater within western Hays County. In support of the District's mission, they provide educational materials and information about their water resources. HTGD provides assistance with Conservation, General Water Conservation, Rainwater Harvesting, Landscape Irrigation and Energy Starr appliance guide. The Hays Trinity Groundwater Conservation District consists of 2 Regions that rely on different measures for determining drought status. The northern region, Region K, drought status is determined by the Pedernales River discharge rate and the Henly Church well water level. The southern region, Region L, drought status is determined by the Blanco River discharge rate, Jacob's well discharge rate and the Mt. Baldy well water level. Chapter 36.0015 says: "Groundwater Conservation Districts created as provided by this chapter are the state's preferred method of groundwater management." Linda Kaye Rogers Wimberley resident, Jack Hollon Wimberley resident, David Glenn Wimberley resident, Winton Porterfield San Marcos resident, Dianne Wassenich San Marcos resident and Pokey Rehmet Wimberley resident made public comments.

WORKSHOP PRESENTED BY CERT (COMMUNITY EMERGENCY RESPONSE TEAM) TO THE COMMISSIONERS COURT

Community Emergency Response Team (CERT) Director Roster includes: Roger Parker, Search & Rescue; Bill Coffman, Finance; Cathy Kubica, Training; Gordon DeWitte, Logistics; and Mike Wilmore, Operations & Communications. CERT has been serving Hays County citizens and first responders since February 2003. Origins: Arm of Department of Homeland Security (DHS) & Federal Emergency Management Agency (FEMA), authorized by Hays County Judge in February 2003, unanimously adopted by Commissioners Court in April 2003. The mission of CERT is service to the community: to provide information on disaster preparedness; provide support for Hays County first responders and provide leadership and coordination for emergency response volunteers. County-wide coverage via 4 area teams- North, South, East, West, plus search & rescue team. Fire Fighter & Office of Emergency Management (OEM) support. Assist Fire Departments with Fires & Floods, rehab, missing person searches, volunteer supervision. Manage & man Emergency Shelters. EMS support – assist EMS with first aid, traffic safety, volunteer supervision, and triage. Hays County CERT resources include 88 trained volunteer members. CERT may be requested via Dispatch and have 2 points of contact always available, Dispatch has additional contacts, Pinpoint items needed (rehab, bus, mule & any other needs), request as early as possible. Ken Strange of Kyle made a public comment.

WORKSHOP AND PRESENTATION BY JEFFREY S. WARD AND ASSOCIATES, INC. ON THE ELEMENTS AND STATUS OF REVISIONS TO THE HAYS COUNTY HAZARD MITIGATION PLAN

In November of 2010, the Commissioners Court authorized entering into contract with Jeffrey S. Ward & Associates, Inc. for revisions to the Hays County Hazard Mitigation Plan. This plan must be updated every five years to maintain eligibility for various FEMA grant programs as well as requirements for the Hays County Emergency Management Office. The consultant will discuss the components of the Hazard Mitigation Plan and status of the progress being made towards completion. Input will also be taken on various strategies and actions to address and minimize hazards within the county.

28018 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.076 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING SECURITY DEVICES AND PERSONNEL AT THE HAYS COUNTY GOVERNMENT CENTER

Court convened into closed executive session at 3:00 pm and reconvened into open court meeting at 4:20 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Conley, Special Counsel Mark Kennedy, Hays County Auditor Bill Herzog, Sheriff Gary Cutler, Chief Jamie Paige, Captain Mike Davenport, and Robert Hinkle of Broaddus & Associates. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Sheriff's Office to hire 10 people for Security at the new Government Center with four of them being Peace Officers and six as Correction Officer's and some of this money is already budgeted and additional monies will come from amount budgeted for Security and to amend the budget accordingly, this position will be posted immediately and funding will be effective June 1, 2011. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #20 RE: *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 RANCH ROAD 12* **– was pulled**

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION OF CR 266 AKA OLD BASTROP HWY IN PRECINCT 1

Court convened into closed executive session 2:27 pm and reconvened into open court meeting at 2:47 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jerry Borcherding Director of Transportation, Lori Bible and Mike Aulick. No action taken at this time.

EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

Court convened into closed executive session 4:21 pm and reconvened into open court meeting at 4:34 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy. No action taken at this time.

ACTION RELATED TO THE BURN BAN

At this time the burn ban will remain in effect in Hays County.

Clerk's Note Agenda Item #24 RE: *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* **– was pulled**

Clerk's Note Agenda Item #25 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

Clerk's Note Agenda Item #26 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

28019 APPROVE THE HIRING OF 3 LINE STAFF PERSONNEL IN THE JUVENILE DETENTION CENTER AND APPROVE THE HIRING OF AN ASSISTANT IN THE PURCHASING DEPARTMENT

Brett Littlejohn Director of the Juvenile Detention Center spoke of need to hire 3 line staff personnel. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the hiring of 3 line staff personnel for the Juvenile Detention Center. All voting "Aye". MOTION PASSED**
Cindy Maiorka Purchasing Agent spoke of need to hire another person in the Purchasing Office. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the hiring of a Purchasing Specialist in the Purchasing Department. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #28 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones 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 APRIL 26, 2011.

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

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 Botkin 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**

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 Icossipentarhos 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 be 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 PASSD**

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 Icossipentarhos 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.

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

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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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH 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**

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

Pastor Robin Steele with the Promise Land Church gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

New Hires were introduced by Dee Dee Baen Human Resources Director

PUBLIC COMMENTS
Luanne Caraway Hays County Tax Assessor spoke about House Bill. Alan Cameron resident of San Marcos spoke. Sam Brannon resident of San Marcos spoke.

28030 ADOPT A PROCLAMATION DECLARING MAY 15, 2011 AS PEACE OFFICERS MEMORIAL DAY AND MAY 15-21, 2011 AS LAW ENFORCEMENT OFFICERS WEEK

Hays County will honor fallen Peace Officers on May 17th at 7:00 pm at the Hays County Courthouse. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Proclamation declaring May 15, 2011 as Peace Officers Memorial Day and May 15-21, 2011 as Law Enforcement Officers week. Commissioner Whisenant, Commissioner Jones and Judge Cobb voting "Aye" Commissioner Conley not present to vote. MOTION PASSED**

RECOGNIZE HAYS COUNTY FIREFIGHTERS FOR THE SERVICE DURING THE RECENT TEXAS WILDFIRES

Clay Huckabee, Chief of the Buda Fire Department spoke on behalf of the firefighters that were assisting in the West Texas fires. The following Firefighters responded to the need for assistance during the recent Texas Wildfires. They represented Hays County well and are being honored for their sacrifices the Firefighters are from (South Hays Fire) Lt. Basil Pierce, Firefighter Wes Trapp, Jesse Maldonado, TJ Browder, Chas Humphrey, Jason Perez and Matt Simkin (Buda) Lt. Craig Odell, Lt. Raymond Seyfried, Cory Young, Heath Huckaby, Carlos Rocha, Jason Cook, Ben Ogletree, Jacob Haverda, and Abel Gonzales (Kyle) Lt. Derrick Sexton, Kevin Cox, Matt Jobe, and Brandon Kitchens (ESD#6) Rayne Kelly, Dustin Hudson and Steven Fretwell.

28031 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve payments of county invoices in the amount of $531,371.12 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28032 APPROVE COMMISSIONERS COURT MINUTES OF MAY 3, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve Commissioner Court Minutes of May 3, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28033 AMEND SHERIFF'S OPERATING BUDGET FOR HOLIDAY OVERTIME PAY

The Sheriff's Department is requesting additional funds 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 to used to fund this amendment. Staff Salary-001-618-00.5021: ($50,000) Holiday O/T 001-618-00.5036 $50,000. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to amend Sheriff's Operation budget for holiday overtime pay. All present voting "Aye". MOTION PASSED**

County Clerks Note Item # 6: *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*- **was pulled**

28034 APPROVE SPECIFICATIONS FOR RFP #2011-P12, REAL ESTATE SERVICES ON AN AS-NEEDED BASIS, AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR PROPOSAL AND ADVERTISE

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 the request for proposals 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 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. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve specifications for RFP #2011-P12, Real Estate Services on an As-Needed Basis, and authorize Purchasing Manager to solicit for proposal and advertise. All present voting "Aye". MOTION PASSED**

28035 APPROVE RECOMMENDATION OF PARSONS BRINCKERHOFF AS MOST QUALIFIED FIRM FOR RFQ 2011-P08 "QUALIFICATIONS FOR FIRMS HAVING EXPERTISE IN TRANSPORTATION PLANNING"

There were six proposals received and after evaluation of those proposals from Prime Strategies Inc, HDR Engineering Inc, URS, Parsons Brinckerhoff, Halff Associates and Freese & Nichols, Parson Brinckerhoff was selected as most qualified. A negotiated contract will be brought back before Commissioners Court for approval at a later date. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve recommendation of Parsons Brinckerhoff as most qualified firm for RFQ 2011-p08"Qualifications for Firms having Expertise in Transportation Planning". All present voting "Aye". MOTION PASSED**

28036 RENEW BID #2010-B09 FOR "EMULSION OILS" FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

There will be a 15 cent increase per gallon from Ergor 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 the county rebids the county would 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. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the renew bid #2010-B09 for "Emulsion Oils" for one additional year as provided for in original bid. All present voting "Aye". MOTION PASSED**

28037 1826 NUTTY BROWN SUBDIVISION [10-4-31] **AND APPROVAL FINAL PLAT**

Roxie Boykin Subdivision Coordinator gave an overview of the plat and gave the final approval. 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 are 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 and the preliminary plat was approved by the Commissioners Court on March 22, 2011. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve final plat of 1826 Nutty Brown Subdivision. All present voting "Aye". MOTION PASSED**

DISCUSSION AND POSSIBLE ACTION REGARDING CAMPO'S CALL FOR PROJECTS THAT WOULD BE FUNDED BY FEDERAL STIMULUS MONIES

Transportation Director Jerry Borcherding spoke of the STP MM funding. (Surface Transportation Program Metropolitan Mobility), Michael Aulick Vice President of Huitt-Zollars Inc. spoke and Joe Cantalupo Executive Director of CAMPO (Capital Area Metropolitan Planning Organization) spoke. CAMPO is responsible for competitively awarding federal Surface Transportation Program Metropolitan Mobility (STP MM) funding. The region will have access to approximately $74 million in STP MM funding in FY's 2012-2014.**-No Action Taken**

28038 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

Priscilla Hargraves Personal Health Director spoke. The current microscope being used in the Kyle clinic by the Woman'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 to eliminate a potential lapse in diagnostic 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. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the Personal Health Department (PHD) to transfer from Medical Supplies to Miscellaneous Equipment and purchase a new microscope for the Title V program. All present voting "Aye". MOTION PASSED**

28039 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)

Priscilla Hargraves Personal Health Director spoke and introduced JoAnna Garcia of the Boys and Girls Club of South Central Texas. The purpose of the 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. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant 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). All present voting "Aye". MOTION PASSED**

28040 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

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. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement between Water Control Improvements District #2 and Hays County, Texas for the parks and open space improvements within Belterra Subdivision. All present voting "Aye". MOTION PASSED**

DISCUSSION RELATED TO THE BURN BAN, AND THE LOCAL DISASTER DECLARATION AND RELATED PROHIBITION AGAINST FIREWORKS

Mark Chambers, Hays County Fire Marshal gave recommendation to leave the burn ban in effect.

County Clerks Note Item #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*-**was pulled**

Sam Brannon and Lenee Lovejoy made a public comment.

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

Sam Brannon and Lenee Lovejoy spoke. Jeff Watson of HNTB gave an overview of the project.

County Clerks Note Item # 18: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS*- **was pulled**

28041 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Special Counsel Mark Kennedy spoke of David Mendoza Assistant District Attorney giving notice and needing to fill this position. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to fill the open position in the District Attorney's office. All present voting "Aye". MOTION PASSED**

County Clerk Note Item # 20: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

Sam Brannon and Lenee Lovejoy made a public comment.

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adjourn court

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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 10, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH 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:

Pastor Erich Siemens of Calvary Chapel of the Springs 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
David Badal resident of Wimberley and Sam Brannon resident of San Marcos spoke.

28042 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to approve payment of county invoices in the amount $3,568,872.65 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28043 APPROVE COMMISSIONERS COURT MINUTES OF MAY 10, 2011

A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to approve Commissioners Court Minutes of May 10, 2011. All voting "Aye". MOTION PASSED

28044 ACCEPT THE ANNUAL REPORT FROM THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD

As required in the Bylaws for the Hays County Parks and Open Space Advisory Board, and in addition project reviews and comments that have been forwarded or presented to the Hays County Commissioners Court, an Annual Report is to be submitted on the yearly activities of the board. The purpose of the Hays County Parks and Open Space Advisory Board is advised the Commissioners Court on current and future parks, open space, natural areas, wildlife habitat, water quality/quantity, recreational facilities, and other associated conservation lands and projects. The charge of the Board shall be (1) to review potential projects for conformity to the county's Parks and Open Space Master Plan (2) to make recommendations to the Commissioners Court concerning these projects, (3) to update the county's Parks and Open Space Master Plan as necessary and, (4) to assist county staff in outreach efforts throughout the county. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to accept the Annual Report from the Hays County Parks and Open Space Advisory Board. All voting "Aye". MOTION PASSED**

28045 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-BUCK WINN DOCUMENTARY AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT AND AMEND BUDGET FOR TRAVEL NEEDS

The Historical Commission has received donations for the Buck Winn documentary. These funds will be used for the production and distribution of the Buck Winn DVD's. No matching county funds needed. Amount required is $1,550.00 (001-676-00-055.4610). **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to accept contributions for the Historical Commission-Buck Winn documentary and amend the budget for use of those funds for direct expenses related to the project and amend budget for travel needs. All voting "Aye". MOTION PASSED**

28046 AMEND SHERIFF DRUG FORFEITURE FUND BUDGET TO PURCHASE EQUIPMENT

The Sherriff's Drug Forfeiture funds may be used at the Sheriff's discretion. In order to follow County policy, we are requesting to move the funds into the appropriate general ledger account to purchase 16 stop sticks for the safety of officers. Amount required $ 6,466.00 (053-618-00.5719_400). **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to amend Sherriff Drug Forfeiture Fund budget to purchase equipment. All voting "Aye". MOTION PASSED**

28047 APPROVE CONTRACT WITH BKM TOTAL OFFICE FOR RFP 2011-P11 FURNITURE FOR HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

Bob Hinkle of Broaddus & Associates spoke of the Government Center Furniture. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to approve contracts with BKM total office for RFP 2011-P11 Furniture for Hays County Government Center and authorize County Judge to execute same. All voting "Aye". MOTION PASSED**

28048 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT BETWEEN THE PEDERNALES ELECTRIC COOPERATIVE AND HAYS COUNTY REGARDING A DECREASED COST IN RELOCATING THE UTILITY

Commissioners Court approved the contract with Pedernales Electric Cooperative on March 29, 2011. New estimates have lowered the total cost from $180,147.55 to $102,091.38. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to authorize the County Judge to execute a Supplemental Agreement between the Pedernales Electric Cooperative and Hays County regarding a decreased cost in relocating the utility. All voting "Aye". MOTION PASSED**

28049 AMEND THE DISTRICT ATTORNEY GRANT BUDGET TO USE SAVINGS IN EDUCATION, SUPPLIES AND EQUIPMENT TO PURCHASE THREE PORTABLE RADIOS AND ACCESSORIES, AND INCREASE REVENUE TO EQUAL THE GRANT AWARD

On September 14, 2011 Commissioners Court accepted and executed the grant award in the amount of $12,342 from the U.S Department of Justice, Bureau of Justice Assistance under the Edward Byrne Memorial Justice Assistance Grants Program for equipment and training for the District Attorney's Office. This amendment will allow the County to spend the remainder of this grant award with no matching funds required. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to amend the District Attorney Grant budget to use savings in education, supplies and equipment to purchase three portable radios and accessories, and increase revenue to equal the grant award. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #9 RE: *RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BELTERRA SUBDIVISION, PHASE 4, SECTION 18* **– WAS PULLED**

28050 CALL FOR A PUBLIC HEARING ON MAY 31, 2011 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING/TOW AWAY) ON NUTTY BROWN ROAD

Transportation Director Jerry Borcherding gave staff recommendation to call for public hearing this action will provide for a No Parking/Tow Away Zone on both sides of Nutty Brown Road form HWY 290 to Kit Carson Drive. **A motion was made by Commissioner Whisenant seconded by Commissioner Jones to call for a public hearing on May 31, 2011 to establish traffic regulations(No Parking/Tow Away on Nutty Brown Road. All voting "Aye". MOTION PASSED**

28051 CALL FOR A PUBLIC HEARING ON MAY 31 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING/TOW AWAY ZONE) ON OAK BRANCH DRIVE

Transportation Director Jerry Borcherding gave staff recommendation to call for public hearing this action will provide for a No Parking/Tow Away Zone on both sides of Oak Branch Drive from Hwy 290 to 1300 ft. North of Hwy 290. **A motion was made by Commissioner Whisenant seconded by Commissioner Jones to call for a public hearing on May 31 to establish traffic regulations (No Parking/Tow Away Zone) on Oak Branch Drive. All voting "Aye". MOTION PASSED**

28052 BOSTWICK SUBDIVISION [11-2-1-2 lots] **APPROVE FINAL PLAT**

Roxie Botkin Subdivision Coordinator spoke. Roxie Botkin Subdivision Coordinator gave an overview of the Bostwick Subdivision is a proposed subdivision of 16.00 acres of land located off S. Old Stagecoach Road in Precinct 2. The division will consist of 2 lots as follows: Lot 1- 5.010 acres and Lot 2- 7.564 acres. Lot 1 is served by an existing private well and OSSF. Lot 2 will also utilize a Preliminary plan was approved on April 19, 2011. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve final plat of Bostwick Subdivision. All voting "Aye". MOTION PASSED**

28053 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH VOTEC CORPORATION TO INSTALL THE VEMACS ELECTIONS AND VOTER REGISTRATION SYSTEMS MODULES

The Elections Office is on TEAM (SOS data base) that no longer meets the needs of the elections office and found that this software would be helpful in enhancing the office's voter registration, mail ballots, Mapping, Candidate Filing, Polling Locations, Polling Place Management, Petition checking, Imaging of documents and the software will adhere to State requirements for Elections. The Elections office has already put in place electronic poll books (VOTESAFE) that will intergraded with VEMACS that will also add additional features to our process. The Elections Office will no longer have the filing space for our voter registration applications (imaging would take care of all this). Also the redistricting process of our County Election Precincts (Mapping will assist in this). Amount required $48,816.00 (001-645-00.5718) funds were approved and budgeted in FY 2011 for this project. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a contract with VOTEC Corporation to install the VEMACS Elections and Voter Registration Systems modules. All voting "Aye". MOTION PASSED**

28054 RECEIVE DIRECTION FROM THE COURT ON THE SALE OF REAL PROPERTY, POSTINGS AND OTHER CIVIL PROCEDURES WITH RESPECT TO WHERE THOSE EVENTS WILL TAKE PLACE AND WHAT THE "DESIGNATION" OF COURTHOUSE WILL BE

Constable Ayres spoke on the Constable Sale postings. The sales have taken place at the County Courthouse. Now that there no longer district court cases being heard at the County Courthouse. Constable Ayres in Pct 3 would like the location to change. In recent training, he was informed that the Commissioners Court had the authority to designate the location. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to instruct Special Counsel Mark Kennedy, County Clerk Liz Gonzalez, District Clerk Beverly Crumley, a Representative from the Constables within the next 30 days bring back a Resolution to clarify where the Constables will hold future sales and for official postings. All voting "Aye". MOTION PASSED**

28055 ACCEPT BOND ISSUANCE TIMELINE FOR ROAD AND PARK BONDS

Lenee Lovejoy resident of San Marcos spoke. Dan Wegmiller with Specialized Public Finance, Financial Advisor to the County presented a timeline for the issuance of voter approved bonds for the road and park projects. **A motion was made by Commissioner Conley seconded by Commissioner Whisenant regarding bond issuance and accepting the timeline for road and park bonds. All voting "Aye". MOTION PASSED**

28056 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THREE WORK AUTHORIZATIONS UNDER THE COUNTY'S CONTRACT WITH KLOTZ ASSOCIATES, INC., RELATED TO DRAINAGE IMPROVEMENTS IN AND NEAR THE LEISUREWOODS SUBDIVISION

The scope of the contract with Klotz and Associates was set to accommodate work as it became necessary for the completion of its storm water facility project. These three additional work authorizations represent work that is now in the critical path of the project. Work authorization No.12 includes additional services related to the construction of the storm water detention facility located in Lot 25 Leisurewoods Subdivision, Section 5 amount for this authorization is $12,200. Work authorization No.9 includes planning, design, preparation of construction plans and specifications and limited construction phase services for a storm water detention basin that will be located in a tract of land southwest of Leisurewoods HOA lot amount for this authorization is $46,000. Work Authorization No. 11 includes planning, design, preparation of construction plans and specifications and limited construction phase services for channel modifications along the rear lot of Longspur Drive lots and modifications to the outfall structure and downstream channel for the basin on Pine Siskin Drive amount for the authorization is $68,500. **A motion was made by Commissioner Jones seconded by Commissioner Conley to authorize the County Judge to execute three work authorizations under the County's contract with Klotz Associates, Inc., related to drainage improvements in and near the Leisurewoods Subdivision. All voting "Aye". MOTION PASSED**

28057 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT REGARDING THE IMPLEMENTATION OF THE PLUM CREEK WATERSHED PROTECTION PLAN

Susan Meckel resident of Kyle spoke. Nikki Dictson of AgriLife Extension spoke. The inter-local agreement requires Hays County, Caldwell County, City of Kyle, City of Buda, City of Lockhart, City of Luling, the Guadalupe-Blanco River authority, the Plum Creek Conservation District, Caldwell-Travis Soil and Water Conservation District # 304 and the Hays County Soil and Water Conservation District #351 to provide a total of $48,000 per year as matching funds for a grant of $120,000 per year. The grant is a three year grant with the possibility of up to a one year no cost extension at the end of 3 years if there is funding available. The life of the grant is September 1, 2011 to August 31, 2014. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the county judge to execute an Interlocal agreement regarding the implementation of the Plum Creek Watershed Protection Plan in the amount of $2,787 per year starting this budget year coming out of LCRA Funds. All voting "Aye". MOTION PASSED**

28058 AMEND THE FEE SCHEDULE FOR FOOD ESTABLISHMENTS AND ADOPT A FEE FOR ANNUAL CONTRACT RENEWAL FOR ADVANCED OSSF'S WITHIN HAYS COUNTY EFFECTIVE JANUARY 1, 2012 AS DIRECTED

Clint Garza Director of Development Services spoke of the inspection fees to be raised. The Development Services Department is responsible for protecting the public health and welfare of Hays County residents through the various programs. These programs include the regulation of on-site sewage facilities, floodplain regulation, foster/day/childcare, water quality, and food establishment permitting. The county charges review and permit fees for these services. However, many of them have not been updated in over 15 years. Specially, development services staff would like to amend the fees for food establishments in Hays County. The current schedule has been in place since 1993 without significant revision. Costs are currently 1/3 what is charged in the City of San Marcos for similar inspections, review, and permitting. In addition to food establishment fees, the department would like to adopt an annual fee for contract renewal of advanced on-site sewage facilities in Hays County. Current regulations requirement is followed through by two members of the staff that manage the database and keep record of compliance with maintenance rules. A nominal fee for each system would fund that program and ensure adequate technology and equipment is available so we remain as efficient as possible. It will be County Policy that fess will be reviewed yearly and these fees won't change for 10 years. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to amend the fee schedule for Food Establishments and adopt a fee for annual contract renewal for advanced OSSF's within Hays County as presented by Development Services Director. All voting "Aye". MOTION PASSED**

28059 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION – OFFICE OF INSPECTOR GENERAL, THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY AND HAYS COUNTY

The Office of Inspector General investigates allegations of fraud, waste and abuse in human services program such as Food Stamps, Medicaid and TANF. This contract allows the OIG, should they discover criminal conduct, to refer their finding to the Hays County Criminal District Attorney's Office for prosecution and to compensate the DA's office if charges are filed and a plea or verdict is the outcome. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to authorize the County Judge to execute an agreement between the Texas Health and Human Services Commission – Office of Inspector General, the Hays County Criminal District Attorney and Hays County. All voting "Aye". MOTION PASSED**

28060 APPROVE AN INCREASE TO THE NOT-TO-EXCEED FEE ON THE HUITT-ZOLLARS' PROFESSIONAL SERVICES AGREEMENT FOR NECESSARY ADDITIONAL SERVICES ON THE CR 266 (OLD BASTROP HWY) PROJECT

Richard Wilkinson of Huitt-Zollars spoke. CR 266 is part of our 2008 Priority Road Bond Program. The project is currently at 60+% design phase and the Engineers Estimate for Project Cost is currently 17% below the budgeted total cost for the project. Surveying is complete, right of way documents are nearing completion, and the Environmental Process is approximately 75%complete. There has been two public meetings and received lots of comments. Due to some of the comments, we have asked our engineers to tale additional time and make revisions/modifications to some areas to better address concerns from property owners. The increase in fee is to cover the cost of additional engineering services. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to approve an increase to the Not-to-Exceed fee on the Huitt-Zollars' Professional Services Agreement for necessary additional services on the CR 266 (Old Bastrop Hwy) project. All voting "Aye". MOTION PASSED**

28061 AMEND THE BULLETPROOF VEST GRANT BUDGET AND DEPARTMENT BUDGETS TO ALLOW FOR THE PURCHASE OF 2 PROTECTIVE VESTS FOR DEVELOPMENT SERVICES, 2 VESTS FOR THE FIRE MARSHAL, AND ONE VEST FOR CONSTABLE #1

The Bulletproof Vest Grant funds 50% of the cost of approved vests. This budget amendment allows the County to spend the remaining 2009 and 2010 grant award, which is $2,347.55. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to amend the Bulletproof Vest Grant budget and department budgets to allow for the purchase of 2 protective vests for Development Services, 2 vests for the Fire Marshal, and one vest for Constable #1. All voting "Aye". MOTION PASSED**

28062 REGARDING SB 1771, PROPOSED LEGISLATION INVOLVING TAX NOTICES

Luanne Caraway Hays County Tax Assessor spoke of House Bill 874. The Tax Assessor Collectors Association of Texas is in favor of a simplified tax notice that conveys information in a clear and concise format for taxpayers and while the intent of SB1771 is to provide such a notice, the bill however contains many technical errors and unattainable requirements. The Tax Assessors Collectors Association of Texas strongly opposes SB1771. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve recommendations from Tax Assessor/Collector Luanne Caraway of SB 1771 and HB 874, and have Counsel to draft a Resolution and authorize County Judge to sign and send our Senator and Representative. All voting "Aye". MOTION PASSED**

28063 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RIGHT OF WAY EASEMENT BENEFITING GTE SOUTHWEST INC. D/B/A VERIZON SOUTHWEST ON A 1.471 ACRE TRACT OF PROPERTY OWNED BY HAYS COUNTY NEAR BEBEE ROAD IN PRECINCT 2

Special Counsel Mark Kennedy spoke of future easement on County Road 122 on Bebee Road. Verizon Southwest has proposed to place a new telephone system on County Road 122 on Bebee Road. The location chosen is on land owned by Hays County. The land in reference is .471 acres out of the Elisha Pruett Survey, land described is in recorded in Volume 1200 Page 761 in the County Clerk's office. Verizon Southwest would require a plot of land being 20x20 in size and an easement on the site. Verizon Southwest would have the site surveyed by a certified surveyor. Verizon Southwest would compensate Hays County with a onetime payment of $7,000.00. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Right of Way Easement after Road & Bridge has coordinated with the Grantees of the Easement benefiting GTE Southwest Inc. d/b/a Verizon Southwest on a 1.471 acre tract of property owned by Hays County near Bebee Road in Precinct 2. All voting "Aye". MOTION PASSED**

28064 ACCEPTING A SERIES OF PAYMENTS FROM THE CEDAR OAKS MESA PROPERTY OWNERS' ASSOCIATION IN SETTLEMENT AND IN LIEU OF PAYMENT BY REAL PROPERTY OWNERS UNDER CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE

In 2006, Hays County proceeded to make road improvements to the Cedar Oaks Mesa Subdivision under Chapter 253 of the Texas Transportation Code. Land owners in that subdivision elected to pay back the costs of improvements if the County performed the work. Chapter 253 authorizes the County to place liens on the properties that will be assessed the repayment of costs for the road improvements. Current policy calls for the filing of a "Notice of Pending Lien" after election and before construction and the filing of a lien once construction is complete and a final cost is identifiable. However, after Commissioner Conley question staff about revenue for the project it became evident that assessments were not levied and that liens of notices were not place in the Official Public Records of Hays County before or after the Cedar Oaks Mesa project was completed. Many of the properties(an estimated 50%) have since been sold to land owners who know nothing of the improvements made by the County or the arrangement under Chapter 253. The County has discussed this issue with the Property Owners Association in Cedar Oaks Mesa. Since multiple Chapter 253 projects in Precinct 4 were preformed with an arrangement that the land owners would repay costs of materials, and not the costs of labor and equipment, the POA has offered to pay five payments of $7888, total $39,440, as compensation to the County for the materials used on the project. **A motion was made by Commissioner Conley seconded by Commissioner Whisenant to accept a series of payments from the Cedar Oaks Mesa Property Owners' Association in settlement and in lieu of payment by real property owners under Chapter 253 of the Texas Transportation Code All voting "Aye". MOTION PASSED**

28065 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF SAN MARCOS REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF SAN MARCOS, PURSUANT TO HB1445 (2001)

Lenee Lovejoy resident of San Marcos spoke. This 1445 Agreement is the first of its kind after the passage of Hays County's new Subdivision and Development Regulations. It is anticipated that similar agreements with other municipalities in Hays County will follow soon. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to authorize the County Judge to execute an agreement with the City of San Marcos regarding subdivision and development regulation in the extraterritorial jurisdiction of San Marcos, pursuant to HB1445 (2001). All voting "Aye". MOTION PASSED**

28066 AWARD TO RAMSEY ENGINEERING, LLC A CONTRACT TO SUBMIT DEVELOP DOCUMENTS RELATED TO LETTER OF MAP REVISION TO FEMA REGARDING THE CONSTRUCTION OF THE GREEN ACRES BRIDGE. THIS ACTION WILL AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT FOR THIS WORK

This work was originally assigned to Baker-Aklin Engineering with Steve Ramsey in charge of engineering and construction. Since the time of construction, Mr. Ramsey has formed his own company and will, with the approval of the court continue this final phase of the project. Amount required $12,500 (020-710-00.544_008)
A motion was made by Commissioner Conley seconded by Commissioner Whisenant to award to Ramsey Engineering, LLC a contract to submit develop documents related to Letter of Map Revision to FEMA regarding the construction of the Green Acres Bridge. This action will authorize the County Judge to execute the Professional Services agreement for this work
All voting "Aye". MOTION PASSED

28067 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REQUEST FOR CHANGE ORDER WITH BALFOUR BEATTY CONSTRUCTION FOR WORK RELATED TO THE INSTALLATION OF AUDIO VISUAL EQUIPMENT IN THE GOVERNMENT CENTER COMPLEX CONTINGENT TO THE MOU BEING SIGNED BY LOCAL ADMINISTRATIVE JUDGE

Bob Hinkle of Broaddus & Associates gave presentation of Hays County Government Center audiovisual installation. AV installation was always anticipated and budgeted for the project, it was not originally placed within the scope of Balfour Beatty's Design/Build contract. Due to multiple factors, the program Manager now believes it should be incorporated into Balfour Beatty's contract. Amount $1,157,337.21 already budgeted. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a Request for Change Order with Balfour Beatty Construction for work related to the installation of Audio Visual equipment in the Government Center complex contingent to the MOU being signed by local administrative judge. All voting "Aye". MOTION PASSED**

28068 CONSIDER GRANTING A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 705, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO LORRAINE CULP-LEONARD, OWNER OF A 3.89 ACRE PORTION OF LOT D-41 IN DOUGLAS ESTATES

Director of Development Services Clint Garza spoke on illegal lots not being properly subdivided and approved through Court. Lorraine Culp-Leonard is the owner of a 3.89 acre portion of a lot in the Douglas Estates Subdivision in Precinct 4. She applied for a permit to construct an On-Site Sewage Facility to replace her existing failing system. She has been informed that her parcel was part of an illegal division of land and is required to be platted under both the Local Government Code and the Hays County Development Regulations. In addition to the platting requirement, Chapter 705.4.01 of the Hays County Development Regulations prohibits the Department from issuing any development permit on a tract of land that is not in compliance with all current rules. The property owner has been made aware of the plat requirement, and the noncompliant portions of the lot will have to be re-platted to meet Hays County rules. **A motion was made by Commissioner Whisenant seconded by Commissioner Conley to consider granting a variance from Hays County Development Regulations, Chapter 705, Subchapter 4.01, to allow permitting of an On-Site Sewage Facility Development Permit to Lorraine Culp-Leonard, owner of a 3.89 acre portion of lot D-41 in Douglas Estates. All voting "Aye". MOTION PASSED**

ANNEXATION BY THE CITY OF SAN MARCOS OF THE COMPLEX LOCATED AT 5 MILE DAM PARK

Jeff Hauff spoke of the City of San Marcos annexation. Richard Salmon and William Ford Assistant Director of Community Services of the City of San Marcos Park and Recreation Department spoke of the annexation. On January 9, 2009, Hays County and the City of San Marcos entered into an Interlocal Agreement for the City to operate and maintain the Soccer Complex at 5 Mile Dam Park. Section 5.3 of Interlocal allows for the annexation of the property by the City of San Marcos. **No action was taken this date.**

28069 APPROVE THE JOINDER OF ADDITIONAL MUNICIPALITIES AND COUNTIES IN THE COALITION OF CENTAL TEXAS UTILITIES DEVELOPMENT CORPORATION; TO APPROVE AMENDMENT OF THE CORPORATION'S ARTICLES OF INCORPORATION, THE BYLAWS TO ALLOW JOINDER; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT RELATED TO SAID CORPORATION TO ALLOW JOINDER

When the County approved the first round of documents last month and joined the Coalition, it was always contemplated that additional local governmental entitles would join the Coalition as it proceeded toward an indicative bid. At this stage, the Cities of Sunrise Beach Village, Westlake, and Lometa and Bastrop County have resolved to join the Coalition. **A motion was made by Commissioner Whisenant seconded by Commissioner Conley to approve the joinder of additional municipalities and counties in the Coalition of Central Texas Utilities Development Corporation; to approve amendment of the Corporation's Articles of Incorporation, the Bylaws to allow joinder; and to authorize the County Judge to execute an amendment to the Interlocal Agreement related to said Corporation to allow joinder. All voting "Aye". MOTION PASSED**

28070 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CHANGE ORDER WITH HUNTER INDUSTRIES, LTD. RELATED TO IMPROVEMENTS ON RANCH ROAD 12

Allen Corzior with Hunter Industries Ltd. spoke. The change is required for design changes made during the TxDot bidding process. It was determined during the bidding process to proceed with the letting the project and utilized the change order process to accommodate these design changes so not to delay the contract award and start date. The County and HDR have anticipated this change order and have proactively maintained the project budget to account for it. This changed order also includes a design made to the plans to accommodate a future shared use path for the ultimate build out of RR12. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Change Order with Hunter Industries, Ltd. related to improvements on Ranch Road 12. All voting "Aye". MOTION PASSED**

28071 ALLOW BROADDUS & ASSOCIATES TO MOVE FORWARD WITH PRE-CONSTRUCTION DESIGN SERVICES WITH THE DESIGN BUILD TEAM, LOTT BROTHERS/GSC, FOR THE PRECINCT 2 OFFICE BUILDING IN AN AMOUNT NOT TO EXCEED $223,626

Brenda Jenkins of Broaddus & Associates spoke on Precinct 2 building. Requests for Qualifications were released for the Precinct 2 building and return to Hays County on March 30,2011. Thirteen companies responded to the RFQ. The Precinct 2 steering committed scored each of the design-build teams and decided on four companies that would submit request for proposal. When the RFP's were returned on April 29, 2011, the steering committee decided to interview each of the four companies. Thorough the interview , the team of Lott Brothers and GSC were chosen as the design-build team. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to allow Broaddus & Associates to move forward with pre-construction design services with the design build team, Lott Brothers/GSC, for the Precinct 2 Office Building in an amount not to exceed $223,626. All voting "Aye". MOTION PASSED**

28072 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A UTILITY ADJUSTMENT AGREEMENT WITH PEDERNALES ELECTRIC COOPERATIVE FOR THE RELOCATION OF THEIR EXISTING FACILITY IN THE VICINITY OF THE EMILY ANN THEATRE ON THE RM 2325 PRIORITY ROAD BOND PROGRAM PROJECT

The Pedernales Electric Cooperative currently has electric supply lines running parallel to RM 2325 within a private utility easement in the vicinity of Emily Ann Theatre near the RM 2325/ Carney lane intersection. The existing power lines fall within the required TxDot clear zone for the proposed RM 2325 roadway. Therefore, these lines must be relocated prior to the opening of the facility. Since the utility is located within private utility easement and the relocation is necessitated by the roadway construction, any costs associated with the relocation are reimbursable to the utility by the County. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize the County Judge to execute a utility adjustment agreement with Pedernales Electric Cooperative for the relocation of their existing facility in the vicinity of the Emily Ann Theatre on the RM 2325 Priority Road Bond Program project. All voting "Aye". MOTION PASSED**

28073 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 RANCH ROAD 12

Court convened into closed executive session at 11: 40am and reconvened into open court meeting at 12:10 pm

In attendance in Executive Session were Special Counsel Mark Kennedy, Patti Clark, Elly Dietz, and Commissioners Court. **A Motion was made by Commissioner Conley, seconded by Commissioner Whisenant to Authorize the County Judge to execute a Hays County purchase contract with Donna Doiron related to the acquisition of .495 acre parcel of land on RR12 as presented by Counsel in Executive Session.**

ACTION RELATED TO THE BURN BAN

Mark Chambers Hays County Fire Marshal addressed the court that the Burn Ban remains in effect.

Clerk's Note Agenda Item #36 RE: *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**

Clerk's Note Agenda Item #37 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– WAS PULLED**

PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS

Jude Prather Hays County Veteran Services Officer gave an overview of the duties he has performed since he took office.

28074 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Ron Knott Building Maintenance Director spoke on employees who have excessive vacation hours and having two vacancies. Maintenance will hire temporary part time position through September 31, 2011. Transportation Director Jerry Borcherding spoke on Road Transportation Department positions to be filled. He needs 1 Lead, 1 Specialist and 3 Road Maintenance Workers. The 1 Lead position would be responsible for making sure all Road Signs are at the proper height, size and reflectivity, that the Federal Government requires of all road signs. Director of Development Services Clint Garza spoke of a temporary paid internship position to be available for $4,500 through September 31, 2011.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to allow Ron Knott Building Maintenance Director to hire a temporary full-time person effective today through September 30, 2011. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Whisenant seconded by Commissioner Jones to allow Jerry Borcherding Transportation Director to fill his open positions and consider the position for sign compliance at a later date for the Transportation Department and to have Human Resources post the positions. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Whisenant seconded by Commissioner Jones to temporary fill an Internship position with subdivision planning for the purpose of looking into information regarding Development Regulations Rule changes and that position would end on September 30, 2011 in an amount not to exceed $4,500. Commissioner Ingalsbe and Judge Cobb voting "No". Commissioner Jones, Commissioner Conley, Commissioner Whisenant voting "Aye". MOTION PASSED

Clerk's Note Agenda Item #40 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– WAS PULLED**

Clerk's Note Agenda Item #41 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING CAMPO'S CALL FOR PROJECTS THAT WOULD BE FUNDED BY FEDERAL STIMULUS MONIES* **– WAS PULLED**

A motion was made by Commissioner Jones seconded by Commissioner Whisenant 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 17, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH 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:

Pastor Dominic Encinias from the Bay Area Fellowship 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
Beth Smith Justice of the Peace Precinct 2, Sam Brannon resident of San Marcos, Bill Herzog Hays County Auditor spoke.

PRESENTATION OF THE ENVISION CENTRAL TEXAS COMMUNITY STEWARDSHIP AWARD FOR PUBLIC AWARENESS TO THE HAYS COUNTY COMMISSIONERS COURT

Karen Ford former Precinct 4 County Commissioner spoke of the Rainwater Revival group. Envision Central Texas recently named the 2010 Rainwater Revival winner of its Community Stewardship Award for Public Awareness and led the Hays County Water Conservation Working Group (HCWCWG) that produced the Revival, accepted the award on behalf of the County and the HCWCWG from Hays County Judge Bert Cobb, M.D. one of several regional elected official who presented Envision Central Texas awards in different categories. Award winners in all categories received a hand-blown glass bowl from Hays County business Wimberley Glass Works.

PRESENTATION OF CERTIFICATES RECOGNIZING STUDENT PARTICIPATION IN STUDENT GOVERNMENT DAY ON MAY 13, 2011

Kim Porterfield San Marcos City Council Member spoke of Student Government Day. The Hays County Commissioners Court recognized the following students Andrew Liguez (County Judge), Samantha Govea (Commissioner Precinct 1), Molly Hickson (Commissioner Precinct 2), Sara Jo Porterfield (Commissioner Precinct 3), Jordun Lattie (Commissioner Precinct 4), Mikali Myers (Constable Precinct 1), Pamela Stover (Sheriff), Hannah Hoffman (citizen role player), Sierra Rowe (County Clerk), Councilperson Kimberly Porterfield, Miguel Arredondo, and Yolanda Diaz for their participation and involvement in Student Government Day.

PRESENTATION BY DAVID VALLE, CHIEF APPRAISER, HAYS CENTRAL APPRAISAL DISTRICT, UPDATE OF ACTIVITY AT THE APPRAISAL DISTRICT INCLUDING INFORMATION REGARDING NEW AERIAL IMAGERY

Luanne Caraway Hays County Tax Assessor spoke of the great job David Valle is doing. David Valle, Chief Appraiser of the Hays Central Appraisal District gave a presentation of the general information and policies for public access. HCAD has acquired Pictometry, and advanced imaging software that, in turn, is being provided through a free licensing agreement to local taxing entities- including cities, school districts, emergency services districts and the county for their use. In the past several years, Hays County has grown from about 60,000 to 80,000 properties. The Appraisal District purchased Pitctomery to offset hiring additional people to handle the increased workload. HCAD mission is to serve the public and its entities by providing an equal and uniform appraisal roll in an accurate timely manner. HCAD does not set tax rates of collect taxes. Tax rates are set by the taxing entities such as the county, cities and school districts. David Valle also presented a surplus check to the county for $12,724.01.

PRESENTATION AND UPDATE BY DENNIS ROSE ON THE SOUTH CENTRAL TEXAS WATER ADVISORY COMMITTEE (SCTWAC)

Dennis Rose member of the South Central Texas Water Advisory Committee spoke of the update and report of the Barton Springs/Edwards Aquifer Authority. Mr. Rose was appointed by the court on December 21, 2010 to represent the County on South Central Texas Water Advisory Committee he presented the Hays County Commissioner Court with an update on what the committee has been doing. San Marcos is in stage 1 but is currently running a risk of stage 2 because of the shortage of rainfall Two main purposes of the committee is (1) to choose one member out of the group to serve as a non-voting member on the Edwards Aquifer Authority board (2) to produce a bi-annual report to the legislative about the status of the EAA. Members monitor the EAA to see if there are to prejudicial actions regarding downstream interests. The committee receives the same information as an EAA board and has the authority to ask the EAA Board for reconsideration of any action. If the action is not resolved, they can appeal the action to the TCEQ.

28075 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of county invoices in the amount of $1,810,639.56 submitted by the County Auditor. All voting "Aye". MOTION PASSED

28076 APPROVE COMMISSIONERS COURT MINUTES OF MAY 17, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of May 17, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28077 AMEND BUDGET OF CONSTABLE PCT. 4 FOR LAW ENFORCEMENT SUPPLIES FROM LAW ENFORCEMENT EQUIPMENT

Constable Ron Hood would like to transfer funds in the amount of $700.00 from line item 001-638-00.5711(Law Enforcement Equipment) to 001-638-00.5206 (Law Enforcement Supplies) to purchase the following supplies for his office 2 Vehicle Rifle Racks, 2 LED Vehicle Strobe Light Kits, 2 sets of Binoculars, 2 Narcotic Test (Amph & Mathamph), 2 Narcotic Test Kits (cocaine), 2 replacement Taser Cartridge, and 3 Galls Standard Window Punch. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend budget of Constable Pct. 4 for Law Enforcement Supplies from Law Enforcement Equipment. All voting "Aye". MOTION PASSED**

28078 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR CAPT. DAVENPORT AND FLEET MANAGER STEVE COST FROM THE SHERIFF'S OFFICE

A Police Fleet Expo is being held in St. Louis Mo. on August 23-26, 2011. Fleet Manager/Chief Mechanic-Steve Cost and Law Enforcement Captain Mike Davenport will attend to learn how to cut cost and manage our fleet effectively. Vehicle manufacturers, equipment manufacturers and suppliers will be at this expo. Amount requesting is $2,146.42 (includes registration, flight, hotel, meals and car rental). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve out of State Training Travel request for Capt. Davenport and Fleet Manager Steve Cost from the Sheriff's Office. All voting "Aye". MOTION PASSED**

28079 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR LT. GRAVES, SGT. SKROCKI, AND EVIDENCE TECH LEATHERWOOD

This training is for Lt. Mark Graves, Sgt. Jeri Skrocki and Edvidence Tech Logan Leatherwood on July 11-12 in Slidell, LA. The objectives of the training are to provide participants with a basic understanding for the legal and ethical requirements in order to properly operate a professional evidence/property management system to familiarize fellow law enforcement professionals with the techniques and responsibilities involved in the function of a property room environment. Encourage one another to exchange ideas to improve the understanding and functionality of the property management system with their own agency. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Out of State Training Travel Request for Lt. Graves, Sgt. Skrocki, and Evidence Tech Leatherwood. All voting "Aye". MOTION PASSED**

28080 APPROVAL FOR RENEWAL OF IFB 2010-B07 "MOWING & GROUNDS MAINTENANCE FOR DUDLEY JOHNSON/RANDALL VETTER & KYLE LOG HOUSE" TO MAINTENANCE MANAGEMENT FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

The contract for our Mowing and Grounds Maintenance for Dudley Johnson/Randall Vetter & Kyle Log House will expire in May 2011.Hays County would renew the existing contract for one additional year, provided all terms and conditions remain unchanged and in full force and effect as provided in the original contract. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approval for renewal of IFB 2010-B07 "Mowing & Grounds Maintenance for Dudley Johnson/Randall Vetter & Kyle Log House" to Maintenance Management for one additional year as provided for in original bid. All voting "Aye". MOTION PASSED**

28081 AMEND THE JAIL SUPPORT SERVICE BUDGET

This budget amendment will allow the Sheriff's office to repair damaged fencing and add additional fencing to the 1303/1307 properties to better protect and law enforcement grounds. A bid from Texas Correctional Industries quoted $ 25,420.70 to do the six area of repairs and $41,294.71 to tie in the corner of 1303 building to the Training Department. Amount required $66,715.41 from 01-618-03.5361 Contract Inmate Detention to 01-618-03.5741 Miscellaneous Capital Improvements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Jail Support Service budget. All voting "Aye". MOTION PASSED**

28082 APPROVE CANCELLATION OF COMMISSIONERS COURT ON JUNE 7, 2011

This cancellation is due, in part, to the South Texas County Judge's and Commissioners Association Conference. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve cancellation of Commissioners Court on June 7, 2011. All voting "Aye". MOTION PASSED**

28083 AMEND THE CAPCOG 911 GRANT BUDGET TO USE SAVINGS IN OFFICE SUPPLIES FOR TRAVEL FOR MILEAGE REIMBURSEMENT

Amount required $ 1,000.00 this amendment does not require matching funds from the County 001-657-99-037.5501. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the CAPCOG 911 grant budget to use savings in office supplies for travel for mileage reimbursement. All voting "Aye". MOTION PASSED**

28084 AMEND BUDGET FOR WINTER'S MILL PARKWAY TRAIL FOR EQUIPMENT PURCHASE

Under an agreement with the City of Wimberley, Hays County will maintain the newly constructed Regional Hike and Bike Trail along Winter's Mill Parkway and into Blue Hole Regional Park. Appropriate equipment to haul materials, small equipment and personnel to perform routine maintenance, including repairs to the trail way surface, occasional tree trimming, and removal of trash. Due to width and terrain, a full size vehicle cannot access all portions of the trail. A small utility vehicle has been identified, namely a Kawasaki Mule 610, to provide the necessary functions. This vehicle can also be utilized on other properties within the County system to reach areas that cannot be accessed by full size vehicle. Three quotes were solicited for the transport vehicle, with the low quote of $6819.85 Funds have been allocated and are available to the project for construction, and it is necessary to amend the budget for an equipment purchase 150-813-97-048.5719_700. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend budget for Winter's mill Parkway Trail for equipment purchase. All voting "Aye". MOTION PASSED**

28085 AMEND JP 1-2 BUDGET FOR CONTINUING EDUCATION

Funds are needed for the annual Justice of the Peace seminar provided by the Texas Justice Court Training center. Amount $180.00(001-626-00.5551). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend JP 1-2 budget for continuing education. All voting "Aye". MOTION PASSED**

28086 ACCEPTANCE OF ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION SURETY, AND ACCEPTANCE OF THE MAINTENANCE SURETY IN THE AMOUNT OF $13,527.58 FOR TWO YEARS FOR BUSH RANCH SUBDIVISION, PHASE 2, SECTION 1

Transportation Director Jerry Borcherding gave staff recommendation of Bush Ranch. This acceptance of construction of roads and drainage improvements within the county Right of Way. The road department has inspected and approved the improvements. The road segment is Four Star Blvd 700 ft. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to consider the acceptance of road construction, drainage improvements, release of the construction surety, and acceptance of the maintenance surety in the amount of $13,527.58 for two years for Bush Ranch subdivision, Phase 2, Section 1. All voting "Aye". MOTION PASSED**

County Clerks Agenda Item #17 Re: *KEY RANCH BALANCE AREA SUBDIVISION **[10-4-50-156 LOTS]** APPROVE PRELIMINARY PLAN; CONSIDER VARIANCES FROM SECTIONS 721.5.07(C), 705.5.01(K), AND 705.5.04 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS*- **Pulled**

28087 ACCEPT AND APPROVE THE GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL FOR THE LEC IMMEDIATE NEEDS AS SUBMITTED BY D.L. BANDY CONSTRUCTORS AND TO AUTHORIZE THE COUNTY JUDGE TO ISSUE A NOTICE TO PROCEED WITH CONSTRUCTION AND TO FINALIZE THE CHANGE ORDER TO THE CONTRACT BETWEEN HAYS COUNTY AND D.L. BANDY CONSTRUCTORS FOR PART II CONSTRUCTION SERVICES

Codi Newsom of Broaddus & Associates spoke of the Commissioners Court approved $2 million for immediately needed Jail Renovations on August 24, 2010. Hays County contracted with D.L Bandy Constructors as the Construction Manager at Risk to provide Part I Pre-Construction on April 19, 2011 with further authorization of services-Part 2 Construction Services to occur after execution of the GMP Proposal. The six projects being made are 1. security cameras and monitors, 2. Replace fire alarm system, 3. Rewire smoke evacuation system, 4. Exterior concrete wall repairs, 5. ADA compliant toilet and shower, 6. Replace light fixtures in facility.(001-645-00.5741 Countywide Miscellaneous Capital Improvements). **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept and approve the Guaranteed Maximum Price (GMP) Proposal for the LEC Immediate Needs as submitted by D.L. Bandy Constructors and to authorize the County Judge to issue a Notice to Proceed with Construction and to finalize the Change Order to the Contract between Hays County and D.L. Bandy Constructors for Part II Construction services in the amount of $1,470,000.00 and the three add on alternatives for a total of $168,000.00 bringing the grand total to $1,638,000.00. All voting "Aye". MOTION PASSED**

28088 APPROVE THE FORM OF A STANDARD UTILITY RELOCATION AGREEMENT FOR USE BY AGENTS OF HAYS COUNTY

Jeff Watson of HNTB spoke on Utility Agreement. In 2009, the Hays County Commissioners Court approved several form documents for use on county road projects. This approval gave contractors and consultants a pre-approval arsenal of documents from which they could draw, without the necessity of coming to court for feedback on the deal points. It also dovetailed with the broad authority granted to ex officio road commissioners and the County Judge related to ROW acquisition. Prime Strategies developed this new form and presented it to counsel last week. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the form of a Standard Utility Relocation Agreement for use by agents of Hays County. Commissioner Jones not present for vote. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28089 AMEND AND MODIFY RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT REGARDING EX OFFICIO ROAD COMMISSIONERS AND RIGHT OF WAY ACQUISITIONS

Jeff Watson of HNTB spoke. Modification will provide greater latitude for county representatives and streamline the ROW negotiation process. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant 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**

APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH SURVEYING AND MAPPING, INC. (SAM) FOR SURVEYING SERVICES REQUIRED FOR THE TRANSFER OF DEDICATED RIGHT OF WAY PARALLELING RM 1826 NEAR RM 967 TO THE COUNTY TO PERMIT RELOCATION OF UTILITIES AS REQUIRED BY THE SAFETY IMPROVEMENT PROJECT TO ADD A LEFT TURN LANE FROM RM 1826 ONTO RM 967 IN PRECINCT 4-TABLED

28090 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LCRA FOR THE INSTALLATION OF THE BI-DIRECTIONAL AMPLIFIERS AT THE HAYS COUNTY GOVERNMENT CENTER IN AN AMOUNT NOT TO EXCEED $ 136,000.00

Bob Hinkle of Broaddus & Associates spoke of LCRA being responsible for the wiring of the Amplifiers. Lt. Ronnie Strain of the Hays County Sheriff's Office spoke. LCRA proposal (a) per Jeff Turner, LCRA is the single source provider for the radio service (signal transmission throughout their jurisdiction) (b) They were responsible to tour/test the signals throughout the building in March and recommend amplification solutions of 2-3 bidirectional (BDA) amplifiers. (c) for single source responsibility of radio service, they should be the one responsible for broadcast strength and equipment reception/amplication; we recommended they choose the equipment, wiring, terminations, testing in the building. (d) their proposals is for a three BDA scope, NTE $136,100 but install only two the test. If the third device is not needed, the cost would be less. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Contract with LCRA for the installation of the Bi-Directional Amplifiers at the Hays County Government Center in an amount not to exceed $ 136,000.00 All voting "Aye". MOTION PASSED**

28091 ADOPT SECTION 552.275 OF THE TEXAS GOVERNMENT CODE TO ESTABLISH A LIMITATION ON UNCHARGED STAFF HOURS DEDICATED TO RESPONDING TO INDIVIDUAL REQUESTORS WITHIN A FISCAL YEAR

Lenee Lovejoy resident of San Marcos spoke. Commissioner Conley spoke of the open records request. Special Counsel Mark Kennedy spoke of Section 552.275 of the Texas Government Code to establish the policy of how much time is spent on open records request. The Civil Division of the Hays County District Attorney's Office has handled over 250 Open Records request since the beginning of 2011. This does not include request handled by other departments. Hays County is only allowed to bill for time of the responsive material to the request is more than 50 pages (stored in a remote storage facility or two of more buildings). This provision allows the County to bill for personnel time after a requestor has used 36 hours of county time to fill requests. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt Section 552.275 of the Texas Government Code, establish a time limit on the amount of time Hays County personnel are required to spend responding to public information requests, without recovering costs attributable to personnel time, that limit being 36 hours within any given fiscal year. All voting "Aye". MOTION PASSED**

28092 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION CONTRACT WITH THE CITY OF WOODCREEK AND THE LOWER COLORADO RIVER AUTHORITY TO ACCEPT RESPONSIBILITIES FOR, AND THE REMAINDER OF, LCRA GRANT FUNDS AWARDED FOR DEVELOPMENT OF THE JACOB'S WELL NATURAL AREA

Jeff Hauff Grants Director Spoke of Jacob's Well Natural Area. On April 17, 2009 the Lower Colorado River Authority (LCRA) and the City of Woodcreek (acting as local government sponsor for the Wimberley Valley Watershed Association) entered into agreement for the award of an LCRA Partnerships in Parks grant for the development of the Jacobs Well Natural Area, in the amount of $100,000. Partial funding, in the amount of $46,777 was expended for general cleanup activities, construction of hand rails and new trails, signage and other improvements under the direction of the WVWA. Hays County has now become the owner of the property for which the funds were dedicated, and can serve as the local government entity to administer the grant. The City of Woodcreek is desirous of having the grant transferred to the County and the LCRA has agreed to the terms. Upon execution of the Interlocal Cooperation Contract by all parties, the City of Woodcreek will transfer the remaining grant funds, in the amount of $53,223, to the County for completion of those project elements associated with the grant. The grant term expires on April 16, 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Cooperation Contract with the City of Woodcreek and the Lower Colorado River Authority to accept responsibilities for, and the remainder of, LCRA grant funds awarded for development of the Jacob's Well Natural Area. All 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 CR 210 AND ON MCGREGOR LANE

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 12:28 p.m. In attendance were Special Counsel Mark Kennedy, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant and Judge Cobb **- No Action Taken**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed executive session at 10:50 a.m. and reconvened into open meeting at 11:52 ; Court convened into closed executive session at 12:28 p.m. and reconvened into open meeting at 12:50 p.m. In attendance were David Mendoza Assistant District Attorney, Sherri Tibbe District Attorney, Special Counsel Mark Kennedy, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant and Judge Cobb **-No Action Taken**

ACTION RELATED TO THE BURN BAN

At this time the Court decided to leave the burn ban in effect.

Clerk's Note Agenda Item #28 RE: *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* **-Pulled**

Clerk's Note Agenda Item #*29 RE:* *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*- **Pulled**

Clerk's Note Agenda Item #30 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS*-**Pulled**

28093 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Beth Smith Justice of the Peace Precinct 2 spoke of needing to hire an employee for her office. She has requested to have the position posted with the salary of $26,000.00 on a 15% range with two years clerk experience. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve a position in the Justice of Peace Precinct 2 at a 15% rate. All voting "Aye". MOTION PASSED**

Clint Garza Director of Development Services spoke of the need to hire 2 part time paid internship for the department for the summer time. Steve Floyd of RPTP spoke of the need to hired an extra person for the department. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve hiring of one internship position for the Environmental Health Department not to exceed in the amount of $4,500.00. Commissioner Ingalsbe voting "No". Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #32 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**Pulled**

Clerk's Note Agenda Item #33 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING CAMPO'S CALL FOR PROJECTS THAT WOULD BE FUNDED BY FEDERAL STIMULUS MONIES*-**Pulled**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to adjourn court All voting "Aye". MOTION PASSED

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 24, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31ST 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:

Pastor Mike Schlimgen with Solid Rock Church gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

PRESENTATION OF THE GREATER SAN MARCOS PARTNERSHIP TO BRING THE COURT UP-TO-DATE WITH PROGRESS

Commissioner Conley spoke of the Greater San Marcos Partnership. Amy C. Madison CEcD, EDFP President & CEO of the Greater San Marcos Partnership discussed the new relocation of the Greater San Marcos Partnership, increased private investor seats from 4 to 7, recruitment report, business retention and expansion, and investment payroll. Greater San Marcos Partnership appointed Dr. Denise Trauth of Texas State University Effective 7/15/11 and Lonnie Hall Center Director of Gary Job Corps.

28094 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 $982,377.04 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28095 APPROVE COMMISSIONERS COURT MINUTES OF MAY 24, 2011

Development Services Director, Clint Garza spoke to amend the minutes to correct amount to be $4,500.00 not $ 4,000.00 for new employee hire. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to Commissioners Court Minutes of May 24, 2011 as provided by the County Clerk. All voting "Aye". MOTION PASSED**

28096 APPROVE SPECIFICATIONS FOR BID #2011-B05 "ANNUAL CONTRACT FOR AIR CONDITIONING & HEATING SERVICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve specifications for Bid #2011-B05 "Annual Contract for Air Conditioning & Heating Services" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

28097 APPROVE SPECIFICATIONS FOR RFP #2011-P13 "REQUEST FOR PROPOSAL FOR INMATE COMMISSARY SERVICES FOR THE HAYS COUNTY JAIL" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve specifications for RFP #2011-P13 "Request for Proposal for Inmate Commissary Services for the Hays County Jail" and authorize purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

28098 ACCEPT A $500 DONATION TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM

The Sheriff's Office received a donation in the amount of $500.00 from the Wimberley Community Civic Club and request to deposit into line item 052-618-00.5222. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a $500 donation to the Sheriff's Office Community Outreach Program. All voting "Aye". MOTION PASSED**

28099 APPROVE THE TRANSFER OF FUNDS IN THE PUBLIC HEALTH EMERGENCY RESPONSE (PHER) GRANT FROM SALARIES TO OFFICE EQUIPMENT IN THE AMOUNT OF $3000.00 AND AMEND THE BUDGET ACCORDINGLY

This amount is higher than the total cost of the furniture but County would like to have some extra in the event something was left out. Transfer of funds from line item #120-675-99-021.5021 to line item 120-675-99-021.5711_400 in the amount of $3,000.00 and amend the budget accordingly. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the transfer of funds in the Public Health Emergency Response (PHER) grant from salaries to office equipment in the amount of $3000.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28100 APPROVE THE AMENDED CONTRACT BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD) FOR THE FY 2010 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) CARRYOVER PROJECT

Commissioners Court approved the application for the carryover project and amended budget on April 19, 2011. This is the amended contract from DSHS which confirms the application and budget amendment.This will come out of line item #120-65-99.023.5712 **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the amended contract between the Department of State Health Services (DSHS) and the Personal Health Department (PHD) for the FY 2010 Public Health Emergency Preparedness (PHEP) Carryover project. All voting "Aye". MOTION PASSED**

28101 APPROVE BUDGET AMENDMENT TO MOVE FUNDS FROM JAIL OPERATIONS TO THE SHERIFF OPERATING BUDGET FOR TEMPORARY PERSONNEL

These funds were already budgeted in the Jail Operation budget for FY11 to hire temporary staff for building maintenance. On January 18, 2011, the Commissioners Court authorized these funds to be transferred to the Sheriff's Operating budget in order to use these funds for temporary vehicle maintenance staff instead. The authorization to amend the budget was inadvertently not included in the action. No additional funds are needed.

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve budget amendment to move funds from Jail Operations to the Sheriff Operating budget for temporary personnel. All voting "Aye". MOTION PASSED

28102 AUTHORIZE THE COUNTY JUDGE TO SIGN RENEWAL CONTRACT FOR ELEVATOR MAINTENANCE

Ron Knott Building Maintenance spoke of the County's contract with ThssenKrupp Elevator has been renegotiated and can now be renewed. The renegotiated contract resulted in a refund of $2177.97 to Hays County that had been previously paid for elevator maintenance**. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to sign renewal contract for Elevator Maintenance. All voting "Aye". MOTION PASSED**

28103 APPROVE BUDGET AMENDMENT TO MOVE FUNDS FROM DEVELOPMENT SERVICES OPERATING TO THE GIS BUDGET FOR TEMPORARY PERSONNEL

These funds were already budgeted in the Development Services for FY11 to hire temporary staff. On March 24, the court authorized these funds to be transferred to the GIS budget in order to use these funds for mapping projects. The authorization to amend the budget was inadvertently not included in the action. No additional funds are needed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve budget amendment to move funds from Development Services Operating to the GIS budget for temporary personnel. All voting "Aye". MOTION PASSED**

28104 CALL FOR A PUBLIC HEARING ON JUNE 14, 2011 TO ESTABLISH TRAFFIC REGULATIONS IN FIELDSTONE SUBDIVISION

Commissioner Whisenant spoke of this public hearing is to establish a stop sign on Fieldstone Loop at Darden Hill Rd, a stop sign on Kids Cove at Fieldstone Loop, intersects with itself, and a speed limit of 30 MPH within the whole subdivision. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on June 14, 2011 to establish traffic regulations in Fieldstone subdivision. All voting "Aye". MOTION PASSED**

28105 VILLEGAS ACRES SUBDIVISION [10-2-45-2 LOTS] **APPROVE FINAL PLAT**

Clint Garza Director of Development Services gave staff recommendation. The Villegas Acres Subdivision is a proposed subdivision of 2.00 acre of land located off Mathias Lane in Precinct 2. The division will consist of two 1 acre lots. Lot 1 is served by an existing Goforth Water Supply connection on on-site sewage facility. Lot 2 will also be served by public water and OSSF at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to final plat of approve Villegas Acres Subdivision 2 lots. All voting "Aye". MOTION PASSED**

28106 KEY RANCH BALANCE AREA SUBDIVISION [10-4-50-156 lots] **APPROVE PRELIMINARY PLAN; CONSIDER VARIANCES FROM SECTIONS 721.5.07(C), 705.5.01(K), AND 705.5.04 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS**

Clint Garza Director of Development Services spoke of the proposed Key Ranch Balance Area Subdivision is a subdivision of 366.59 acres of land located off of Trautwein Road in Precinct 4. The proposed division will consist of 156 residential lots with an average lot size of 1.67 acres. The developer dedicated 10.93 acres of parkland which is greater than the 7.5 acres required under Hays County regulations. The final plats will be phased: however, the developer has chosen not to do a phasing agreement with the county and has so far paid full platting fees. Water service will be provided by LCRA and wastewater disposal will be accomplished by the use of individual on-site sewage facilities. The preliminary plan meets all of the county's rules with the exception of the three variances requested. Variance number one is from the requirements that all shared access driveways be located 200 feet from any other driveway. The development is not in compliance with this requirement because the City of Dripping Springs required that adjoining flag lots share one driveway. Variance number two is from the requirement that the scale not exceeded 1"=200". Due to the scope of the project, a 1'=300 scale was chosen in order to show the subdivision on a single sheet. Variance number three is from the requirement that all storm water events be studied for both the preliminary plan and final plat. The developer wishes to comply with this requirement only as they submit each individual section for final plat. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Key Ranch Balance Area Subdivision (156 lots) preliminary plan; and variances from Sections 721.5.07(C), 705.5.01(K), and 705.5.04 of the Hays County Development Regulations. All voting "Aye". MOTION PASSED**

28107 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE HAYS COUNTY SHERIFF'S OFFICE AND THE CITY OF WOODCREEK REGARDING TRAFFIC ENFORCEMENT

Special Counsel Mark Kennedy and Hays County Sheriff Gary Cutler spoke of the entities have been met and negotiated the terms of the Interlocal Agreement. This Interlocal Agreement proposes the county and individual officers for the time equipment and personnel is dedicated to enforcement of traffic laws within the City Limits. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute an Interlocal Agreement between the Hays County Sheriff's Office and the City of Woodcreek regarding traffic enforcement. All voting "Aye". MOTION PASSED**

28108 APPROVAL OF A RESOLUTION RELATING TO ESTABLISHING THE COUNTY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS ROAD IMPROVEMENTS FROM THE PROCEEDS OF A SERIES OF OBLIGATIONS TO BE ISSUED BY THE COUNTY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve resolution relating to establishing the County's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various road improvements from the proceeds of a series of obligations to be issued by the County for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date of May 31, 2011. All voting "Aye". MOTION PASSED

28109 APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH SURVEYING AND MAPPING, INC. (SAM) FOR SURVEYING SERVICES REQUIRED FOR THE TRANSFER OF DEDICATED RIGHT OF WAY PARALLELING RM1826 NEAR RM967 TO THE COUNTY TO PERMIT RELOCATION OF UTILITIES AS REQUIRED BY THE SAFETY IMPROVEMENT PROJECT TO ADD A LEFT TURN LANE FROM RM1826 ONTO RM967 IN PRECINCT 4

Allen Crosier of HDR spoke. The RM 1826 safety improvements project at RM 967 was identified as a key project in Precinct 4 as part of the 2008 Priority Road Bond Program. The project is nearing completion of design in preparation for letting by the Texas Department of Transportation. During the design process, it was brought back to the County's attention that the Salt Lick restaurant was planning to improve operations and thus safety for patrons visiting their facility by adding a dedicated right turn lane into the restaurant, thereby separating traffic entering and exiting the facility, This work, which is entirely funded by the Salt Lick, would also be improved conditions on RM 1826. However, as a result of the proposed addition of the dedicated right turn, this necessitated shifting the widening of RM 1826 towards the south side of the roadway for the County's project to add a left turn lane from RM 1826 to RM 967. This shift required additional ROW along this side of the roadway. The majority of this ROW, which impacts four parcels, was dedicated as ROW for public use during the platting process with only parcel on the North East corner of the intersection meeting to be acquired. The owner of the property on the North East corner agreed to dedicate twenty feet of Right of Way parallel to RM 1826 on the south side to accommodate the County project. This Professional Services Agreement is for the surveying services required to complete the transfer of the dedicated Right of Way from four parcels to the State. To transfer the ROW to the State, all work must be done in accordance with TxDot survey requirements for ROW mapping and acquisition. This work entails collecting the field survey data required for and the preparation of the following for the four parcels: (1) parcel plats, (2) ROW property descriptions, (3) ROW map sheets, and (4) Setting TxDot Type II ROW Monuments. Funds are available with the projects bond program budget. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a Professional Services Agreement with Surveying and Mapping, Inc. (SAM) for surveying services required for the transfer of dedicated Right of Way paralleling RM1826 near RM967 to the County to permit relocation of utilities as required by the safety improvement project to add a left turn lane from RM1826 onto RM967 in Precinct 4. Amount required $28,832.00 from line item 25-804-96-886.5232. All voting "Aye". MOTION PASSED**

28110 AUTHORIZE COMMERCIAL OSSF PERMIT TO DUANE NEWCOM FOR A 3-SPACE RV PARK LOCATED AT 1700 HARMON HILLS ROAD (DOUGLAS ESTATES LOT 18-D) IN DRIPPING SPRINGS, IN PRECINCT 4

Clint Garza Development Services Director spoke. Duane Newcom is proposing a 3 space RV Park. This is an existing standard on-site sewage facility designed for 358 gallons per day. The property is 10 acres in size. This on-site sewage facility also serves the existing 3 bedroom house. A permit is required to altar the system for the commercial wastewater. The system is being upgraded by the on-site sewage facility is designed by Erin Banks, P.E. The water supply will be private water well. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Commercial OSSF Permit to Duane Newcom for a 3-Space RV Park located at 1700 Harmon Hills Road (Douglas Estates lot 18-D) in Dripping Springs, in Precinct 4. All voting "Aye". MOTION PASSED**

28111 ACTION TO HIRE MICHAEL AULICK TO ASSIST WITH THE APPLICATION FOR CAMPO FUNDS

Transportation Director Jerry Borcherding spoke of the immediate need for assistance in preparation of submission for STP-MM funding available through CAMPO. The approved process, which must be completed by the end of June, is extremely complicated and requires the full-time attention that would be available through the use of Mr. Aulick. Lenee Lovejoy resident of San Marcos spoke. Michael Aulick spoke of the application for CAMPO funds. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to hire Michael Aulick to assist with the application for CAMPO funds up to $25,000.00 to work all the way through the process coming out of line item 020-710-00.5448-010 to 020-710.00.5448-008. All voting "Aye". MOTION PASSED**

28112 ACCEPT COMPLETION OF THE VILLAGE OF SAN MARCOS/CFPO-PAL PARK BOND FUND PROJECT

Jeff Hauff Grants Director spoke. On January 22, 2008 the Commissioners Court awarded Park Bond funds in the amount of up to $1,618,417 for development of the CFPO/Village of San Marcos Park project, including construction of lighted sports fields (3), concessions/restroom building, pavilion, picnic facilities, playground, trails and sidewalk, access road and parking, and other associated site amenities and infrastructure. The project has been completed and has come in under budget, with a total expenditure of park bond funds of $1,569,926.77, a reduction of $48,490.23 from the original allocated amount. The CFPO Youth football league has been able to conduct both the fall and spring seasons on the new facility, along with other organized activities, and the park is open to the public. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the completion of the Village of San Marcos/CFPO-PAL Park Bond Fund and to accept the monies and savings would be used to borrow less money. All voting "Aye". MOTION PASSED**

28113 RESOLUTION OF THE COMMISSIONERS COURT ACCEPTING A PETITION FOR THE CREATION OF A "HAYS COUNTY WATER AND SEWER AUTHORITY" A CORPORATION UNDER CHAPTER 431 OF THE TEXAS TRANSPORTATION CODE; APPROVING THE ARTICLES OF INCORPORATION, BYLAWS, AND DIRECTORS OF SAID CORPORATION

LCRA's divestiture of retail water systems have proceeded, it has been pointed out that a "Water and Sewer Authority" was created by the Commissioners Court in Calendar Year 2000. A resolution of the Court in 2000 does reveal a desire to form a body that would handle water and wastewater issues on the County's behalf. However, no entity was created under the laws for that purpose. Chapter 431 of the Texas Transportation Code authorizes the creation and organization of a public non-profit local government corporation to act as a duly constituted authority on behalf of one or more local governments to aid and assist the local governments in the performance of any governmental purpose of the local governments. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept a resolution of the Commissioners Court accepting a petition for the creation of a "Hays County Water and Sewer Authority" a corporation under Chapter 431 of the Texas Transportation Code; approving the Articles of Incorporation, Bylaws, and Directors of said corporation and for each Commissioner to appoint a board member. Amended by Commissioner Whisenant, seconded by Commissioner Ingalsbe for the County Judge to appoint an additional member and for $90.00 filing fees to come out of the LCRA funds. All voting "Aye". MOTION PASSED**

1:00 PM WORKSHOP BY MISSION CRITICAL, INC. AND ERICA CARPENTER FROM THE HAYS COUNTY SHERIFF'S OFFICE ON THE UNIFIED DISPATCH PROJECT (PSAP CONSOLIDATION)

Eric Perry of Mission Critical Inc. gave a presentation on the Hays County PSAP Consolidation Assessment. Project Team is: Eric Perry, ENP, David Jones, ENP and Teresa York, ENP. Eric Perry discussed Operational Findings, Staffing, Financial Opportunities, and Systems/Facilities. Hays County currently has 71 PSAP. Erica Carpenter, PSAP Manager of Hays County Sheriff's Office gave a brief overview of the Operations Committee Report. She discussed support for Co-Located model and staffing, reviewed models to separate Fire & EMS, adopting the plan and project management. Chief David Smith of South Hays County ESD #3 spoke of technology costs going up and the communication between Hays County and City of San Marcos. Hays County Sheriff Gary Cutler spoke of going forward with the Unified Dispatch Project. Records/Communication Manager Rosanna Weisner of the San Marcos Police Department spoke of the 9-1-1 computerated dispatch system and is looking forward to the project.

28114 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.076 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING DEPLOYMENT OF SECURITY PERSONNEL OR DEVICES

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 12:09 p.m. Lunch Break. Court convened into closed executive session at 2:48 p.m. and reconvened into open meeting at 2:55 p.m. In attendance were Bob Hinkle of Broaddus & Associates, Hays County Sheriff Department, Hays County Auditor Bill Herzog, Commissioner Ingalsbe, Commissioner Whisenant, Commissioner Conley, Commissioner Jones, Judge Cobb, Special Counsel Mark Kennedy and Judge Cobb. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Sheriff to hire seven positions 2 Sergeants, 4 Deputies, and 1 Corrections Officer & to authorize the Sheriff to purchase the equipment is provided in the hand out effective June 15, 2011. All voting "Aye". MOTION PASSED**

28115 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 CR 210 AND MCGREGOR LANE

Court convened into closed executive session at 3:00 p.m. and reconvened into open meeting at 3:05 p.m. In attendance were Commissioner Ingalsbe, Commissioner Whisenant, Commissioner Conley, Commissioner Jones, Special Counsel Mark Kennedy and Judge Cobb. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize counsel to file suit for and pursue condemnation of Right of Way on County Road 210, currently owned by Fullerton Properties Texas, LLC or RR HPI, LP. Said property being approximately .717 acres. All voting "Aye". MOTION PASSED**

28116 EXECUTIVE SESSION PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, COMMISSIONERS COURT MAY CONVENE TO EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF INDIVIDUAL EMPLOYEES OF DEVELOPMENT SERVICES

Court convened into closed executive session at 3:07 p.m. and reconvened into open meeting at 3:10 p.m. In attendance were Development Services Director Clint Garza, Shari Miller of the Human Resources Department, Commissioner Ingalsbe, Commissioner Whisenant, Commissioner Conley, Commissioner Jones, Special Counsel Mark Kennedy and Judge Cobb. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to eliminate the Natural Resources Programs Manager Position. Execute a professional services agreement with Betty Lambright for remainder of FY 2011 and FY 2012 for Natural Resources Specialty work in amounts not to exceed $10,000 in FY 2011. Make an exception to county policy regarding posting and promotion and promote Eric Vangaasbeek, April Porter, and Danielle Donnelly to Environmental Health Specialist II. Move Eric Vangaasbeek and Danielle Donnelly to the minimum salary in the 111 salary range. Grant a one-time 6% salary increase to April Porter. Grant a one-time 6% salary increase to Environmental Compliance Specialists, Brooke Leftwich for increase in responsibilities and scope of work after reorganization. Instruct HR to change the official title of Environmental Health Specialist I to Environmental Health Specialist II. The position of Natural Resources Program Manager should be re-evaluated and filled only with Commissioners Court approval. All voting "Aye". MOTION PASSED**

28117 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 3:06 p.m. and reconvened into open meeting at 3:07 p.m. In attendance were Commissioner Ingalsbe, Commissioner Whisenant, Commissioner Conley, Commissioner Jones, Special Counsel Mark Kennedy and Judge Cobb. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant A motion to authorize the County Judge to execute a Letter Agreement, a Temporary Construction Easement; and a water and wastewater easement with the City of San Marcos Related to the City's Right of Way Acquisition at the Hays County Law Enforcement Center; and to authorize counsel to perform all tasks necessary to close the transaction. All voting "Aye". MOTION PASSED**

28118 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING CAUSE NUMBERS 11-0484 AND 11-0485 IN THE 22ND JUDICIAL DISTRICT COURT OF HAYS COUNTY (DEFENDANT PRAKASHANDAND SARASWATI)

Court convened into closed executive session at 3:07 p.m. and reconvened into open meeting at 3:10 p.m. In attendance were Commissioner Ingalsbe, Commissioner Whisenant, Commissioner Conley, Commissioner Jones, Special Counsel Mark Kennedy and Judge Cobb. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe Motion to authorize County Judge to sign Settlement Agreements on behalf of Hays County in Cause Numbers 11-0484 and 11-0485 in the 22nd Judicial District Court of Hays County, if, as, and when settlements are negotiated by the District Attorney's Office. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN

At this time the Court decided to leave the burn ban in effect.

Clerks Note Agenda Item #29: *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**

Clerks Note Agenda Item #30: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

Clerks Note Agenda Item #31: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS*-**was pulled**

28119 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Transportation Director Jerry Borcherding spoke of an Admin 1 position that will be vacant in a week when the current employee transfers to the paving crew. That will leave the Admin 1 position open. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to allow the hire of an individual as determined by staff recommendation at the 25th percentile and post new opening with Human Resources. All voting "Aye". MOTION PASSED**

Captain Mark Cumberland of the Sheriff's Office spoke of the need to hire four correction officers for the Hays County Sheriff's Office. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hire the four correction officers in the Sheriff's Office. All voting "Aye". MOTION PASSED**

Clerks Note Agenda Item #33: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

Clerks Note Agenda Item #34: *DISCUSSION AND POSSIBLE ACTION REGARDING CAMPO'S CALL FOR PROJECTS THAT WOULD BE FUNDED BY FEDERAL STIMULUS MONIES*-**was pulled**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant 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 31, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF JUNE 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Mark Jones of Precinct 2 gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

Dee Dee Baen Human Resources Director introduced the new hires to Hays County.

PUBLIC COMMENTS

Jim Green resident of San Marcos, Shawn K. Blakeley resident of San Marcos spoke.

PRESENTATION BY REPRESENTATIVES OF THE CITY OF SAN MARCOS AND BROOKFIELD RESIDENTIAL REGARDING A PROPOSED TAX INCREMENT REINVESTMENT ZONE (TIRZ) FOR THE PASO ROBLES DEVELOPMENT

Lenee Lovejoy resident of San Marcos, Jim Newsen City of San Marcos Manager spoke. Shawn Cramston General Manager spoke of the Paso Robles Development composed of 3,000 homes. Steve Parker City of San Marcos Finance Director spoke of the reimbursement of infrastructure. Additional road improvements on Hunter Road that will run $ 3,500,000.00. Dan Wegmiller spoke of the development. Hays County Tax Assessor Luanne Caraway spoke. Commissioner Conley spoke of the value it will bring to Hays County. The improvements and upgrades will benefit the current homeowners around the area.

28120 ADOPT A PROCLAMATION DECLARING JUNE 17-19, 2011 AS JUNETEENTH WEEKEND IN HAYS COUNTY

Constable David Peterson introduced Rose Brooks, Arthur Taylor, and Michael Taylor who helped with the Juneteenth Festivities. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring June 17-19, 2011 as Juneteenth Weekend in Hays County. All voting "Aye". MOTION PASSED**

PRESENTATION FROM THE TEXAS HIGH SPEED RAIL AND TRANSPORTATION CORPORATION REGARDING THE PROPOSE TEXAS HIGH SPEED RAIL LINE AND THE COPORATION'S INVOLVEMENT IN THE PROJECT

Merida "Millie" Deanda Senior Public Policy Consultant of Dean International, Inc. gave presentation on the Texas High Speed Rail Line. Due to the several cars on the highway and the demand of increasing the speed limit, high speed rail brings the tourist in without congestion to the highways. Mayor Bill Jones of Temple spoke of the organization. An aspect of High Speed Rail Line will connect all of Texas in the future. Central Texas has grown significantly and will continue to grow.

28121 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $5,669,584.94 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the check made payable to Independence Title for closing costs in an amount of $783.73 for a Hays County purchase contract with Donna Doiron related to the acquisition of .495 acre parcel of land on RR12 approve in Commissioners Court on May 17, 2011. All voting Aye". MOTION PASSED

28122 APPROVE COMMISSIONERS COURT MINUTES OF MAY 31, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of May 31, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28123 AMEND THE BUDGET OF GENERAL FUND DEPARTMENTS AND THE ROAD & BRIDGE GENERAL FUND FOR FY2011 BALANCE OF FUEL FROM COUNTYWIDE

Fuel is needed by General Fund departments due to continuing increased costs, and funds were set aside in Countywide for this purpose. The Road Department is amending fuel from within its own budget. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the budget of General Fund Departments and the Road & Bridge General Fund for FY2011 balance of fuel from Countywide. All voting "Aye". MOTION PASSED**

28124 AMEND THE DISTRICT COURT BUDGET IN THE GENERAL FUND FOR THE COURT COORDINATOR POSITION FOR THE BALANCE OF FY 2011 AS PREVIOUSLY APPROVED BY COURT

Commissioners Court approved on April 19, 2011 to add a Court Coordinator for the 428th District Court pending review of job description and Human Resources effective May 1, 2011. The period now is June 1- September 30, 2011 and need to amend the budget. Amount required $12,724 to 001-608 District Court from 001-645 Countywide Operations. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the District Court budget in the General Fund for the Court Coordinator position for the balance of FY2011 as previously approved by court. All voting "Aye". MOTION PASSED**

28125 APPROVE RENEWAL OF MEMORANDUM OF AGREEMENT (MOA) BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS).

This is a renewal of an Memorandum of Agreement with DSHS so that if needed, DSHS may borrow of utilize PHD Emergency Preparedness staff, supplies and equipment during an emergent event. According to the Memorandum of Agreement, DSHS will reimburse the PHD for any services used according to the projected budget submitted with the Memorandum of Agreement. This MOA will be in effect from July 1, 2011 through June 30, 2012. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve renewal of Memorandum of Agreement (MOA) between Hays County Personal Health Department (PHD) and Texas Department of State Health Services (DSHS). All voting "Aye". MOTION PASSED**

28126 APPROVE SPECIFICATIONS FOR BID #2011-B06 "CEMETERY MAINTENANCE" AND AUTHORIZE PURCHASING TO SOLICT FOR BID AND ADVERTISE.

The successful bidder agrees to provide cemetery/grounds maintenance as required in this IFB for the following locations: (1) San Pedro Cemetery (2) Guadalupe Cemetery (3) San Marcos/Blanco Cemetery (4) Kyle Family Pioneer cemetery (5) Cemeterio Del Rio (6) Coronado Cemetery (7) Cocke Cemetery (8) Hays County Indigent Cemetery. The contractor shall provide all labor, equipment, tools, materials, chemicals, supplies, supervision, incidentals, and other items or services necessary to perform normal maintenance of cemeteries. Normal maintenance is defined as mowing all areas within the property limits, trimming around graves, trimming alone the interior and exterior of all fence lines, removing and disposing of dead vegetation, removing and disposal of sprouted brush/saplings. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve specifications for bid #2011-B06 "Cemetery Maintenance" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED**

28127 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR 2011 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAPP) FOR UP TO $63,176

This is a renewal grant that the county has been receiving to off-set the Jail operations expenses which includes correctional officer salary costs. The funds can be used for State and local units of governments that have authority over correctional facilities that incarcerate or detrain undocumented criminal aliens for minimum of 4 consecutive days. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a Grant Application to the Bureau of Justice Assistance (BJA) for 2011 State Criminal Alien Assistance Program (SCAPP) for up to $63,176.00 All voting "Aye". MOTION PASSED**

28128 AUTHORIZE THE COUNTY JUDGE TO SIGN THE RENEWAL CONTRACT FOR GENERATOR PLANNED MAINTENANCE AT THE HAYS COUNTY JUVENILE CENTER

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to sign the renewal contract for Generator Planned Maintenance at the Hays County Juvenile Center. All voting "Aye". MOTION PASSED

28129 APPROVE UTILTY PAYMENTS

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve utility permit #829 on McCarty Lane, Paso De Robles, Arroyo Doble issued to PEC by the County Road Deptment. All voting "Aye". MOTION PASSED

28130 APPROVE SPECIFICATIONS FOR RFP #2011-P14 "COMMERCIAL MOVING SERVICES/HAYS COUNTY GOVERNMENT CENTER" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve specifications for RFP #2011-P14 "Commercial Moving Services/Hays County Government Center" and authorize purchasing to solicit proposal and advertise. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #14 RE: *APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND DEPARTMENT OF HOMELAND SECURITY-UNITED STATES FIRE ADMINISTRATION'S NATIONAL EMERGENCY TRAINING CENTER (NETC) NATIONAL FIRE ACADEMY AND EMERGENCY MANAGEMENT INSTITUTE COURSES E900: IEMC/ALL HAZ. PREPARED. & RESP. AND E901: IEMC/ALL HAZ. RECOVERY & MIT. JULY 18, 2011 TO JULY 28, 2011*- **was pulled**

28131 RECOGNIZE AND RECEIVE APPOINTMENTS OF BOARD MEMBERS TO THE HAYS COUNTY WATER AND SEWER AUTHORITY, INC. BY INDIVIDUAL COMMISSIONERS COURT MEMBERS

On May 31, 2011 Commissioners Court it was determined that the Commissioners from Precincts 1,2 and 3 and the County Judge would each appoint one additional board member to the Hays County Water and Sewer Authority, Inc. bringing the total number of Board Members to seven. In order to keep information of the corporation on schedule with the LCRA bidding process and the possible need for involvement or input from the Water and Sewer Authority. The current members are Commissioner Whisenant, Judge Cobb, Clint Garza Lon Shell and James K Holt. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to recognize and receive appointments of board members to the Hays County Water and Sewer Authority, Inc. by individual Commissioners Court Members. All voting "Aye". MOTION PASSED**

28132 APPROVE AGREEMENT BETWEEN HAYS COUNTY AND GOVERNMENT RECORDS SERVICES, INC. (ACS) FOR COUNTY CLERK RECORDS MANAGEMENT

Rose Robinson Chief Deputy County Clerk Records Division spoke of Government Records Services, Inc. (ACS) being a vendor that provides service to our Records Division. ACS has been our vendor since 1999 and they provide cashiering/indexing/scanning of daily filings and Vitals (Marriage License, Birth & Death Records) as well as archiving of Criminal, Civil, Probate & Plat Records, microfilming and storage (for archival and disaster recovery purposes as required by the state). Our current contract is up for renewal at the end of 2012. The County Clerk's office would have to pay someone from ACS to come and move their computers to the new Government Center (our IT Department won't move someone else's equipment) in December. Then we would have to pay them again at the end of 2012 to bring new equipment. If this could be done prior to the move there would be a cost savings. Our initial fee will remain the same and there would be a savings on Civil/Criminal/Probate of approximately $150 per month. Amount required varies monthly based upon records requested and paid for over the internet (approx $6,000/mo) 101-617-10.5473**. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve agreement between Hays County and Government Records Services, Inc. (ACS) for County Clerk Records Management. All voting "Aye". MOTION PASSED**

28133 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BETTY LAMBRIGHT, D/B/A AS RIGHT AS RAIN, FOR ENVIRONMENTAL CONSULTING SERVICES

On May 31, 2011 the Court's action to facilitate the recent reorganization plan for Development Services, this Professional Services Agreement allows Ms. Lambright to act as a consultant during the transition. It is anticipated that the Director of Development Services will ask for the FY2012 budget to renew Ms. Lambright's contract for that fiscal year, further facilitating the transition. Amount required $ 10,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement with Betty Lambright, d/b/a As Right As Rain, for environmental consulting services. All voting "Aye". MOTION PASSED**

28134 PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS IN FIELDSTONE SUBDIVISION

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. This is to establish a stop on Fieldstone Loop at Darden Hill Rd, a stop sign on Kids Cove at Fieldstone Loop, a stop sign where Fieldstone Loop intersects with itself, and a speed limit of 30 MPH within the whole subdivision. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to establish traffic regulations in Fieldstone subdivision. All voting "Aye". MOTION PASSED**

28135 RESUBDIVISION OF LOT 5B, GREEN ACRES SUBDIVISION [11-3-3 – 2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING JULY 12, 2011**

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Green Acres Subdivision is a recorded subdivision located off of FM 2325 in Precinct 3. Green Acres was originally divided in 1968 as a 25 lot subdivision. Today there are 56 taxable parcels on the CAD records. Lot 5B is 6.50 acres as platted but the proposed configuration will divide the property into town 3.25 acre lots. Lot 5B-1 is currently served by Wimberley Water Supply Corporation and an on-site sewage facility. Lot 5B-2 will utilize Wimberley WSC and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve preliminary plan of Resubdivision of Lot 5B Green Acres and call for a public hearing July 12, 2011. All voting "Aye". MOTION PASSED**

28136 RESUBDIVISION OF LOTS 103 AND 104, ROLLING OAKS SUBDIVISION, SECTION 4 [10-4-47 – 2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING JULY 12, 2011**

Roxie Botkin Subdivision Coordinator gave staff recommendation. Clint Garza Director of Development Services spoke of the Rolling Oaks Subdivision is a recorded subdivision located off of F.M. 3237 in Precinct 4. Section 4 was originally divided in 1969 and at that time there were 141 lots in the section. Today there are 167 taxable parcels on the Central Appraisal District records. The property owner wishes to move the lot line dividing lot 103 (4.19 acres) and lot 4 (5.06 acres) in order to reconfigure the acreage as follows: lot 103-A, 7.26 acres: lot 104-A, 2.00 acres. This resubdivision will not result in an increase in density. Lot 103-A is served by a private water well and OSSF. Lot 104-A will be served by a rainwater collection system and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve preliminary plan of Resubdivision of Lots 103 and 104 Rolling Oaks Subdivision Section 4 and call for public hearing July 12, 2011. All voting "Aye". MOTION PASSED**

28137 ELLSWORTH SUBDIVISION [11-1-11 – 1 LOT] **APPROVE PRELIMINARY PLAN**

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Ellsworth Subdivision is a proposed subdivision of 1.00 acre of land located off Francis Harris Lane in Precinct 1. The lot will be served by Crystal Clear Water Supply and an on-site sewage facility to be permitted by Hays County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the preliminary plan of Ellsworth Subdivision. All voting "Aye". MOTION PASSED**

28138 **APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS PASS-THROUGH TOLL REVENUE AND UNLIMITED TAX BONDS, SERIES 2011; LEVYING AN ANNUAL AD VALOREM TAX, WITHOUT LIMIT AS TO RATE OR AMOUNT, FOR THE PAYMENT OF THE BONDS AND FURTHER SECURING SAID BONDS BY A LIEN ON AND PLEDGE OF CERTAIN PLEDGED REVENUES; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE COMMISSIONERS COURT AND COUNTY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE JUNE 14, 2011**

Dan Wegmiller and Jeff Kuhn of Fulbright & Jaworski LLP spoke of the bond ratings and the investors. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve an order by the Commissioners Court of Hays County, Texas authorizing the issuance of "Hays County, Texas Pass-Through Toll Revenue and Unlimited Tax Bonds, Series 2011; levying an annual ad valorem tax, without limit as to rate or amount, for the payment of the bonds and further securing said bonds by a lien on and pledge of certain pledged revenues; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; delegating the authority to certain members of the Commissioners Court and county staff to execute certain documents relating to the sale of the bonds; and providing an effective date June 14, 2011. All voting "Aye". MOTION PASSED**

28139 **APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS LIMITED TAX BONDS, SERIES 2011; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE COMMISSIONERS COURT AND COUNTY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE JUNE 14, 2011**

Dan Wegmiller and Jeff Kuhn of Fulbright & Jaworski LLP spoke of the bond ratings and the investors. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to consider and approve an order by the Commissioners Court of Hays County, Texas authorizing the issuance of "Hays County, Texas Limited Tax Bonds, Series 2011; levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; delegating the authority to certain members of the Commissioners Court and county staff to execute certain documents relating to the sale of the bonds; and providing an effective date June 14, 2011. All voting "Aye". MOTION PASSED**

28140 APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS UNLIMITED TAX ROAD BONDS, SERIES 2011; LEVYING AN ANNUAL AD VALOREM TAX, WITHOUT LIMIT AS TO RATE OR AMOUNT, UPON ALL TAXABLE PROPERTY IN THE COUNTY FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE COMMISSIONERS COURT AND COUNTY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE JUNE 14, 2011

Dan Wegmiller and Jeff Kuhn of Fulbright & Jaworski LLP spoke of the bond ratings and the investors. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to consider and approve an order by the Commissioners Court of Hays County, Texas authorizing the issuance of "Hays County, Texas Unlimited Tax Road Bonds, Series 2011; levying an annual ad valorem tax, without limit as to rate or amount, upon all taxable property in the County for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; delegating the authority to certain members of the Commissioners Court and county staff to execute certain documents relating to the sale of the bonds; and providing an effective date June 14, 2011. All voting "Aye". MOTION PASSED**

28141 AMEND THE GOVERNMENT CENTER SECURITY BUDGET FOR ADDITIONAL POSITIONS AND FUND AUTHORIZED EQUIPMENT AND SUPPLIES

Captain Mark Cumberland and Sheriff Gary Cutler spoke of the funding is being provided for (2) Sergeants (5) additional officers for Government Center from personnel savings in Sherriff. Commissioners Court previously approved funding the equipment. Amount required $231,808 to 001-613-00 Government Center Security from 001-618-00 Sheriff Office. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to amend the Government Center security budget for additional positions and fund authorized equipment and supplies which will include the $2,500 in overtime. All voting "Aye". MOTION PASSED**

28142 APPROVE A BUSINESS ASSOCIATE AGREEMENT (BAA) BETWEEN THE INTEGRATED CARE COLLABORATION (ICC) AND THE PERSONAL HEALTH DEPARTMENT (PHD)

Priscilla Hargraves Personal Health Director spoke. This BAA allows for the exchange of Protected Health Information or Electronic protected Health Information between the ICC and the PHD for the efficient provisions of health care services to the clients of the PHD, to prevent duplication of services, and for data collection for statistical analysis. This BAA is effective from June 3, 2011 until written termination by either party. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve a Business Associate Agreement (BAA) between the Integrated Care Collaboration (ICC) and the Personal Health Department (PHD). All voting "Aye". MOTION PASSED**

28143 RESOLUTION TO IMPLEMENT A BURN BAN UNDER CHAPTER 352 OF THE TEXAS LOCAL GOVERNMENT CODE, TO INCLUDE A PROHIBITION AGAINST THE USE OF "RESTRICTED FIREWORKS" UNDER SECTION 352.051 TLGC

Fire Marshall Mark Chambers spoke of the extended Burn Ban for 90 days. Due to ongoing drought conditions, since the July 4th holiday is approaching, and pursuant to the agreement of some fireworks vendors, a ban against the use of "skyrockets with sticks" and "missiles with fins" has been deemed appropriate by staff. This action will supplement the current burn ban, which does not invoke a prohibition against use of Restricted Fireworks. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to implement a Burn Ban under Chapter 352 of the Texas Local Government Code, to include a prohibition against the use of "Restricted Fireworks" so call sticks and fins under Section 352.051 of the Texas Local Government Code. All voting "Aye". MOTION PASSED**

28144 AUTHORIZE COMMERCIAL OSSF PERMIT FOR AN EVENT CENTER LOCATED AT 15110 RR 150 IN DRIFTWOOD, IN PRECINCT 4

Tom Pope of the Environmental Health Department spoke of Beth Beach converting the old Driftwood Masonic Lodge into an Event Center. This on-site sewage facility is designed for 600 gallons per day (maximum flow on weekend). The property is 1.32 acres in size. A 2500 gallon equalization tank will be used to equalize the flow to the on-site-sewage facility down to an average of 240 gallons per day through the entire week. The rest of the on-site sewage facility consists of a standard septic tank and drainfield. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Commercial OSSF Permit for an event center located at 15110 RR 150 in Driftwood, in Precinct 4. All voting "Aye". MOTION PASSED**

28145 SELECT CBRE AS THE PROVIDER OF REAL ESTATE SERVICES FOR HAYS COUNTY AND AUTHORIZE COUNSEL TO NEGOTIATE A CONTRACT

Commissioner Conley spoke. The selection committee recommends selecting CBRE as the provider of Real Estate Services for Hays County per RFP#2011-P-12.CBRE was the only respondent. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to select CBRE as the provider of Real Estate Services for Hays County; and authorize counsel to negotiate a contract. All voting "Aye". MOTION PASSED**

28146 CANCEL HAYS COUNTY'S MEMBERSHIP IN ENVISION CENTRAL TEXAS AND TO AUTHORIZE THE COUNTY JUDGE TO SEND A LETTER TO ENVISION CENTRAL TEXAS ON COURTS ACTION

Commissioner Conley spoke of Hays County to withdrawal of Envision Central Texas. Shawn K. Blakeley resident of San Marcos, Jean Putnam resident of Kyle, and Lenee Lovejoy resident of San Marcos spoke**. A motion was made by Commissioner Conley, seconded by Commissioner Jones to cancel the membership of Hays County in Envision Central Texas and to authorize the County Judge to send a letter to Envision Central Texas on courts action. All voting "Aye". MOTION PASSED**

28147 APPROVE THE APPOINTMENT OF RICHARD "MIKE" FULTON TO HAYS COUNTY ESD #5 TO REPLACE NED ARCIDES, JUNE 14, 2011

Commissioner Jones spoke of Ned Arcides resigning and he would like to nominate Richard "Mike" Fulton. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the appointment of Richard "Mike" Fulton to Hays County ESD #5 to replace Ned Arcides, June 14, 2011. All voting "Aye". MOTION PASSED**

28148 GRANT VARIANCE FROM SECTION 10.1(A)(3)(B) FROM THE 1997 HAYS COUNTY OSSF ORDER; AUTHORIZE COMMERCIAL OSSF PERMITS FOR A MULTI-FAMILY DEVELOPMENT LOCATED AT 900 HAYS COUNTRY ACRES RD. IN DRIPPING SPRINGS, IN PRECINCT 4

Clint Garza Director of Development Services explained that back in November 2010, Gateway DS Ltd applied for 4 on-site sewage facility permits to upgrade an on-site sewage facility that was originally installed in 1996 to serve a manufactured home rental community with 36 mobile homes. The intent is to convert the development into a multifamily rental community with site built homes consisting of 33 duplexes and 1 single family residence. This application was made while the previous (1997) Hays County on-site sewage facility rules were in effect. These rules require that the maximum wastewater generation on the property be limited to 350 gallons per acre per day. The owners applied for and were granted a permit for this upgrade in 2006 but due to economics never followed through with construction and the permit expired. Current staff feels the increase from 36 LUE's to 67 LUE's constitutes a change in the project requiring compliance with the rules in place at the time of the 2006 application. A variance is being requested to exceed the maximum daily flow on this acreage per day equaling a total flow of 16,080 GPD. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to grant variance from section 10.1(a)(3)(B) from the 1997 Hays County OSSF order; authorize commercial OSSF permits for a multi-family development located at 900 Hays Country Acres Rd. in Dripping Springs, in Precinct 4. All voting "Aye". MOTION PASSEDPASSED**

DISCUSSION TO MAKE CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS

Jacy Warwick resident of Austin, Erin K. Banks, PE resident of Dripping Springs, Ryan Irion resident of Austin, and W.F. Smith resident of San Marcos spoke. Clint Garza Director of Development Services spoke of 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. At the time of adoption all parties involved agreed that in time revisions would need to be made before final completion of the development regulations. Since adoption there has been one revision to the regulations and at that time the Commissioners Court instructed staff to bring recommendations back before the court for further review and repost for July 19, 2011. No action taken.

PRESENTATION AND DISCUSSION REGARDING THE HAYS COUNTY SHOOTINGSPORTS TASK FORCE (HCSSTF)

JB Kolodzey spoke regarding the Hays County Shooting Sports Task and presented the court with annual report.

EXECUTIVE SESSION PURSUANT TO SECTION 551.076 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES IN HAYS COUNTY BUILDINGS

Court convened into closed executive session at 12.39 p.m. and reconvened into open court meeting at 1:04 p.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, and Special Counsel Mark Kennedy. No action taken.

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 RANCH ROAD 12

Court convened into closed executive session at 12:30 p.m. and reconvened into open court meeting at 12:38 p.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, and Special Counsel Mark Kennedy. No action taken.

County Clerk's Note Agenda Item #37 RE: *DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN* – **was pulled**

County Clerk's Note Agenda Item #38 RE: *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**

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

Jeff Curren HDR gave an update of the Road Bond Projects.

County Clerk's Note Agenda Item # 40 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

28149 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Sheriff Gary Cutler and Captain Mark Cumberland spoke of this being pre-existing positions and promotions some of these involving the Government Center new Sergeants. Promotions include 3 Lieutenants, 5 Sergeants, and 5 Detectives. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Sheriff's recommendations. All voting "Aye". MOTION PASSED**

Burlon Parsons Hays County Juvenile Detention Center spoke of the need to hire fill four full time positions and one part time position in the kitchen department this is not a creation of new jobs they have already been planned for these are just open positions from employees leaving to different jobs and in addition they want to start a new hiring class. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to hire and fill the positions needed for the Juvenile Detention Center. All voting "Aye". MOTION PASSED**

County Clerk's Note Agenda Item #42 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

County Clerk's Note Agenda Item #43 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING CAMPO'S CALL FOR PROJECTS THAT WOULD BE FUNDED BY FEDERAL STIMULUS MONIES* **– was pulled**

A motion was made by Commissioner Whisenant, 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 JUNE 14, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF JUNE 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:

Brother Johnson of the First Baptist Church 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 resident of San Marcos spoke.

28150 ADOPT A PROCLAMATION DECLARING JUNE 24 - 26, 2011 AS TEXAS PARENT TO PARENT WEEKEND IN HAYS COUNTY

John Roppolo spoke of Texas Parent to Parent and introduced Jeanine Pinner of Texas Parent to Parent. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to adopt a Proclamation declaring June 24 - 26, 2011 as Texas Parent to Parent Weekend in Hays County. All voting "Aye". MOTION PASSED**

28151 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve payments of county invoices of the amount of $576,768.36 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28152 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 14, 2011

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of June 14, 2011. All voting "Aye". MOTION PASSED

28153 MODIFY THE DECEMBER PAYROLL DATE TO THE LAST WORKING DAY OF THE MONTH

Paying out the final paycheck in December on the last working day prior to the Christmas holidays is providing to be a hardship for some employees. Michele Tuttle Hays County Treasurer respectfully requests the Court change the pay date to the last working day of December to be consistent as all other months. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to modify the December payroll date to the last working day of the month. All voting "Aye". MOTION PASSED**

28154 APPROVE AWARD OF IFB #2011-B03 PHASE 3 INTERIOR RENOVATIONS TO THE LBJ MUSEUM TO SOLIDARITY CONTRACTING LLC AND AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT

Commissioner Whisenant and Special Counsel Mark Kennedy spoke. There were five bids receive Solidarity Contracting from Houston Texas, MDS Builders from Austin Texas, Fromberg Construction from Austin Texas, Tolero Construction from Austin Texas, Stokes Construction from San Marcos Texas with Solidarity Contracting providing the lowest and best bid for the project. All qualifications, bonds, insurance and references have been reviewed and are in place and favorable. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve award of IFB #2011-B03 Phase 3 Interior Renovations to the LBJ Museum to Solidarity Contracting LLC and authorize County Judge to execute contract. All voting "Aye". MOTION PASSED**

28155 AMEND BUDGET OF JAIL OPERATIONS FOR MEDICAL SUPPLIES FROM CONTRACT DETENTION FUNDS

Additional funds are needed in Jail medical prescriptions/supplies, Sherriff Office wishes to use savings in contract inmate detention. Amount required $ 25,000 to 001-618-03-5231 Medical Supplies from 001-618-03-5361 Contract Inmate Detention. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to amend Budget of Jail Operations for medical supplies from contract detention funds. All voting "Aye". MOTION PASSED**

28156 ACCEPT DONATION OF COMPUTER/MONITOR TO THE SHERIFF'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

Mike Wood is donating his computer/monitor to the Hays County Gang Task Force, valued by Information Technology. Donations are accepted by Court, and recorded in budget and system. Amount $ 1,150 to 001-618-00.5717 Law Enforcement Eqpt from 001-618-00.4610 Contributions. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to accept donation of computer/monitor to the Sheriff's Office and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28157 APPROVE THE TRANSFER OF FUNDS IN THE IMMUNIZATION GRANT FROM SALARIES TO THE LINE ITEMS LISTED IN THE SUMMARY, AND AMEND THE BUDGET ACCORDINGLY

The purchase of the following computer equipment is included in the amendment two Fujitsu FI-6140 color duplex document scanners with a one year maintenance contract. This amendment will allow the Personal Health Department immunization program to spend the grant award with no matching funds required from the County. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve the transfer of funds in the Immunization grant from salaries to the line items listed in the summary, and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28158 AMEND THE BUDGET IN GENERAL FUND TO TRANSFER COST OF SOFTWARE FROM FIRE MARSHAL TO INFORMATION TECHNOLOGY

Fire Marshal is required to change dispatching software, requests cost of $4,600 to transfer to Information Technology from his savings in office equipment line item to 001-680-00.5718 Information Tech Software from 001-665-00.5711 Fire Marshal Office. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to amend the Budget in General Fund to transfer cost of software from Fire Marshal to Information Technology. All voting "Aye". MOTION PASSED**

28159 APPROVE CHANGE ORDER #2 IN THE AMOUNT OF $24,287.41 FOR BID#2010-B17 "CONTRACTOR FOR STABILIZATION PROJECT FOR THE OLD HAYS COUNTY JAIL" AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

The change order results in an overall contract increase of $31,387 which represents an 18.5 percent increase in the original contract of $169,000. The maximum increase to the original contract that the County can approve is 25 percent. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve Change Order #2 in the amount of $24,287.41 for Bid#2010-B17 "Contractor for Stabilization Project for the Old Hays County Jail" and authorize County Judge to execute same. All voting "Aye". MOTION PASSED**

28160 AMEND THE SHERIFF DRUG FORFEITURE FUND BUDGET TO PURCHASE EQUIPMENT

The Sheriff's Drug Forfeiture funds may be used at his discretion. In order to follow County policy, the Sheriff's Office is requesting to move the funds into the appropriate general ledger account to purchase K9 equipment. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to amend the Sheriff Drug Forfeiture Fund budget to purchase equipment. All voting "Aye". MOTION PASSED**

28161 ACCEPT $500 DONATION TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sherriff's Office received a donation in the amount of $500.00 from Bluebonnet Electric Cooperative for National Night Out and request to deposit into line item 052-618-00.5222. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to accept $500 donation to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28162 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE FY11 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR EQUIPMENT FOR THE DISTRICT CLERK'S OFFICE, DISTRICT ATTORNEY'S OFFICE, AND COUNTY COURT-AT-LAW IN THE AMOUNT OF $12,165.00

This grant application is for equipment (scanners, laptops, monitor and computer) for the District Clerks office, District Attorney's Office and County Court-At Law to improve our judicial system by allowing digital access to legal documents, securing the documents at the time of filing, to eliminate the risk of lost information readily available upon request to individuals needing copies or the Judges needing to document during court proceedings. Immediately after the document is scanned into the system other county offices (District Judge, District Attorney, Compliance and Sherriff's Office) will have access to these images that will assist them in their involvement within the judicial process at their convenience. Also requested is a new computer center to provide customers. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application U.S. Department of Justice, Office of Justice Programs, under the FY11 Edward Byrne Memorial Justice Assistance Grant (JAG) program for equipment for the District Clerk's Office, District Attorney's Office, and County Court-at-Law in the amount of $12,165.00. All voting "Aye". MOTION PASSED**

28163 ACCEPT AND RATIFY THE EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEOP)

In compliance with the Code of Federal Regulations, Title 28, Chapter 1, Section 42.301 Subpart E, an as a recipient of law enforcement administrative assistance, ratification of the Equal Employment Opportunity Plan. As a recipient agency, the county continuously self evaluate whether any of our recruitment, selection activities have the effect of denying Equal Employment Opportunities to minorities and women. The approval of this EEOP will allow the County to remain in compliance. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to accept and ratify the Equal Employment Opportunity Plan (EEOP). All voting "Aye". MOTION PASSED**

28164 AMEND THE DEVELOPMENT SERVICES OPERATING BUDGET FOR CONTRACT SERVICES FOR CONTINUED PLAN REVIEW

On May 31, 2011 the Commissioners Court approved the elimination of the Natural Resources Program Manager position, authorized the County Judge to negotiate a PSA for continued contract services in an amount no to exceed $10,000 for plan review. On June 14, 2011 the Commissioners Court approved the PSA. Salary savings will be used to fund the budget amendment as outlined in the service agreement. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to amend the Development Services operating budget for contract services for continued plan review. All voting "Aye". MOTION PASSED**

28165 ELLSWORTH SUBDIVISION [11-1-11 – 1 LOT] **APPROVE FINAL PLAT**

Roxie Botkin spoke of the Ellsworth Subdivision and all requirements were met. The Ellsworth Subdivision is a proposed subdivision of 1.00 acre of land located off Francis Harris Lane in Precinct 1. The lot will be served by Crystal Clear Water Supply and an on-site sewage facility to be permitted by Hays County. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve final plat of Ellsworth Subdivision 1 Lot. All voting "Aye". MOTION PASSED**

28166 RESUBDIVISION OF LOT 6, THOMPSON RANCH ESTATES [11-3-13 – 2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING JULY 19, 2011**

Roxie Botkin spoke of the Thompson Ranch Estates and all the requirements were met. Thompson Ranch Estates is a 16 lot subdivision located of Wayside Drive in Precinct 3. The owner of lot 6 wishes to divide the 9.98 acre lot into two new parcels. The new configuration will consist of the following: Lot 6-A 3.98 ac; Lot 6-B 6 ac. Lot 6-A is currently served by a private well an on-site sewage facility. Lot 6-B will utilizes a private well and OSSF at the time of development. **A motion was made by Commissioner Whisenant seconded by Commissioner Jones to approve Resubdivision of Lot 6, Thompson Ranch Estates. Approve preliminary plan; and call for public hearing July 9, 2011. All voting "Aye". MOTION PASSED**

28167 APPROVE THE APPOINTMENT OF CORNELIA CHEATHAM TO THE HAYS COUNTY CHILD PROTECTIVE BOARD

A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to approve the appointment of Cornelia Cheatham to the Hays County Child Protective Board. All voting "Aye". MOTION PASSED

28168 ADOPT A RESOLUTION IN SUPPORT OF THE PUBLIC SAFETY ANSWERING POINT (PSAP) CONSOLIDATION

Erica Carpenter, PSAP Manager of Hays County Sheriff's Office spoke. Hays County has four 911 Centers. Commissioner Conley spoke of the resolution. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to adopt a resolution in support of the Public Safety Answering Point (PSAP) Consolidation. All voting "Aye". MOTION PASSED**

RENEW THE BOTTLED WATER CONTRACT WITH HILL COUNTRY SPRINGS AND TO ASSIGN THE RESPONSIBILITY FOR FUNDING OF BOTTLED WATER SERVICE FOR INDIVIDUAL DEPARTMENTS TO THE BUDGETS OF THOSE DEPARTMENTS

Constable David Peterson spoke on behalf of his department. Commissioner Whisenant spoke of the bottled water contract. Clint Garza gave an overview of a study his department did on the water quality. The contract for bottle water service with Hill Country Springs will expire at the end of June 2011. If individual departments wish to continue bottled water service the contract can be renewed, however funding for bottled water will now be the responsibility of each individual department utilizing the service. Each department will need to communicate with the service provider that they wish to continue using bottled water, and each department will need to confirm with the auditor's office that funding is available in their department budget. A motion was made by Commissioner Whisenant seconded by Commissioner Jones to renew the bottled water contract with Hill Country Springs and to assign the responsibility for funding of bottled water service for individual departments to the budgets of those departments. Commissioner Whisenant and Commissioner Jones voting "Aye". Commissioner Conley, Commissioner Ingalsbe and Judge Cobb voting "No". MOTION FAILED

RE-ASSIGN THE RESPONSIBILITIES OF COMPLIANCE AND COLLECTIONS FOR HAYS COUNTY COURTS-AT-LAW #1 AND #2 FROM THE COMPLIANCE AND COLLECTIONS DEPARTMENT TO THE COUNTY COURTS-AT-LAW

Judge Linda Rodriguez gave an overview of the Compliance and Collections. Judy Siems Compliance Administrator spoke of her department. District Clerk Beverly Crumley spoke of the Compliance Department incoming collections were a great help. Responsibilities for compliance and collections for Hays County Courts-at-Law #1 and #2 will no longer be assigned to the Compliance and Collections Department. Hays County Courts-at-Law # 1 and #2 will be responsible for implementing plans for compliance and arranging for all collections. The Compliance and Collections Department will continue to handle all compliance and collections for the District Courts. Court will bring this issue back at a later date.

28169 CONSENT TO THE CONTINUATION OF THE LOCAL DISASTER DECLARATION IMPLEMENTED BY THE COUNTY JUDGE UNDER CHAPTER 418 OF THE TEXAS GOVERNMENT CODE ON OR ABOUT JUNE 15, 2011

Fire Marshall Mark Chambers spoke of the City of Buda and Wimberley cancellation of public fireworks display. Currently the City of San Marcos and Kyle is still having the public firework display. There are 225 counties in Texas in the Burn Ban. Section 418.108 declares that the County Judge's order banning the sale and/or use of fireworks cannot be held in place for longer than seven days without consent of the Commissioners Court. The County Judge and the Fire Marshall request consent of the Court to continue this prohibition against the sale and/or use of fireworks until weather conditions have improved, drought conditions have abated, and the risk of wildfire is reduced. **A motion was made by Commissioner Whisenant seconded by Commissioner Conley to continue the local disaster declaration implemented by the County Judge under Chapter 418 of the Texas Government Code on or about June 15, 2011. All voting "Aye". MOTION PASSED**

28170 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 FM 1626 NORTH

Court convened into closed executive session at 11:04 a.m. reconvened into open meeting at 11:06 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Lori Bible. **A motion to Authorize the County Judge to execute a Purchase Agreement between Hays County and Michael Thames as presented by counsel and our Row coordinator and related to Row acquisition on FM 1626 North was made by Commissioner Jones seconded by Commissioner Ingalsbe All voting "Aye". MOTION PASSED**

28171 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 C.R. 210

Court convened into closed executive session at 11:06 a.m. reconvened into open meeting at 11:15 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Lori Bible. **A motion to Authorize the County Judge to execute a Purchase Agreement related to Row Acquisition on CR 210 between Hays County and Fullerton Properties, incorporating the terms presented in executive session was made by Commissioner Jones seconded by Commissioner Ingalsbe All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #25 RE: *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 RANCH ROAD 12* **– was pulled**

EXECUTIVE SESSION, PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS ECONOMIC DEVELOPMENT OPPORTUNITIES

Court convened into closed executive session at 9:22 a.m. reconvened into open meeting at 9:45 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Amy C. Madison CECD, EDFP President & CEO of the Greater San Marcos Partnership. No action taken.

ACTION RELATED TO THE BURN BAN

Mark Chambers Fire Marshal recommended that the Burn Ban stay in effect.

Clerk's Note: Agenda Item #28 RE: *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**

Clerk's Note: Agenda Item #29 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note: Agenda Item #30 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS* **– was pulled**

28172 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

Elections Administrator Joyce Cowan spoke of the posting and the need to fill job vacancy. The job description is – provides electronic computer support for the elections office, responsibilities include trouble shooting, testing, programming, maintenance and data management regarding equipment used in the election and is responsible for physical storage of that equipment and also assists in other activities. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to hire replacement for the Election Equipment Data Coordinator in the Elections Office. All voting "Aye". MOTION PASSED**

Special Counsel Mark Kennedy spoke on behalf of the District Attorney's Office position. The person they want to hire has 17 years experience and would like to offer an amount of $62,602 with the Court's permission. **A motion was made by Commissioner Whisenant seconded by Commissioner Jones to hire an Attorney at a rate of $62,602 plus benefits. All voting "Aye". MOTION PASSED**

Special Counsel Mark Kennedy spoke on behalf of the District Attorney Office position. **A motion was made by Commissioner Whisenant seconded by Commissioner Jones to allow Jordan Davisson to work 20-hours per week starting 6/27/11 and ending 8/12/11 with money coming out of Salary Savings. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #32 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

Clerk's Note: Agenda Item #33 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING CAMPO'S CALL FOR PROJECTS THAT WOULD BE FUNDED BY FEDERAL STIMULUS MONIES* **– was pulled**

A motion was made by Commissioner Whisenant seconded by Commissioner Jones 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 June 21, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 28TH DAY OF JUNE 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:

Brother Carl Clark from the United Methodist Church Driftwood Texas 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 Comment

Sarah Gibson of Clean Air Force of Central Texas made a public comment.

28173 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $1,501,543.68 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28174 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 21, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of June 21, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28175 APPROVE AWARD OF BID #2011-B05 "A/C & HEATING SERVICES COUNTYWIDE" TO AVATT SERVICES

Purchasing received 5 bids from Avatt Services, Toloer Service Co., Logic Mechanical, Inc., Classic Aire Mechanical Inc., and San Marcos A/C Inc. with Avatt providing the lowest and best bid for the services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve award of bid #2011-B05 "A/C & Heating Services Countywide to Avatt Services. All voting "Aye". MOTION PASSED**

28176 APPROVE THE FEBRUARY 2011 AND MARCH 2011 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the February 2011 and March 2011 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

28177 AUTHORIZE THE COUNTY JUDGE TO REQUEST FUNDS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS ASSOCIATED WITH UNCLAIMED CAPITAL CREDITS RECEIVED FROM ELECTRIC COOPERATIVES AND TO CERTIFY THAT USE OF THE FUNDS WILL BE FOR A PROGRAM AS SPECIFIED UNDER LOCAL GOVERNMENT CODE, SECTION 381.004

The Texas Comptroller is authorized, under Section 74.602 of the Texas Property Code, to allocate a portion of the monies associated with unclaimed capital credits received from electric cooperatives back to counties in the cooperative's service area for use to support programs under Section 381.004 of the Local Government Code. The County must request these funds and certify that funds will be used for purposes as specified under Section 381.004. Similar letters have been received from the Comptroller's Office in previous years, and the funding received from the Comptroller's Office in previous years, and the funding received has ranged from approximately $500 to a little over $1000. The current amount available has not yet been determined. The County can address use of the funds under Section 381.04(b) (3) to stimulate, encourage, and develop business location and commercial activity in the county through partnership with the Greater San Marcos Economic Development Council. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to request funds from the Texas Comptroller of Public Accounts associated with unclaimed capital credits received from electric cooperatives and to certify that use of the funds will be for a program as specified under Local Government Code, Section 381.004 and upon receipt amend the budget accordingly. All voting "Aye". MOTION PASSED**

28178 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AN OLIVE OIL PROCESSING PLANT TASTING AND RETAIL ROOM AND COOKING DEMONSTRATION KITCHEN LOCATED AT 2530 WEST FITZHUGH ROAD, DRIPPING SPRINGS, TX 78620, IN PRECINCT 4

Rick Mensik, Texas Hill Country Olive Orchard is proposing an OSSF to serve an olive oil processing plant tasting and retail room and cooking demonstration kitchen . This property is located at 2530 West Fitzhugh, Dripping Springs, Texas in Precinct 4. The property is 17.19 acres. It is an Aerobic Treatment Unit using low pressure dosing dispersal designed by Derrick Lormand, R.S. The On Site Sewage Facility is designed for a maximum wastewater flow of 300 gpd for a maximum of 4 employees and 10 customers per weekday and 30 customers per weekend day. Water is supplied be a proposed public water well. This on-site sewage facility was originally authorized for construction on 03-16-2011. Reauthorization is needed due to a change in the location and size of the dispersal/drainfield component of the system. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize institutional OSSF Permit for an olive oil processing plant tasting and retail room and cooking demonstration kitchen located at 2530 West Fitzhugh Road, Dripping Springs, TX 78620, in Precinct 4. All voting "Aye". MOTION PASSED**

28179 APPROVE ASSET TRANSFER REQUESTS FOR (6) VEHICLES FROM THE SHERIFF'S OFFICE TO VARIOUS HAYS COUNTY DEPARTMENTS

The following vehicles have been requested for transfer from the Sheriff's Office: Ford Expedition, VIN# 1FMPV15L33LB84067 to Building Maintenance, Ford F-150, VIN# 1FTRF17W1YKA31831 to Building Maintenance, 2005 Chevy Pickup, VIN# 1GCEC19T95E263730 to the Parks Department to replace a 1994 Chevy that will be sold at auction, 2005 Ford Crown Victoria, VIN# 2FAFP71W15X129851 to Constable Pct.1 to replace a 2002 Ford Crown Victoria, VIN# 2FAF71W52X132862; the 2005 vehicle currently in the Sherriff's Office is in much better condition than the one Constable Peterson is utilizing and is full equipped, so no additional equipment will be needed, 2003 F-150, VIN# 1FTPX17W83NA81985 to the Juvenile Center, F-150 VIN# 1FTRX17W83NA81985 to the Juvenile Center, and F-150 VIN# 1FTRX17W12KB57224 to the Civic Center. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve asset transfer requests for (6) vehicles from the Sheriff's Office to various Hays County Departments. All voting "Aye". MOTION PASSED**

28180 CALL FOR A PUBLIC HEARING ON JULY 12, 2011 TO SET TRAFFIC REGULATIONS ON POSEY ROAD IN PRECINCT 1

Staff recommends a 25 MPH speed limit on Posey Road from railroad tracks west to Hunter Road. There is a daycare facility on this portion of the roadway which justifies the lower speed limit. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to call for a public hearing on July 12, 2011 to set traffic regulations on Posey Road in Precinct 1. All voting "Aye". MOTION PASSED**

28181 RELEASE THE MAINTENANCE SURETY IN THE AMOUNT OF $8,200.00 AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR THE MARTINEZ ADDITION SUBDIVISION IN PRECINCT 2

Transportation Director Jerry Borcherding gave staff recommendation for maintenance. Currently the county is holding a letter of credit in the amount for $8200.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to release the Maintenance Surety in the amount of $8,200.00 and accept for Maintenance all road and drainage improvements within county ROW for the Martinez Addition Subdivision in Precinct 2. All voting "Aye". MOTION PASSED**

28182 ACCEPT THE STREET AND DRAINAGE IMPROVEMENTS IN HIGHPOINTE SUBDIVISION PHASE 4 SECTION 1A AND 1B; RELEASE THE CONSTRUCTION SURETY IN THE AMOUNT OF $1,180,747.95

Transportation Director Jerry Borcherding gave staff recommendation. The subdivision will be served by private roads; therefore no additional maintenance surety will be required. Currently Hays County is holding a construction bond in the amount of $1,180,747.95. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept the street and drainage improvements in Highpointe Subdivision Phase 4 Section 1A and 1B and release the Construction Surety in the amount of $1,180,747.95. All voting "Aye". MOTION PASSED**

28183 RELEASE THE RE-VEGETATION SURETY IN THE AMOUNT OF $14,803 FOR HIGHPOINTE SUBDIVISION PHASE 4 SECTION 1A AND 1B

Transportation Director Jerry Borcherding gave staff recommendation. In November 10, 2009 Hays County accepted a bond to cover the cost of re-vegetation of the street and drainage improvements in both sections. Staff has inspected the progress and recommends release of the re-vegetation in the amount of $14,803. **A motion was made by Commissioner Whisenant seconded by Commissioner Conley to release the Re-Vegetation Surety in the amount of $14,803 for Highpointe Subdivision Phase 4 Section 1A and 1B. All voting "Aye". MOTION PASSED**

28184 AMEND THE SHERIFF'S OFFICE AND JAIL BUDGETS TO REPLACE OUTDATED BULLETPROOF VESTS

Captain Mike Davenport of the Sheriff's Office spoke of the bulletproof vests need to be replace every five years and the Sheriff's Office would like to purchase 23 vests that are currently outdated and five vests for newly hired employees. Amount required $23,492 (001-618-99-001.5717). **A motion was made by Commissioner Ingalsbe**, **seconded by Commissioner Whisenant to amend the Sheriff's Office and Jail Budgets to replace outdated bulletproof vests. All voting "Aye". MOTION PASSED**

28185 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS FOR UP TO $25,200.00 FOR THE PURCHASE OF BULLETPROOF VESTS

Grants Director Jeff Hauff spoke of the grant. The U.S Department of Justice, Office of Justice Programs offers a matching grant through the Bulletproof vest Partnership Program for the purchase of bulletproof vests for law enforcement officers. This program will provide reimbursement for 50% of the cost of each vest. This protective gear is issued to new officers and the vets are on a regular replacement schedule every five years, as the effectiveness of the vest diminishes over time and is required to be replaced. The application will request matching funds for 28 vests, both for new and for those vests that are scheduled for replacement. There is a recurring need for vests every year due to the replacement schedule. The Sheriff's Office has utilized this grant program for several years to help offset the costs of the vests. The total cost of the purchase is expected to be $25,200.00 for 28 vests, and the matching funds requested will be for $12,600.00. The application is required to be submitted electronically and is due on July 7, 2011. Amount required $12,600.00-50% match 001-618-99-001.4301-budget for Fiscal Year 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to submit a Grant Application to the U.S. Department of Justice, Office of Justice Programs for up to $25,200.00 for the purchase of bulletproof vests. All voting "Aye". MOTION PASSED**

28186 CANCEL JULY 5TH COMMISSIONERS COURT MEETING

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to cancel the July 5th Commissioners Court Meeting. All voting "Aye". MOTION PASSED

28187 RE-APPOINT M. SCOTT ROBERTS TO DIRECTOR, POSITION #5 ON THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT'S BOARD OF DIRECTORS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to re-appoint M. Scott Roberts to Director, Position #5 on the Driftwood Economic Development Municipal Management District's Board of Directors. All voting "Aye". MOTION PASSED

28188 ACCEPT THE RESIGNATION OF HAYS COUNTY EMERGENCY SERVICES DISTRICT #1 COMMISSIONER JIM SPENCER AND APPOINT RUSSELL G. MOLENAAR, SR. TO FILL THAT UNEXPIRED TERM EFFECTIVE JUNE 28, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept the resignation of Hays County Emergency Services District #1 Commissioner Jim Spencer and appoint Russell G. Molenaar, Sr. to fill that unexpired term effective June 28, 2011. All voting "Aye". MOTION PASSED

28189 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUB-AWARD AGREEMENTS WITH TEXAS STATE UNIVERSITY FOR GRANT FUNDS FOR THE COUNTY'S PARTICIPATION IN THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAM

Grants Director Jeff Hauff spoke of the grant and of sub-award agreements that are essentially a renewal of annual grants received from Texas State University to fund the salary of an officer (Sergeant-Director of Training) in the Sheriff's Office involved in training and support for the ALERRT program. The ALERRT program facilities provide all local Hays County law enforcement agencies with firearms and critical/tactical incident training, and are an integral part of the annual Texas Commission of Law Enforcement Training Academy inspection process. Two agreements totaling $86,020.00 are included and Sub-award Agreement No. 8000001412.1-$46,000, Sub-award Agreement No. 8000001480.1-$40,020.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute Sub-Award Agreements with Texas State University for Grant Funds for the County's participation in the Advanced Law Enforcement Rapid Response Training (ALERRT) Program. All voting "Aye". MOTION PASSED**

28190 AUTHORIZE COUNTY STAFF AND THE PURCHASING OFFICE TO DEVELOP AND SOLICIT A REQUEST FOR QUALIFICATIONS (RFQ) FOR DEVELOPMENT OF A MASTER PLAN FOR THE JACOB'S WELL PROPERTY

Grants Director Jeff Hauff spoke. With the recent acquisition by the County of the property surrounding Jacob's Well, there is a need for a Master Plan for development of the property for public use. A team of County staff including the Parks Administrator, Grants Administrator, Legal Counsel, and possibly others will develop criteria for the Master Plan and proceeds and work with the Purchasing Office to develop and solicit a RFQ for consultant services. A key component of the criteria will include public input in the planning process. Funding is available from the Park Bond Funds already issued for the project. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize county staff and the Purchasing Office to develop and solicit a Request For Qualifications (RFQ) for development of a Master Plan for the Jacob's Well Property. All voting "Aye". MOTION PASSED**

28191 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE 2011 TAX ABATEMENT CERTIFICATES FOR CFAN, GENLYTE - HADCO DIVISION, AND GENLYTE - WIDE-LITE DIVISION PER PREVIOUSLY APPROVED AGREEMENTS

Tax Abatement Certificates for CFAN, Genlyte-HADCO Division, and Genlyte-Wid-Lite Division have been prepared per previously approved Tax Abatement Agreements. The agreements provide for tax abatements based on a ratio of current employment numbers to employment numbers provided in the agreements. These abatements will be up after next year 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute the 2011 Tax Abatement Certificates for CFAN, GENLYTE – HADCO Division, and GENLYTE – Wide-Lite Division per previously approved Agreements. All voting "Aye". MOTION PASSED**

28192 APPROVE THE PROJECT LIST REGARDING HAYS COUNTY'S REQUEST FOR CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) FUNDING AND TO AUTHORIZE THE COUNTY JUDGE SUBMIT AN APPLICATION FOR THE FUNDING OF THESE PROJECTS

Mike Aulick from CAMPO spoke the Hays County projects to be submitted for Campo Funding. Project's on State Highway System for Joint Application with TxDot and projects on county roadways. Jeff Barton former Commissioner Pct 2 and a Buda landowner spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve the Project List regarding Hays County's request for Capital Areal Metropolitan Planning Organization (CAMPO) funding and to authorize the County Judge to submit an Application for the funding of these projects. All voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the Project List regarding Hays County's request for Capital Areal Metropolitan Planning Organization (CAMPO) funding and to authorize the County Judge to submit an Application for the funding of these projects and not to exceed $40,000. All voting "Aye". MOTION PASSED

28193 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 RANCH ROAD 12

Court convened into closed executive session at 10:35 a.m. and reconvened into open meeting at 10:53 a.m. In attendance were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Ellie Dietz. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve a purchase contract between Hays County and Ingram Ranches LTD for two tracts of land totaling 24.875 acres in the amount of $700,000.00 in which the county has already paid $496,800.00 therefore the remaining balance is $203,200.00 for the property as described and to authorize the County Judge to sign the purchase contract with one condition that the Exhibit C where it is noted about the relocation of a fence that a number by an estimated of the county is put into that blank spot to address issues into the future. All voting "Aye". MOTION PASSED**

28194 BURN BAN AND/OR THE LOCAL DISASTER DECLARATION

Burn Ban is still effect. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to keep the burn ban still effect. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #23 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS*-**was pulled**

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

Dan Wegmiller with Specialized Public Finance Inc. spoke of the Standard & Poor Ratings Services assigned it's AA long-term rating to Hays County Texas limited tax bonds series 2011, unlimited tax road bonds series 2011, and pass-through toll revenue and unlimited tax bonds series 2011. Hays County financial position is solid, aided by prudent financial management and conservative budgeting. Jeff Watson from HNTB spoke and gave an update on the Road Bond Projects.

Clerk's Note Agenda Item #25 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS*-**was pulled**

28195 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Beverly Crumley, District Clerk has an opening in the bookkeeping department the previous bookkeeper was on FLMA is not returning back to work and would like to fill the position. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hire a bookkeeper in the District Clerk Offices. All voting "Aye". MOTION PASSED**

Jerry Borcherding, Director of Transportation department requested that he be able to advertise and fill 8 open positions in his department either through promotion from within the Department or by hiring from the outside. One position will not be open until two weeks from today's date. Mr. Borcherding also asked permission to fill positions that are opened up through the promotion process. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to hire and fill open positions.**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke of the Hays County Water and Wastewater Authority has had three meetings and the next meeting will be held Tuesday July 5, 2011 at 10:00 a.m. in the Hays County Commissioners Court Room and would like the public to attend.

Clerk's Note Agenda Item #28 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING CAMPO'S CALL FOR PROJECTS THAT WOULD BE FUNDED BY FEDERAL STIMULUS MONIES*-**was pulled**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adjourn.

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 JUNE 28, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF JULY 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:

Chaplin Hargis from the Hays County Jail 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

Dee Dee Baen Human Resources Director introduced the new hires to Hays County. Alan Cameron Wimberley resident, Lucy Johnson Mayor of Kyle, Sam Brannon San Marcos resident of San Marcos, Lila Knight resident of Kyle, Ruben Garza resident of Kyle made public comments.

PRESENTATION TO RECOGNIZE HAYS COUNTY 4-H MEMBERS WHO PARTICIPATED IN TEXAS 4-H ROUNDUP EVENTS HELD JUNE 13-16 AT TEXAS A&M UNIVERSITY IN COLLEGE STATION

County Agent Richard Parish spoke of the Hays County 4-H Members on their accomplishments. Laura Petty County Extension Agent, Family and Consumer Sciences introduced and recognized Hays County 4-H Members Will Herron, Brittany Krenek, Abby Linam, Rachel McDaniel, Rebekah McDaniel, Raquel Nino, Jonathan Roppolo who participated in the Texas 4-H Roundup at the Texas A&M University in College Station.

28196 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $3,007,170.01 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28197 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 28, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioner Court Minutes of June 28, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28198 AMEND JUSTICE OF THE PEACE 3 BUDGET FOR TRAVEL EXPENSES

The Justice of the Peace in Pct 3 office has occasion to travel within the County on official County business. A travel line item is needed to reimburse mileage costs associated with this travel. Amount required $100.00 (001-628-00.5501). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend Justice of the Peace 3 budget for travel expenses. All voting "Aye". MOTION PASSED**

28199 AMEND THE BUDGET IN GENERAL FUND FOR DEVELOPMENTAL SERVICES POSTAGE

The Department of Development Services needs replacement of regulation/development required mailing costs amount required $3,000 to 001-657-00.5212 Development Services postage from 001-645.00.5399 Contingencies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget in General Fund for Developmental Services postage. All voting "Aye". MOTION PASSED**

28200 AMEND THE BUDGET OF THE TREASURER IN GENERAL FUND FOR CONTINUING EDUCATION

Additional funds are needed in Continuing Ed. for training/conferences costs from Travel savings. Amount required is $650.00 to 001-620-00.5551 Continuing Ed. from 001-620-00.5501 Travel. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of the Treasurer in General Fund for Continuing Education. All voting "Aye". MOTION PASSED**

28201 ACCEPT FUNDS FROM THE CITY OF WOODCREEK ASSOCIATED WITH THE LOWER COLORADO RIVER AUTHORITY GRANT FOR THE JACOB'S WELL PROJECT IN THE AMOUNT OF $53,223.00 AND AMEND THE BUDGET ACCORDINGLY

On May 24, 2011 Commissioners Court approved an Interlocal Cooperation contract between the City of Woodcreek, the Lower Colorado River Authority (LCRA), and the County to accept responsibilities for, and the reminder of, LCRA grant funds awarded for development of the Jacob's Well project. The amount of these remaining funds was $ 53,223.00 as stated in the agreement, to be transferred from Woodcreek to the County. The purpose of this item is to accept the check from Woodcreek in the above-stated amount and amend the budget to accept for these funds. No matching funds required to 001-899-99-407.4304 **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept funds from the City of Woodcreek associated with the Lower Colorado River Authority grant for the Jacob's Well project in the amount of $53,223.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28202 AMEND THE BUDGET IN GENERAL FUND OF THE TAX OFFICE TO PURCHASE TRUTH IN TAXATION SOFTWARE

The Tax Office needs to order in taxation software update. Amount required is $748.00 to 001-619-00.5718 Software from 001-619-00.5212 Postage. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget in General Fund of the Tax Office to purchase Truth in Taxation software. All voting "Aye". MOTION PASSED**

28203 APPROVE SPECIFICATIONS FOR RFP #2011-P16 "AUDIT FOR HAYS COUNTY" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE

County Government requires the expertise of outside service organizations for technical and /or management assistance. Texas law requires County Commissioners Court to engage an outside accounting firm to audit the County's financial statements and internal controls. The purpose of the external audit is to examine and report on the various funds and account groups and account groups of Hays County, as required by Section 115.031 of the Texas Local Government Code. The ultimate objective of the audit will be to render opinions of Hays County financial statements based on the facts and circumstances at the date of the audit. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specifications for RFP #2011-P16 "Audit for Hays County" and authorize Purchasing to solicit for proposals and advertise. All voting "Aye". MOTION PASSED**

28204 APPROVE UTILITY PERMITS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve utility permit #831 on Dacy Lane, permit #832 on Mathis Lane issued to Goforth Special Utility District, utility permit #833 on Martin Road, utility permit # 834 on Dacy Lane issued to Pedernales Electric, and utility permit # 835 on Beauchamp Road to Verizon as submitted by the County Road Department. All voting "Aye". MOTION PASSED

28205 APPROVE ASSET TRANSFER REQUESTS FOR (2) VEHICLES FROM THE SHERIFF'S OFFICE TO THE INVESTIGATOR'S OFFICE OF THE CRIMINAL DISTRICT ATTORNEY

The following vehicles have been requested for transfer from the Sherriff's Office to the Investigator's Office of the Criminal District Attorney a 2002 Crown Victoria serial #2FAFP71W52X138225 and a 2002 Crown Victoria serial #2FAFP71W72X138226 these two vehicles will replace a 1995 Crown Victoria serial #2FLAP71W95X185583 and a 1998 Malibu serial #1GND52M9W4164972 that will be auctioned. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve asset transfer requests for (2) vehicles from the Sheriff's Office to the Investigator's Office of the Criminal District Attorney. All voting "Aye". MOTION PASSED**

28206 APPROVE THE APRIL 2011 AND MAY 2011 TREASURER'S REPORTS AND INVESTMENT REPORT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the April 2011 and May 2011 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

28207 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-DOCUMENTARIES AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT AND AMEND BUDGET ACCORDINGLY

The Historical Commission has received donations for the Parks Johnson documentary. These funds will be used for the production and distribution of the Parks Johnson DVD's. No matching county funds needed. Amount required $15,000.00 to 001-676-00-055.4610 contributions **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept contributions for the Historical Commission Documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly. All voting "Aye". MOTION PASSED**

28208 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON POSEY ROAD BETWEEN RAILROAD TRACKS AND HUNTER ROAD IN PCT. 1

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. This is for a 25 MPH speed limit on Posey Road from railroad tracks, west to Hunter Road. There is a daycare facility on this portion of the roadway which justifies the lower speed limit. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to establish the traffic regulations (25 mph speed limit) on Posey Road between railroad tracks and Hunter Road in Pct 1. All voting "Aye". MOTION PASSED**

28209 RESUBDIVISION OF LOT 5B, GREEN ACRES SUBDIVISION [11-3-3—2 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza Development Services Director gave staff recommendation. Lot 5B is 6.50 acres as platted but the proposed configuration will divide the property into two 3.25 acre lots. Both lots will be served by Wimberley Water Supply Corporation and individual on-site sewage facilities. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve plat of resubdivision of Lot 5B, Green Acres Subdivision. All voting "Aye". MOTION PASSED**

28210 RESUBDIVISION OF LOTS 103 AND 104, ROLLING OAKS SUBDIVISION, SECTION 4 [10-4-14--2 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza Development Services Director gave staff recomendation. The Rolling Oaks Subdivision is a recorded subdivision located off of FM 3237 in Pct 4. The property owner wishes to move the lot line dividing lot 103 (4.19 acres) and lot 104 (5.06 acres) in order to reconfigure the acreage as follows: lot 103-A, 7.26 acres; lot 104-A, 2.00 acres. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Lots 103 and 104 in the Rolling Oaks Subdivision, Section 4. All voting "Aye". MOTION PASSED**

28211 INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE LOOMIS PARTNERS PROFESSIONAL SERVICE AGREEMENT FOR NECESSARY ADDITIONAL SERVICES ON THE RM 2325 PROJECT IN PRECINCT 3

Alan Crozier of HDR spoke of the RM 2325 project from Carney Lane to Fischer Store Rd, was identified as key project in Precinct 3 as part of the 2008 Priority Road Bond Program. The project design is complete and is currently under construction. With construction advancing, it has become necessary to supplement Loomis work authorization to provide construction phase services. These services were not included in the initial work authorization to permit development of an appropriate scope and fee for these services once it was determined who would be providing construction management/engineering services and a more accurate construction schedule was available. Construction phase services included: (1) attend construction progress meetings (2) respond to contractor requests for information (3) review contractor change order requests (4) verify/re-establish project control for initiation for construction. Funds are available within the project's bond program budget. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to amend the Loomis contract for $26,500.00 in relation to RM 2325 construction phase services in Wimberley Texas. All voting "Aye". MOTION PASSED**

28212 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT FOR THE FM 1626 NORTH PROJECT WITH REYNOLDS, SMITH AND HILLS CS, INCORPORATED (RS&H)

Jeff Watson of HNTB spoke of Reynolds, Smith and Hills CS, Inc. is the agency to proposed to provide Construction Inspection and Materials Testing for the FM 1626 North project; The Professional Service Agreement will allow for the completion of Constructability reviews of the construction plans, documents control/records management, RFI processes, change order processes, construction oversight, material testing and survey. The not-to-be-exceeded fee for the performance of the Scope of Services described in the Agreement shall be the sum of $1,893,982. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to table until later on in the meeting. All voting "Aye". MOTION PASSED**
A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute the Professional Services Agreement for the FM 1626 North Project with Reynolds, Smith and Hills CS, Incorporated (RS&H). All voting "Aye". MOTION PASSED

28213 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. FOR LIMITED FLOOD PROTECTION PLANNING STUDIES ASSOCIATED WITH DRAINAGES IN THE LOWER COLORADO RIVER BASIN

Jeff Hauff Grants Director spoke. On November 3, 2009 the Commissioners Court approved a grant contract with the Texas Water Development Board (TWDB) to initiate a flood protection planning study on waterways in northern Hays County that is part of the Lower Colorado River Drainage Basin. On May 4, 2010 the Commissioners Court approved agreements with the Lower Colorado River Authority and the U.S Army Corps (USACE) of Engineers to partner in funding and conducting the study, with cost sharing of 50% by the USACE. On August 10, 2010 the Commissioners Court accepted a grant award amendment increasing funding from the Texas Water Development Board necessary to complete investigations of the drainage basin. There is a small portion of the study that the USACE cannot participate in funding due to internal agency requirements, although this area was accounted for in the TWDB grant. The purpose of this agreement with Halff Associates Inc. is to complete studies of drainage segments as required under the TWDB grant scope. The total cost of the addition investigation is $38,200.00. Halff Associates Inc. is a subcontractor to the USACE for the larger project, and it is a benefit to the County to maintain consistency with the overall study and report content to retain this firm for the associated work. The contract will be paid with funds from the grant 50% and with the County matching funds already dedicated to this project. It is anticipated that additional matching funds will be provided by those jurisdictions requesting detailed studies of local drainage areas. Amount required is $19,100.00 matching funds allocated to TWDB grant. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with Halff Associates, Inc. for limited flood protection planning studies associated with drainages in the Lower Colorado River Basin. All voting "Aye". MOTION PASSED**

County Clerks Note Item # 20: *AUTHORIZE THE COUNTY JUDGE TO APPROVE PROPOSED APPLICATION FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS FUNDING FOR FY 2012 IN THE AMOUNT OF $122,428.00-* **was pulled**

28214 APPROVE THE PERSONAL HEALTH DEPARTMENT (PHD) HIRING ONE ADDITIONAL TEMPORARY STAFF FOR A SIX TO EIGHT WEEK DURATION DURING THE "BACK-TO-SCHOOL" IMMUNIZATION TIME

Priscilla Hargraves Personal Health Director spoke of hiring a staff person who is able to administer childhood vaccines to assist existing staff during the period between July 18, 2011 through August 31, 2011. The funding for salary and benefits will be provided through the Immunization Grant program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the Personal Health Department hiring one additional temporary staff for the period of July 18, 2011 through August 31, 2011 during the "Back-to-School" immunization time. All voting "Aye". MOTION PASSED**

28215 PROVIDE FINANCIAL ASSISTANCE TO THE COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION FOR PHASE 2 DUE DILIGENCE ON THE FINAL BID FOR THE LCRA WATER AND WASTEWATER ASSET

Commissioner Whisenant spoke of the financial assistance to the Coalition of Central Texas. Sam Brannon made a public comment. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to provide financial assistance to the Coalition of Central Texas Utilities Development Corporation for Phase 2 Due Diligence on the final bid for the LCRA Water and Wastewater Asset and to use funds from LCRA in the amount of $ 46,700.00. Commissioner Jones voting "No". Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

County Clerks Note Item # 23: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO THE SOLIDARITY CONTRACTING, LLC CONTRACT FOR CONSTRUCTION SERVICES RELATED TO THE LBJ MUSEUM RENOVATIONS*- **was pulled**

28216 ACTION RELATED TO THE REDISTRICTING OF HAYS COUNTY COMMISSIONER PRECINCTS, INCLUDING IDENTIFYING A PROCESS FOR PUBLIC INPUT AND DEVELOPING A TIME LINE FOR PUBLIC HEARINGS

Commissioner Conley of Precinct 3 spoke of the redistricting. Sam Brannon resident of Precinct 1 spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to hold three public hearings; one on Monday July 25, 2011 at 6:00 p.m. and Tuesday August 9, 2011 at 1:30 pm and Tuesday August 16, 2011 at 1:30 pm all in the Commissioners Court Room. All voting "Aye". MOTION PASSED**

28217 APPROVE A WORK AUTHORIZATION FOR HALFF ASSOCIATES, INC. TO PROVIDE UTILITY COORDINATION AND SUBSURFACE UTILITY ENGINEERING SERVICES ON THE RM 967 AT RUBY RANCH ROAD PRIORITY ROAD BOND PROJECT LOCATED IN PRECINCT 2

Alan Crozier of HDR spoke. 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 programs. However, this project was identified as one that would be authorized as funding became available. Currently design has progressed far enough to begin coordination activities with utility companies which may be impacted by the proposed project. Therefore, it is requested that the Court approve authorization of the attached Work Authorization for Halff Associates, Inc. to provide utility coordination and subsurface utility engineering on this project is attached for the Courts approval. Amount required is $13,797.50 funds are available within the projects bond program budget. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a Work Authorization for Halff Associates, Inc. to provide utility coordination and subsurface utility engineering services on the FM 967 at Ruby Ranch Road property using the road bond project located in Precinct 2. All voting "Aye". MOTION PASSED**

WORKSHOP DISCUSSING THE NEW TEXAS SENATE BILL 18 AND HOW IT WILL AFFECT THE ACQUISITION OF PROPERTY FOR PUBLIC PROJECTS

Terry Morgan and Buck Ritz with HDR spoke of this new Texas Senate Bill 18 which takes in effect September 1, 2011 was passed by the Texas legislature and signed by the Governor on May 19, 2011, amends various statutes related to the scope and process of private property condemnation under the power of eminent domain. The bill also amends Vernon's Texas Civil Status regarding the power of eminent domain authority of certain charitable corporations in obtaining a residential property. Based on an analysis by state agencies, it is anticipated the bill will would result in increased costs for the acquisition of property through condemnations proceedings, especially those related to highway right-of-way projects and actions by institutions of higher education.

28218 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: DISCUSSION OF ISSUES RELATED TO A RIGHT OF WAY ACQUISITION ON FM 1626

Court convened into closed executive session at 12:10 p.m. and reconvened into open meeting at 12:12 p.m. In attendance were Special Counsel Mark Kennedy, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Lori Bible. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase Agreement as presented in the Executive Session between Hays County and Greg Land Cattle Company Ltd related to Right of Way acquisition along FM 1626. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CIVIL ACTION NO. 1:11-CV-00145 (STYLED "ROBERT THREADGILL VS. DAVID CLAY BAIN, ET. AL.") IN THE WESTERN FEDERAL DISTRICT COURT, CIVIL ACTION NO. 1:11-CV-233-SS (STYLED "WILLIAM G., ET. AL. VS. WIMBERLEY I.S.D., ET. AL.") IN THE WESTERN FEDERAL DISTRICT COURT, AND CIVIL ACTION NO. A-11-CA-343 LY (STYLED "MARK DAVID SIMMONS V. HAYS COUNTY SHERIFF'S DEPARTMENT, ET. AL.") IN THE WESTERN FEDERAL DISTRICT COURT; AND PENDING LITIGATION RELATED THERETO

Court convened into closed executive session at 12:30 p.m. and reconvened into open meeting at 1:30 p.m. In attendance were Special Counsel Mark Kennedy, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Sheriff Cutler, Chief Jamie Page, Mike Shaunessy, and Brian Caddy.-No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Court decided to leave the burn ban in effect. Judge Cobb mention the Fireworks Ban has lapsed.

County Clerks Note Item # 30: *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**

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

Jeff Watson of HNTB gave an overview of the project.

28219 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Captain Mark Cumberland of the Sheriff's Office spoke of having an opening for a Lead Dispatcher and would like to promote a current Dispatcher to a Lead Dispatcher and hire a replacement for a Dispatcher position. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to fill the Lead Dispatcher and Dispatcher openings in the Sheriff's Office**. **All voting "Aye". MOTION PASSED**

Jerry Pinnix Parks Administrator would like to hire a full time Parks Attendant. This position is due to parks and soccer fields still open and other recycling projects. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to hire a vacant full time Parks Attendant**. **All voting "Aye". MOTION PASSED**

County Clerks Note Item # 33: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 July 12, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH DAY OF JULY 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley 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

Special Counsel Mark Kennedy introduced the court to Frank Davis as the new Assistant District Attorney.

28220 ADOPT A PROCLAMATION RECOGNIZING JULY 17-23 AS PROBATION, PAROLE, AND COMMUNITY SUPERVISION WEEK IN HAYS COUNTY

Rochelle Thomas and Lisa H. Pacheco Deputy Director of the Hays County Probation Department spoke and introduced the officers that work in her office Rosalinda Hernandez, Brittany Martinez, Michelle Acosta, Jose Saldana, Dee Bartlett, Michael Hartman, Rosaura Viramontes-Flores and Eric Aguirre. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing July 17-23 as Probation, Parole, and Community Supervision Week in Hays County. All voting "Aye". MOTION PASSED**

28221 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve county invoices in the amount of $ 1,119,665.97 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28222 APPROVE COMMISSIONERS COURT MINUTES OF JULY 19, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of July 19, 2011 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28223 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-DOCUMENTARIES AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT AND AMEND BUDGET ACCORDINGLY

The Historical Commission has received donations for the Parks Johnson documentary. These funds will be used for the production and distribution of the Park Johnson DVD's. No matching funds needed. Amount required is $15,000.000 (001-676-00-055.4610). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept contributions for the Historical Commission-documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly. All voting "Aye". MOTION PASSED**

28224 AMEND THE LCRA FUND TO COVER REIMBURSEMENT FOR TWO PUBLIC NOTICE ADS FOR THE PUBLIC MEETING RELATED TO THE CREATION OF THE PUBLIC UTILITY AGENCY

Commissioner Whisenant from Precinct 4 would like to amend the LCRA fund to cover reimbursement for two public notice ads to run in the San Marcos Daily Record for the public meeting related to the creation of the Public Utility Agency. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the LCRA Fund to cover reimbursement for two public notice ads for the public meeting related to the creation of the Public Utility Agency. All voting "Aye". MOTION PASSED**

28225 INCREASE REVENUE AND EXPENDITURES FOR JUVENILE DETENTION OPERATING & GRANT SCHOOL LUNCH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The FY 2011 budget for the Juvenile Detention Center was budgeted using an average of 84 kids in the program. These numbers have increased to a monthly average of 96 kids. Operating expenses have increased due to housing more juveniles. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to increase revenue and expenditures for Juvenile Detention Operating & Grant School Lunch program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28226 RECOGNIZE TEXAS DEPT. OF TRANSPORTATION'S AWARD OF THE RM 12 AT SPORTS PARK DRIVE TO THE LOW BIDDER, ASPHALT PAVING COMPANY OF AUSTIN

The RM 12 at Sports Park Drive project was identified by the voters as a priority safety improvement project in Precinct 4 as part of the 2008 Priority Road Bond Program. The project design is complete and is currently awaiting award to the low bidder pending Commissioners Court approval. As per the Advanced Funding Agreement between the Texas Department of Transportation and the County, TxDot is required to obtain approval from the County prior to awarding a contract to the low bidder if the bid is more than 20 % above the latest design engineers estimate. Current engineers estimate is $317,107.12. Low bidder was Asphalt Paving Company of Austin at $ 400,000. Approximately 26% over the engineers estimate. There was a total of five bids received which range from $405,162 to $507,979. Although the low bidder was above the engineer's estimate, it is still well below the construction amount identified in the Advanced Funding Agreement ($585,000) as well as the amount programmed for construction of the project in the road bond program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to recognize Texas Dept. of Transportation's award of the RM 12 at Sports Park Drive to the low bidder, Asphalt Paving Company of Austin. All voting "Aye". MOTION PASSED**

28227 RESUBDIVISION OF LOT 6, THOMPSON RANCH ESTATES [11-3-13--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 Botkin Subdivision Coordinator gave an overview of the plat and gave staff recommendationl. Clint Garza Director of Development Services spoke of the state rules and Hays County rules on the limits of lots sizes. The Thompson Ranch Estates is a 16 lot subdivision located off of Wayside Drive in Precinct 3. The owner of lot 6 wishes to divide the 9.398 acre lot into two new parcels. The new configuration will consist of the following; Lot 6-A 3.98 acres which is currently served by a private well and an on-site sewage facility and Lot 6-B 6.acres will utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant approve final plat of resubdivision of Lot 6, Thompson Ranch Estates 2 Lots. All voting "Aye". MOTION PASSED**

28228 AMENDING PLAT OF LOTS 22 AND 23 SOUTHRIDGE ESTATES SUBDIVISION [11-1-19--2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON AUGUST 16, 2011**

Clint Garza Director of Development Services spoke of Southridge Estates being in Hays County and Guadalupe County. The Southridge Estates is an 88 lot subdivision located off of Centerpoint Road in Precinct 1. Although the subdivision was platted in 1976, numerous changes have taken place and there are only 45 total owners within the entire division. The owner of lot 23 wishes to divide the lot into 2 new lots resulting in a 1.036 acre lot 23A and a .50 acre lot 23B. In addition to the subdivision, the owner of lot 23 owns portion of lot 22. At the time lot 22 was divided by metes and bounds, the resulting tract (.39 ac) was too small for an on-site facility. Although the current owner of Lot 23 did not divide the original portion she has agreed to convey .11 acres to the neighboring lot owner to not only correct the platting errors but also ensure the lot had sufficient acreage to be granted a permit in the future. Lot 22 and 23A will be served by existing permitted OSSF's and public surface water supply. Lot 23B will be served by an advanced OSSF and public water supply once it's developed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve preliminary plan of Lot 22 and Lot 23 Southridge Estates Subdivision (2 Lots) and call for public hearing on August 16, 2011. All voting "Aye". MOTION PASSED**

28229 AUTHORIZE THE PURCHASE OF SECURITY EQUIPMENT FOR THE HAYS COUNTY GOVERNMENT CENTER

Bob Hinkle of Broaddus and Associates spoke. Lt. Ronnie Strain of the Hays County Sheriff Office spoke of the security equipment for the Hays County Government Center has been identified and will stay at the Government Center. This is totally funded from the Government Center Project Budget in the amount of $79,148.00. The equipment needed are: 2 Less Lethal Shotgun (005-850-94-489.57147), 1 key Warden (005-850-94-489.57190, 6 PD140 Hand Held Metal Detector (005-850-94-489.5717), 2 HIPE-Multizone with Zone Detection (005-850-94-489.5719), 2 Optional Traffic Counter with Analysis Software (005-850-94-489.5719), 2 Hi-Scan 6040ds High Performance X-Ray, 2 1 Meter Entry/Exit Table (005-850-94-489.5711), 2 2 Meter Entry/Exit Table (005-850-94-489.5711), 1 Secureit Model 84 Tactical Weapons Rack (005-850-94-489.5717), 1 EV48L4S All Terrain Vehicle (005-850-94-489.5713). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the purchase of security equipment for the Hays County Government Center as provided in the back up at a cost of $79,148.00 and is budgeted within the total project cost. Commissioner Jones, Commissioner Conley voting "No". Commissioner Ingalsbe, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28230 AUTHORIZE THE PURCHASE OF THREE (3) CELL PHONES AND SERVICE FOR THE SECURITY PERSONNEL AT THE HAYS COUNTY GOVERNMENT CENTER AND AMEND THE BUDGET ACCORDINGLY

Lt. Ronnie Strain of the Hays County Sheriff Office spoke. Captain Mark Cumberland spoke of the cell phones are only being used by Sergeants and Lieutenant's not deputies. The purchase of the 3 cell phones total cost is $1,740 per year or $145 per month. The Sheriff's Office budget this amount for next year's budget and is asking for $435 now to cover for the months of July, August, and September. Funds have been identified in the Sherriff's Office Operating, Law Enforcement supplies to cover this. Amount required $435.00 (001-613-00.5489). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the purchase of three (3) cell phones and services for the Security Personnel at the Hays County Government Center the funds will be coming out of the current Sheriff's Office in the amount of $435.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28231 RE-ASSIGN THE RESPONSIBILITIES OF COMPLIANCE AND COLLECTIONS FOR HAYS COUNTY COURTS-AT-LAW #1 AND #2 FROM THE COMPLIANCE AND COLLECTIONS DEPARTMENT TO THE COUNTY COURTS-AT-LAW EFFECTIVE JULY 19, 2011

Special Counsel Mark Kennedy spoke. Judge Linda Rodriguez spoke of the personnel change, computer, phone lines and case files she would like them to be transferred to her office. Judy Seim Compliance Administrator spoke of the equipment and case files when she is audited. Commissioner Conley explained how the collections department who have the responsibility to this court to collect for County Courts-at-Law and District Court. Judge Linda Rodriguez and Judge Robert Updegrove will have the responsibility for collections out of the county court office. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to re-assign the responsibilities of compliance and collections for Hays County Courts-at-Law #1 and #2 from the Compliance department and Collections department to the County Courts-at-Law and that all associated equipment, computers and phone lines to be transferred to County Court at Law along with the salary position and to authorize County Court-at-Law to fill the position effective immediately. All voting "Aye". MOTION PASSED**

28232 APPROVE A RESOLUTION ACCEPTING A SUPPLEMENTAL CONTRACTUAL AGREEMENT BETWEEN HAYS COUNTY AND TXDOT FOR RIGHT OF WAY PROCUREMENT BY A LOCAL GOVERNMENT AND AUTHORIZE THE JUDGE TO EXECUTE SAID AGREEMENT

On August 19, 2009 the County entered into an agreement with the State for the reimbursement of right of way acquisition costs associated with the RM 12 road bond project from FM 3407 (Wonder World Drive) to RM 32. This agreement, which terminated on August 31, 2009, reimbursed the County for 90% of the ROW acquisition costs incurred up to the termination date. Total reimbursement to the County under the initial agreement was $670,174.20. Recently the State has determined that there will be funds available for additional reimbursements to the County for right of way acquired by the County on RM 12 and has agreed to supplement the original agreement to extend the termination date to August 31, 2011 and increase the State maximum participation amount of $1,500,000. Current additional right of way acquisitions eligible for reimbursement under the supplemental agreement total approximately $284,000. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve a resolution accepting a Supplemental Contractual Right Away Agreement between Hays County and TxDOT for right of way procurement by a local government and authorize the Judge to execute said agreement. All voting "Aye". MOTION PASSED**

28233 APPROVE THE PERSONAL HEALTH DEPARTMENT (PHD) APPLYING TO THE NATIONAL HEALTH SERVICE CORPS (NHSC) FOR THE SAN MARCOS AND KYLE CLINICS TO BE DESIGNATED AS NHSC CLINICAL SITES

Priscilla Hargraves Personal Health Department Director spoke of the approval of the application. The membership in the National Health Service Corps provides benefits for the Personal Health Department this would better able to recruit and retain providers by offering an opportunity for them to participate in loan repayment; access to free and unlimited postings of open job opportunities; availability of linkages to academic institutions and other organizations to support recruitment efforts; and access to networking opportunities with other NHSC sites and clinicians. The PHD also requests approval of the attached sliding scale fee schedule. This does not represent a change for the Family Clinic, but is a change for the Women's Health and Well Child Departments, which currently charges a flat fee for services. A sliding scale fee schedule throughout the clinic is a requirement to apply for NHSC clinic status. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the Personal Health Department (PHD) applying to the National Health Service Corps (NHSC) for the San Marcos and Kyle clinics to be designated as NHSC clinical sites and to adopt the fee schedule as amended. Judge Cobb voting "No". Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Commissioner Whisenant voting "Aye". MOTION PASSED**

28234 PUBLIC HEARING TO FINALIZE CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza Director of Development Services spoke of the proposed changes; including groundwater monitoring wells, building line setbacks, storm water runoff and flood plain ordinance. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to finalize changes to the Hays County Development Regulations and strike of the line item in Sub-Chapter 3.02 page 100 reads as follows: The volume, rate, and timing of runoff after development should closely approximate the conditions before development moving to strike those words. All voting "Aye". MOTION PASSED**

28235 APPROVE SCOPE AND FEE FOR PRODUCING A TRANSPORTATION PLAN FOR HAYS COUNTY

Joe Cantalupo Executive Director of CAMPO (Capital Area Metropolitan Planning Organization) spoke of the transportation plan. Water system plan might affect growth of development for transportation plan. Lenee Lovejoy resident of San Marcos spoke. This scope of work for the Hays County Transportation Plan was developed to address the interests of Hays County in developing the Hays County Transportation Plan. It was developed to address the following: (1) develop a transportation plan that is based on sound technical analysis; (2) accommodate growth while maintaining and improving access to destinations for the traveling public (work, school, shopping, residential) (3) maintenance and improvement of the transportation system and the mobility of its users (4) providing the county with the information and tools needed to preserve the right of way needed for future transportation improvements (5) development of a transportation plan through an open and transparent process that provides numerous and various ways for the public to stay involved and provide input into the process (6) Creation and adoption of a transportation plan that not only addresses specific project needs but one that also sets an overall direction for the transportation future of Hays County. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve Scope and Fee for producing a Transportation Plan for Hays County using $50,000 which has been identified in countywide 2011 budget for transportation planning to identified $250,000.00 within the road and bridge budget in the current year and the difference of the amounts will be added and submitted to the County Judge within the 2012 budget in countywide to make up the difference for the remaining in the 2012 budget. All voting "Aye". MOTION PASSED**

28236 RENEW THE SOLID WASTE HAULING CONTRACT WITH TDS AND APPROVE THE QUOTE FOR A 10 YEAR LEASE ON A STATIONARY COMPACTOR

Jerry Pinnix Director of Transfer & Citizens Collection and Parks spoke of the fees and the quote for the 10 year lease of the stationary compactor which includes all maintenance, labor, and repairs. The hauling rate will remain the same for now, with a 3.5% per year increase starting in September 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to renew the solid waste hauling contract with TDS and approve the quote for a 10 year lease on a stationary compactor. All voting "Aye". MOTION PASSED**

28237 ADOPT A RESOLUTION REGARDING COUNTY POLICY IN THE ACQUISITION OF PARKS AND OPEN SPACE PROPERTIES

J.B. Kolodzey resident of Buda and Lenee Lovejoy resident of San Marcos spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve a Resolution regarding County policy in the acquisition of parks and open space properties. All voting "Aye". MOTION PASSED**

28238 AUTHORIZE THE COUNTY JUDGE TO APPROVE THE PROPOSED APPLICATION FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS FUNDING FOR FY 2012 IN THE AMOUNT OF $122,428.00

Priscilla Hargraves Personal Health Department Director spoke. Charles Chapman R.N. and Kharley Smith gave an overview of the Grant Program. H1N1 and Bio-Terrorism is Health Emergency. This application between the Hays County Personal Health Department and the Texas Department of State Health Services for public Health Emergency Preparedness funds for FY 2012. The award is for $122,428.00. There is a 10% match required for FY2012 of $12,243.00. The funding is for August 1, 2011 through July 31, 2012. For FY2011 the county was required by the state to have a 10% match which was done. For FY2012 funding was cut by 16% which will be funded from the Personal Health Department Operating budget. Amount required $13,243.00 (120-675-00.5230 and 120-675-00.5431). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to approve the proposed application for Public Health Emergency Preparedness funding for FY 2012 in the amount of $122,104.26. All voting "Aye". MOTION PASSED**

28239 APPROVE A CONTRACT WITH CBRE FOR PROFESSIONAL REAL ESTATE SERVICES

Commissioner Conley and Special Counsel Mark Kennedy spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve a contract with CBRE for Professional Real Estate Services for Hays County with the amendments that have been made by the court that will be negotiated and work on by Special Counsel. All voting "Aye". MOTION PASSED**

28240 INSTRUCT STAFF TO DEVELOP A LIST OF PROJECTS TO SUBMIT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO), HAYS COUNTY WILL HAVE INPUT ON HOW THE DISTRICT (TXDOT) SPENDS SEPARATE PROPOSITION 12 FUNDING THROUGH CAPITAL AREA REGIONAL TRANSPORTATION PLANNING (CARTPO)

Michael Aulick of Aulick and Associates spoke of the submitted applications for funding. STP MM Funding is available for FY 2012, FY 2013, and FY 2014. Hays County submitted 17 project applications on June 30, 2011, 7 applications on state highway systems and 7 applications on county roadways. Proposition 12 funding within CAMPO Area is available for FY 2012 and FY 2013 and is state fund-no match required. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to instruct staff to develop a list of projects to submit to the Capital Area Metropolitan Planning Organization (CAMPO) and to (CARTPO) Capital Area Regional Transportation Planning in regards to Proposition 12 funding and for Mr. Aulick and Mr. Borcherding to coordinate with County Commissioners and County Judge on partition projects and priority of those projects and to be submitted by August 5, 2011. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Court decided to leave the burn ban in effect.

County Clerks Note Item # 23: *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**

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

Jeff Curren gave an overview of the road bond projects that have been completed and that are currently being worked on.

County Clerks Note Item # 25: *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 # 26: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 July 19, 2011.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF JULY A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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:

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

DISCUSSION REGARDING THE REDISTRICTING OF COMMISSIONERS PRECINCT LINES IN HAYS COUNTY

R. Amir Mamori Attorney representing Rolando Rios, LLC gave an overview of redistricting and presented a map drawn by Rolando Rios, LLC firm. Special Counsel Mark Kennedy spoke of the 4-Member Redistricting Committee that was appointed in March and one person was later replaced. Committee met four times between March and July to come up with preliminary maps. Lila Knight-Kyle resident, Wally Kinney-Dripping Springs resident, Esperanza Orosco-Kyle resident, Sam Brannon-San Marcos resident, Diane Herval-Kyle resident, John R. McDougall-Kyle resident, Barbara Hopson-Wimberley resident spoke.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn.

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 July 25, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26TH DAY OF JULY 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:

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

28241 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 $ 3,247,83.00 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28242 APPROVE COMMISSIONERS COURT MINUTES OF JULY 19, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of July 19, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28243 APPROVE RENEWAL OF THE RENTAL AGREEMENT BETWEEN DPS (DEPARTMENT OF PUBLIC SAFETY) AND APPLIED CONCEPTS INC. (ACI) FOR THE STALKER RADAR EQUIPMENT AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve renewal of the rental agreement between DPS (Department of Public Safety) and Applied Concepts Inc. (ACI) for the Stalker Radar Equipment and authorize County Judge to execute same. All voting "Aye". MOTION PASSED

28244 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR ANGELO FLOIRAN IN THE SHERIFF'S OFFICE

A grant is funding the out of state training so there are no county funds required for this travel request. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Out of State Training Travel Request for Angelo Floiran in the Sheriff's Office. All voting "Aye". MOTION PASSED**

28245 AUTHORIZE AUCTION SALE OF VEHICLES, SMALL OFFICE BUILDING, AND FENCING NO LONGER IN USE BY THE SHERIFF'S DEPARTMENT WITH RENE BATES AUCTIONEER

The Sheriff's Office would like to auction the following (2) 2001 Ford Crown Vic, (1) 2007 Dodge Charger, (1) 2006 Ford Expedition, (3) 2006 Ford Crown Vic, (3) 2005 Ford Crown Vic, (1) 1997 Ford Taurus Lx, (1) 1997 Ford Crown Vic, (1) 1991 Ford E-350 Ambulance, (1) 2004 Ford Crown Vic, (1) 1995 El Dorado Bus w/wheelchair Lift, (1) 1997 Homemade Horse Trailer (seized unit), fencing materials. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize auction sale of vehicles, small office building, and fencing no longer in use by the Sheriff's Department with Rene Bates Auctioneers. All voting "Aye". MOTION PASSED**

28246 APPROVE AWARD OF BID #2011-B06 "CEMETERY MAINTENANCE" TO DRIPPING SPRINGS LAWN

There were four bids received from Dripping Springs Lawn, Greater Tx Landscape, Oldham Fence, Maintenance Mgt with Dripping Springs Lawn providing the lowest bid. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve award of Bid #2011-B06 "Cemetery Maintenance" to Dripping Springs Lawn. All voting "Aye". MOTION PASSED**

28247 APPROVE MOVEMENT OF FUNDS BUDGETED IN COMPLIANCE ADMINISTRATION TO COUNTY COURT-AT-LAW #2 FOR COLLECTION SPECIALIST POSITION

On July 19, 2011 Commissioners Court authorized the movement of 1 Collections Specialist position from the Compliance Administration department to County Court at Law #2. Funds for staff salary, fringe benefits and telephone expense related to this position for the remainder of FY 2011 will be moved from the Compliance budget to the County Court at Law # 2 budget. Amount required $8,795. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve movement of funds budgeted in Compliance Administration to County Court-at-Law #2 for collection specialist position. All voting "Aye". MOTION PASSED**

28248 AMEND THE VETERAN'S SERVICES OFFICE BUDGET TO ALLOCATE MATCHING FUNDS FOR THE TXDOT SECTION 5310 (MAINTENANCE) GRANT FOR VEHICLES AND AUTHORIZE THE PURCHASE OF TWO AUTOMATIC EXTERNAL DEFIBRILLATORS FOR PLACEMENT IN VEHICLES FROM THESE FUNDS

On June 15, 2010 the Commissioners Court executed a Project Grant Agreement with TXDOT for Section 5310 funding for the Veteran's Services Office that included both the capital purchase of the van (no match required) and vehicle maintenance funds in the amount of $7500.00 for the TxDot-funded vehicles, with 20% match ($1875.00) required to bring the maintenance portion of the grant to a total of $9,375.00. A total of $750.00 was initially budgeted for match and needs to be increased by $1,125.00. This budget amendment allocates the remainder of the local match required for the vehicle maintenance grant, and authorizes the VSO to purchase two Automatic External Defibrillators for the vehicles which will be covered under the maintenance funds on an 80/20 funding ratio. The budget amendment will utilize salary savings for the required matching funds. The total cost for the two defibrillators is $2,647.00, with a County match of $530.00 (20%) and the remainder ($2,117.00) TxDot funds. Amount required is $1,125.00 within existing Veteran Service Office Budget. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Veteran's Services Office budget to allocate matching funds for the TxDOT Section 5310 (Maintenance) grant for vehicles and authorize the purchase of two Automatic External Defibrillators for placement in vehicles from these funds. All voting "Aye". MOTION PASSED**

28249 AMEND JUVENILE PROBATION TJPC X GRANT BUDGET TO USE SAVINGS IN GENERAL SUPPLIES TO PURCHASE AN AVER VISION 300AF+ DOCUMENT CAMERA FOR THE GED PROGRAM

This amendment will allow the program to spend the grant award with no matching funds required from the County. Amount required $576.00 budgeted in Juvenile Probation (001-686-99-035.5201). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend Juvenile Probation TJPC X Grant budget to use savings in general supplies to purchase an Aver Vision 300AF+ document camera for the GED program. All voting "Aye". MOTION PASSED**

28250 RESUBDIVISION OF LOTS 19 AND 20, LOS RANCHOS [11-4-9--6 LOTS] **APPROVE PRELIMINARY PLAN; CALL FOR PUBLIC HEARING AUGUST 23, 2011**

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Los Ranchos is a recorded subdivision located off of F.M. 150 in Precinct 4. The subdivision was originally platted in 1978 as a 28 lot subdivision. The current configuration of the two lots consists of seven unplatted parcels, three of which are currently developed. This purpose of this resubdivision is to plat six new lots, thereby allowing the existing parcels to be further developed. The proposed lot sizes are as follows: Lot 20A, 6.68: Lot 20B, 2.00 acres: Lot 20C, 2.02 acres: Lot 20D, 2.00 acres: Lot 19A, 3.24; Lot 19B, 4.61. Water and wastewater service for lots 20A, 20B, 20C, 20D and 19B, will be provided by individual water wells on-site sewage facilities. Lot 20B, 20C, and 20D are restricted to advanced septic systems only. Lot 19A will be restricted to rainwater collection and will also utilize an OSSF. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve preliminary plan of Resubdivision of Lots 19 and 20 Los Ranchos and call for a public hearing August 23, 2011. All voting "Aye". MOTION PASSED**

28251 AUTHORIZE PAYMENT OF THE FOLLOWING INVOICES FOR THE HAYS COUNTY JUVENILE CENTER: $1,205.15 & $514.82 TO CLIFFORD POWER SYSTEMS; $334.84 TO FLOWERS BAKING CO., $1,816.65 & $1,604.94 TO LABATT FOOD SERVICE, AND $503.37 TO AVATT SERVICES

Brett Littlejohn, Juvenile Detention Director, spoke of the Hays County Juvenile Center would like to authorize the payments to Clifford Power Systems $1,205.315, $514.82 and Avatt Services in the amount of $503.37 (070-685-00.5207, Flowers Baking Co. $334.84, and $1,816.65 & $1,604.94 to Labatt Food Service (070-685.99.0175235). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant, to authorize payment of the following invoices for the Hays County Juvenile Center: $1,205.15 & $514.82 to Clifford Power Systems; $334.84 to Flowers Baking CO., $1,816.65 & $1,604.94 to Labatt Food Service, and $503.37 to Avatt Services. All voting "Aye". MOTION PASSED**

Clerks Note Agenda Item # 12 RE: *AUTHORIZE COMPLETION OF DESIGN FOR RM 967 AT RUBY RANCH ROAD AND LET THE PROJECT FOR CONSTRUCTION*-**was pulled**

28252 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MASTER SERVICES AGREEMENT BETWEEN HAYS COUNTY AND SECURUS TECHNOLOGIES, INC. FOR THE IMPLEMENTATION OF INMATE-RELATED APPLICATIONS

Hays County Sheriff Gary Cutler, Captain Brad Robinson of the Sheriff's Office and Sally Zeitvogel, Account Manager with Securus Technologies, Inc. spoke of the use of space in the Law Enforcement Center to make inmate-related applications (telephones, electronic mail equipment, etc.) available to the jail population. In addition to receiving a technology fund in the amount of $40,000, the County will receive a 58% commission on gross revenues under the contract**. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28253 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE REAL PROPERTY LEASE BETWEEN SM LEASING, INC. AND HAYS COUNTY, RELATED TO SPACE FOR THE MAINTENANCE DEPARTMENT

Special Counsel Mark Kennedy spoke of the contract with San Marcos Leasing. SM Leasing has agreed to extend the existing lease and allow it to convert to a month-to-month lease, granted that both parties agree to provide at least 90 days notice before termination. This arrangement would provide Hays County with a fixed price for the space while allowing flexibility to transition into other space arrangements should the need arise. Amount required $2,985.30 per month. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Amendment to the real property lease between SM Leasing, Inc. and Hays County, related to space for the Maintenance Department. All voting "Aye". MOTION PASSED**

28254 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE FUNDING AGREEMENT BETWEEN HAYS COUNTY AND LBJ MUSEUM OF SAN MARCOS, INC.

Special Counsel Mark Kennedy and Scott Gregson Vice President of San Marcos, Inc. spoke of the agreement with the LBJ Museum of San Marcos, Inc. The LBJ Museum of SM, Inc. would contract for the construction services described in the Funding Agreement. However, Hays County recently contracted for those services, In addition, the Museum inadvertently left construction services related to the elevator out of the bid package that Hays County used to execute its contract. The Museum intends to contract for those services independent of the County's contract. As a result of these modifications, changes to the Funding Agreement were needed to adequately describe the distribution of funding by the Parties. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to the Funding Agreement between Hays County and LBJ Museum of San Marcos, Inc. All voting "Aye". MOTION PASSED**

28255 PROVIDE FUNDS FOR A 1999 TAHOE DONATED FROM THE CITY OF SAN MARCOS TO HAYS COUNTY CONSTABLE PCT 3, IN WHICH TO INSTALL A LCRA RADIO AND GRAPHICS

Constable Ray Helm the spoke of for graphics this vehicle on the street for professional use. Hays County Constable Precinct 3 would like to pay $650 out of his community projects fund, and propose the use of contingency funds for the LCRA radio ($3,380). Amount required is $ 3,380(001-645-00.5399). **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to provide funds for a 1999 Tahoe donated from the City of San Marcos to Hays County Constable Pct 3, in which to install a LCRA radio and graphics for a total of $650 out of community projects fund and $3,380 out of contingencies. All voting "Aye". MOTION PASSED**

28256 UPDATE THE COMMISSIONERS COURT AND STAFF ON THE STATUS OF THE SUBMITTAL OF AN APPLICATION FOR CAMPO FUNDING FOR IMPROVEMENTS TO IH-35 AT ROBERT S. LIGHT BOULEVARD AND TO SECURE A FINANCIAL COMMITMENT FROM THE COUNTY FOR LOCAL MATCH TO BE USED FOR EARLY ENGINEERING AND ENVIRONMENTAL COSTS

On June 28, 2011, former Hays County Commissioner Jeff Barton presented information on the submittal of an application for STP MM funding through CAMPO for improvements to IH-35 at Robert S. Light Blvd (also known as Buda Truck Bypass). The court unanimously passed a motion to support the project and gave a commitment to fund $ 40,000 as part of the local match. Funds have been identified from RPTP Operating Budget line item for Road Materials and Supplies (020-710-00.5351) and will be given back on a pro rata basis if not spent. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to update the Commissioners Court and staff on the status of the submittal of an application for CAMPO funding for improvements to IH-35 at Robert S. Light Boulevard and to secure a financial commitment from the County for local match to be used for early engineering and environmental costs. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed executive session at 9:52 a.m. and reconvened into open court meeting at 11:04 a.m. In attendance in Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Ingalsbe, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Frank Davis Assistant District Attorney. No Action Taken.

Clerks Note Agenda Item # 20 RE: *ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION*-**was pulled**

Clerks Note Agenda Item # 20 RE: *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**

Clerks Note Agenda Item # 21 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

Clerks Note Agenda Item # 22 RE: *APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)*-**was pulled**

Clerks Note Agenda Item # 23 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adjourn court All voting "Aye". MOTION PASSED

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 July 26, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2ND DAY OF AUGUST 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**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT. 2 MARK JONES AND COMMISSIONER PCT.4 RAY O. WHISENANT, JR., ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor John Minton of Cross Roads Christian Fellowship Church 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

Constable Pct. 2 James Kohler, Rob Roarke – San Marcos resident, Sam Brannon – San Marcos resident made public comments.

28257 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,405,246.77 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28258 APPROVE COMMISSIONERS COURT MINUTES OF JULY 25 AND JULY 26, 2011

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of July 25 and July 26, 2011 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28259 APPROVE SPECIFICATIONS FOR BID #2011-B07 "ROAD IMPROVEMENTS HOT-MIX OVERLAY" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve specifications for Bid #2011-B07 "Road Improvements Hot-Mix Overlay" and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

28260 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL CONTRACT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR ENHANCED 9-1-1 DATABASE

This is a renewal of an Interlocal Contract with CAPCOG for the participation in implementing the enhanced 9-1-1 emergency telephone system in the Region. CAPCOG agrees to compensate the County for services described in the contract for an amount not to exceed $99,967 annually for FY2012 & FY 2013. The contract will be effective September 1, 2011 through August 31, 2013. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Contract with the Capital Area Council of Governments (CAPCOG) for Enhanced 9-1-1 database. All present voting "Aye". MOTION PASSED**

28261 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR PSAP MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING CONTRACT IN THE AMOUNT OF $1,250.00

This is a renewal of an Interlocal Contract between CAPCOG and Hays County. CAPCOG agrees to pay Hays County $1,250.00 for the purchase of supplies and to maintain its PSAP's, upgrade its equipment, and train personnel to participate in the enhanced 9-1-1 emergency telephone system in the Region. The contract will be effective September 1, 2011 through August 31, 2013. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement with the Capital Area Council of Governments (CAPCOG) for PSAP Maintenance, Equipment Upgrade and Training contract in the amount of $1,250.00. All present voting "Aye". MOTION PASSED**

28262 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CONSTABLE PCT. 5 OFFICE

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's Office performed an internal examination of the Hays County Constable Precinct 5 financial records for the period of September 1, 2009 to March 31, 2011. The internal examination consisted of reviewing disbursements, receipts, deposits, fixed assets, and other supporting documentation. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept the delivery of the Internal Examination Report for the Hays County Constable Pct. 5 Office. All present voting "Aye". MOTION PASSED**

28263 AMEND BUDGET IN GENERAL FUND FOR DISTRICT COURT JURY FROM COUNTYWIDE

The District Clerk has had unusually high numbers of jury trials (murders, child molestation & other felony cases, requiring additional jury expense. District Clerk would like to transfer from within its budget only $ 17,900 but will need $14,100, which can transfer from Countywide insurance. Amount required $14,100 to 001-608-00.5306 District Court Jury from 001-645-00.5340 Countywide Insurance **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend Budget in General Fund for District Court Jury from Countywide. All present voting "Aye". MOTION PASSED**

28264 APPROVE THE RENEWAL OF THE 457 DEFERRED COMPENSATION PLAN WITH NATIONWIDE RETIREMENT SOLUTIONS AND ADD THREE NEW SERVICES FOR EMPLOYEES THROUGH THIS PLAN

Michele Tuttle Hays County Treasurer gave an overview of the Deferred Compensation Plan. Approve the renewal of the 457 deferred compensation plan with Nationwide Retirement Solutions and add three new services for employees through this plan. Nationwide is now offering a Pro Account, employees may participate in if they choose as well as a Roth 457 option for investments and new transition support services. All of these items are at no cost to Hays County. The employees may choose to use these services and would be responsible for any related fees. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the renewal of the 457 Deferred Compensation plan with Nationwide Retirement Solutions and add three new services for employees through this plan. All present voting "Aye". MOTION PASSED**

28265 RATIFY MODIFICATIONS TO ARTICLES OF INCORPORATION TO HAYS COUNTY WATER AND SEWER AUTHORITY, INC

Initially the Secretary of State rejected the filing because of the absences of two statutorily required clauses. Counsel's opinion was that the changes made to accommodate the statutory requirements did not create a substantive change would affect how the court viewed of operated HCWSA, Inc. The two clauses related to Hays County residency requirements for directors and the requirement that the corporation shall have no members. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to ratify modifications to Articles of Incorporation to Hays County Water and Sewer Authority, Inc. All present voting "Aye". MOTION PASSED**

28266 APPROVE MOA BETWEEN SETON CANCER SCREENING PROGRAM AND THE PERSONAL HEALTH DEPARTMENT (PHD) TO PROVIDE MAMMOGRAPHY SERVICES AT THE PHD

Through this Memorandum of Agreement the Personal Health Department provides the space in which Seton Cancer Screening Program can conduct Mammography Services at the Personal Health Department's San Marcos Clinic. Seton provides mammogram services free of charge to clients who meet their income guidelines. At this time, these screenings are scheduled on a quarterly basis. This MOA will be in effect until April 30, 2014 unless terminated at an earlier date. The Personal Health Department had been providing Seton Mammograms in the space of the Women's Health Department for them to perform the mammograms for a number of years: however, the Personal Health Department has never had a Memorandum of Agreement stating that. Seton qualifies their clients, schedules and brings their own staff, supplies and equipment which is set up every quarter for 2 days on Monday's and Tuesday's. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve MOA between Seton Cancer Screening Program and the Personal Health Department (PHD) to provide mammography services at the PHD. All present voting "Aye". MOTION PASSED**

28267 APPROVE AN AFFILIATION AGREEMENT BETWEEN THE UNIVERSITY OF CINCINNATI COLLEGE OF NURSING (UC-CN) AND THE PERSONAL HEALTH DEPARTMENT (PHD) THROUGH WHICH THE PHD WILL PROVIDE A CLINICAL SITE FOR STUDENTS OF UC-CN

This is an agreement which the Personal Health Department will provide students from the University of Cincinnati College of Nursing program the opportunity of an internship program. This agreement may be terminated by either party with a 90 day notice. The PHD has had a request to allow a Nurse Practitioner student with the University of Cincinnati College Nursing to intern with the Women's Health Nurse Practitioner. This opportunity teaches students from Medical Assistants to Nurse Practitioners, Health and Wellness programs, Nutrition students and more. The affiliation agreement with the University of Cincinnati will allow to precept the student due to start the end of August and also any other of their students who would like to intern with the Health Department in the future. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve an Affiliation Agreement between the University of Cincinnati College of Nursing (UC-CN) and the Personal Health Department (PHD) through which the PHD will provide a clinical site for students of UC-CN. All present voting "Aye". MOTION PASSED**

28268 CALL FOR A PUBLIC HEARING ON AUGUST 16, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON PIEDRAS PASS IN ROCKY RANCH ACRES SUBDIVISION

This is to establish a speed limit of 25 MPH on Piedras Pass, off of Hilliard Rd, CR 222 and a stop sign on Piedras Pass at Hilliard Rd. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to call for a public hearing on August 16, 2011 to establish traffic regulations a speed limit of 25 MPH on Piedras Pass in Rocky Ranch Acres subdivision. All present voting "Aye". MOTION PASSED**

28269 RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR RIM ROCK SUBDIVISION, PHASE 3, SECTION 3

The Road Department has inspected and recommends its acceptance for maintenance. Roads included in this bond are Towering Cedar Drive, Flint Rock Loop, Rodgers Ravine Cove, Serrato Cove and Southern Sunset Cove. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to release of the maintenance bond and accept for maintenance all road and drainage improvements within County ROW for Rim Rock subdivision, Phase 3, Section 3. All present voting "Aye". MOTION PASSED**

28270 RELEASE OF A $1,351,555.10 CONSTRUCTION BOND FOR HIGHPOINTE PHASE 3, SECTION 1, AND ACCEPT A REPLACEMENT CONSTRUCTION BOND FOR THE SAME AMOUNT

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Developer for Highpointe Ph 3 Section 1 has changed thus requiring a replacement bond indicating the new principal. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to release a $1,351,555.10 Construction Bond for HighPointe Phase 3, Section 1, and accept a replacement Construction Bond for the same amount. All present voting "Aye". MOTION PASSED**

28271 APPROVE PRELIMINARY PLAN OF RESUBDIVISION LOT 10, SILVER SPUR RANCHETTES, SECTION 2 [11-4-18 – 5 LOTS] **AND CALL FOR PUBLIC HEARING AUGUST 30, 2011**

Roxie Botkin Subdivision Coordinator gave staff recommendation**.** Silver Spur Ranchettes is a platted subdivision located off of Davy Crockett Drive in Precinct 4. Section 2 has 11 lots and platted in 1962. The section is located in both Travis and Hays Counties. There are currently 20 parcels on the CAD Records. The owner of lot 10 wishes to divide his 35.51 acres into 5 new lots. The proposed lot sizes are as follows; Lot 10A, 10.5 acres; Lot 10B, 5.02 acres; Lot 10D, 8.69 acres; Lot 10E, 6.28 acres. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve preliminary plan of Resubdivision of Lot 10 Silver Spur Ranchettes, Section 2 and call for a public hearing August 30, 2011. All present voting "Aye". MOTION PASSED**

28272 ACCEPT AND APPROVE THE PURCHASE ORDER WITH ATTACHMENTS BETWEEN HAYS COUNTY AND EXPERT RELOCATION SYSTEMS FOR THE GOVERNMENT CENTER COMMERCIAL MOVE SERVICES INCLUDING PRE-MOVE CONSULTING IN THE AMOUNT OF $3,312.00 AND EXPERT RELOCATION SYSTEMS' PROPOSED ALTERNATE SCHEDULE STRATEGY FOR THE EMPLOYEE CONTENTS RELOCATION IN THE AMOUNT OF $65,190.70, AS PROPOSED IN THEIR RESPONSE TO RFP# 2011-P14, FOR THE TOTAL PURCHASE ORDER AMOUNT OF $68,502.70

Bob Hinkle of Broaddus & Associates Hays County issued RFP#2011-P14 for Commercial Move Services for the Government Center on June 15, 2011. Responses were received on June 30, 2011. The Scope of Work includes Pre-Move Consulting and Employee Contents Relocation of eighteen county departments to the new Government Center. All Post-Move Consulting will be directed separately, as needed, per unit prices proposed by Expert Relocation Systems in their response to the RFP. Exclusions include all Information Technology servers and racks and copiers which may be moved by copier vendor, if leased. Although Expert Relocation Systems Commercial Moving Services was the only company to submit a bid, Broaddus & Associates does have experience with this moving company and finds them to be a very good company. Hays County has found the proposal to be appropriate and well below the allocated moving budget of $150,000.00. Amount required $68,502.70 Government Center Budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept and approve the Purchase Order with Attachments between Hays County and Expert Relocation Systems for the Government Center Commercial Move Services including Pre-Move Consulting in the amount of $3,312.00 and Expert Relocation Systems' proposed alternate schedule strategy for the Employee Contents Relocation in the amount of $65,190.70, as proposed in their response to RFP# 2011-P14, for the total Purchase Order amount of $68,502.70. All present voting "Aye". MOTION PASSED**

28273 APPROVE THE HARDWARE AND SOFTWARE INFRASTRUCTURE FOR INFORMATION TECHNOLOGY FOR THE NEW GOVERNMENT CENTER IN AN AMOUNT OF $317,487.67 COMING OUT OF THE GOVERNMENT CENTER FUNDS

This is the basic operating communications and data systems equipment to bring the Government Center on line. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the hardware and software infrastructure for Information Technology for the New Government Center in an amount of $317,487.67 coming out of the Government Center Funds. All present voting "Aye". MOTION PASSED**

DISCUSSION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF SAN MARCOS REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF SAN MARCOS, PURSUANT TO HB1445 (2001)

This 1445 Agreement was originally approve on May 17, 2011 however the City of San Marcos changed portions of the agreement after the approval. Commissioners Court has finalized the agreement and allow staff to continue finalizing the remaining agreements within the County. No Action Taken.

28274 CLARIFY APPOINTMENT AUTHORITY OF INDIVIDUAL COMMISSIONERS COURT MEMBERS TO THE HAYS COUNTY WATER AND SEWER AUTHORITY, INC

On May 31, 2011 Commissioners Court it was determined that the Commissioners from Precincts 1,2,3 and the County Judge would each appoint one board member to the Hays County Water and Sewer Authority, Inc. A citizen appointed would be a Hays County resident and not necessarily within a Commissioner's Precinct. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to have the Hays County Water and Sewer Authority appointees must have a recommendation of the County Commissioner and brought to the Court with the appropriate back ground information on the individual and ratified by the County Court prior to being a voting member of the authority with the understanding that Ruben Garza will continue to serve as one of the appointees. All present voting "Aye". MOTION PASSED**

28275 AUTHORIZE THE COUNTY AUDITOR TO PURCHASE A REPLACEMENT LAPTOP AND AMEND THE BUDGET ACCORDINGLY

Due to the electronic budget process, the County Auditor's budget staff uses a laptop during budget workshops and hearings as well as evening and weekend hours. The current laptop is no longer functional and needs replacing. Salary savings (due to the open purchasing specialist position) has been identified. These funds will be moved to the IT budget so they may order the equipment. Amount required $1,500.00 (001-680-00.5712). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Auditor to purchase a replacement laptop and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28276 FORM A SALARY GRIEVANCE COMMITTEE PURSUANT TO CHAPTER 152 OF THE TEXAS LOCAL GOVERNMENT CODE

Sam Brannon – San Marcos resident spoke. Since the process for hearing salary grievances usually begins quickly during budget time, and considering that Hays County has had to form salary grievance committee during the last 3 budget cycles, staff request that a salary grievance committee be formed in advance of the FY2012 budget cycle. Names selected are as follows: Michael A. Hall, John Mark Leamons, Michael C. Cox, Deborah Doreen Jackson, Edward Edmundo Baca, Mary Sue, Roberts, Jeffrey Passell, Donna Jo Moffett-Thomson, Teresita P. Gomez, John Ralph Roberts, Terrence Patrick Connell, Margaret Loftus Spidel, Roy William Cabler, III, Robin O. Blackmon, Marissa Marie Atkinson, Sharleen Graham Forrest, Donald Ray Hanson, Cody Catherine Gass. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to form a Salary Grievance Committee pursuant to Chapter 152 of the Texas Local Government Code to select a 9-Member Committee out of the Grand Juror List. All present voting "Aye". MOTION PASSED**

PRESENTATION OF THE COUNTY JUDGE'S PROPOSED FY 2012 BUDGET INCLUDING DISCUSSION AND POSSIBLE ACTION REGARDING DATES AND TIMES FOR BUDGET WORKSHOPS

Court discussed possible dates to hold budget hearings: Friday August 5, 2011 at 2:00 pm. and one evening meeting on Monday August 15, 2011 at 6:00 pm. Court will decide on Friday August 5th when they will hold other hearings. Bill Herzog County Auditor explained the effective tax rate – we collect the same tax as we did in the previous year. Bill Herzog gave a handout of the County Judge's proposed budget. The current Tax Rate is $0.4691. No new positions, re-grades or salary increases with the exception of the collective bargaining unit – (8.5 new positions & 68 current position re-grades or salary increases were requested). Fully funded Government Security personnel *18 positions) & operating expenses (over $1.1m). Removed 5 vacant ECO positions & benefits from the ESD Dispatch Group ($210k). Removed District Judge's stipends ($13.8k). Removed over $330k in capital equipment requests. No communications equipment funded – Court needs to determine how to fund the migration to the new radio system. Social Service funds cut 25% (exceptions – 100% of FY11 funding to cover libraries & no funding for new agencies) – Court needs to determine allocation to agencies. Operating expenses cut back to current funding unless reasonable justification was provided. Use of reserves ($585,295); $150,000 – County-Wide Fuel; $150,000 – County-Wide Membership Partners in Progress; $116,295 – County-Wide Mitel Phone Lease; $169,000 – IT Software maintenance Microsoft Licensing.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

As of today there are only 6 counties statewide that aren't on a burn ban. At this time the burn ban will remain in effect.

Clerk's Note: Agenda Item #24 RE*: 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**

Clerk's Note: Agenda Item #25 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

Clerk's Note: Agenda Item #26 RE: *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**

Clerk's Note: Agenda Item #27 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

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

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 August 2, 2011.

LIZ Q GONZALEZ, 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 AUGUST 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**
WILL CONLEY	**COMMISSIONER, PCT. 3**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER, PCT. 2 MARK JONES NOT PRESENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb called the meeting to order.

28277 FY 2012 DEPARTMENTAL BUDGET REVIEW

Andrew Cable Justice of the Peace Pct 3 requested a salary increase. His current salary is $53,810 and he is requesting $63,500. Judge Cable asked the Court to consider moving his part-time person to full-time or at least 30 hours per week. Judge Cable requested the travel line item #5501 be put back to $200. This is for a Clerk that occasionally has to drive into San Marcos or other locations.
Darrell Ayres Constable Pct 3 asked the Court for one hand held radio (replacement) to share between four Reserve Deputies and he needs a part-time Deputy to work for 24-hours (3 8-hr shifts) without benefits to work Thursday – Saturday. Constable Ayres would then get his full-time Deputies to work 4 – 10 hour days. They come in earlier and leave later, and have more working on the weekends when they are needed more.
Clint Garza Development Services Director spoke of the air photos that they use to generate maps and to see if there were any improvements made to a particular property. Steve Floyd GIS/911 Addressing spoke of coordinating with other entities – TxDot, CAMPO, CAD, USGS, City of Austin, City of Wimberley, City of Dripping Springs, to try to come up with an even amount of money paid out yearly.
Gary Cutler Hays County Sheriff spoke of 911-Dispatchers being paid less than most of the surrounding agencies. Sheriff Cutler is asking for re-grading of 911-Dispatchers. He spoke of his office being a training ground and he's losing 911-Dispatcher's after they have been trained. Sheriff Cutler is requesting to keep 911-Dispatcher's that were cut from the budget. Erica Carpenter Director of Communications spoke of the vacancies. Buda Fire Chief Clay Huckaby spoke of the maximum amount ESD's could charge ($0.10) by law. Chief Huckaby also spoke about the vacancies and need for more Dispatchers. Ken Strange spoke of the Wimberley area solely relying on Hays County's 911-Dispatch. Captain Mark Cumberland Director of Communications spoke of re-grading several positions within the Dispatch Center. Out of the 24 Dispatch positions 15 are currently at the minimum salary.
Constable Pct 4 Ron Hood spoke of line item #5213 with the Legislative Session over and new changes made he is needing the Court to reconsider the money for the books. Constable Hood spoke of needing to replace a vehicle. If the vehicle is not replaced he will need to increase line item #5413 Vehicle Maintenance & Repair to upkeep the vehicles he has. Constable Hood spoke of taking one of the old Sheriff's vehicles. Constable Hood asked the Court to reconsider a 3% COLA salary increase for all County Employees. Constable Hood spoke of line item #5448 there's a $375 yearly annual contract with Texas Workforce Commission, $145 for TCLEATS. He's asking to replace radio's at 25%. Line item #5717 if new vehicle isn't given this line item would go away.
Shari Miller from the Human Resources Department spoke of a 2% merit given out last year. The year before employees received a 1% one-time lump sum. In 2008 there was a market adjustment and a 2% merit increase.
Britney Richey – Retiree Committee explained that at this time the Committee is recommending no changes to current retirement plan – 2012 rate of 10.89%: Rule of 75, 8 year vesting, 30 years of service, 225% matching rate. Recommending no cost of living increase for retirees. Recommending no changes to section 5:05 in the personnel policy. Recommending no changes to current retiree insurance at this time but would like to review midyear when we have more information on the new health care laws: Humana Medical and Dental, Humana Medicare Advantage for Medicare eligible retirees; Aetna Choice Silver for Medicare eligible retirees.
Commissioner Ingalsbe spoke of meeting with Bill Herzog County Auditor and IT and came up with some savings of $36,151 and she recommended that it could be taken out of the current proposed budget. Commissioner Ingalsbe also spoke of taking $1,900 from the Government Center Holiday OT Comp pay which will reduce OT Comp pay down to $5,000.
Commissioner Conley spoke of Social Service Agencies and moving money back to FY2011's amount and funding the following at a 25% increase: Hays County Crimestoppers, CERT, Community Action/CAA Sr. Citizens, Wimberley Senior Citizens Activities Inc., Greater San Marcos Sr. Assoc., Kyle Area Seniors Zone, Inc. Hill Country Sr. Citizens, Onion Creek Sr. Citizens, Combined Community Action, Hays County Area Food Bank, Hays/Caldwell Council on Alcohol & Drug Abuse, Hays/Caldwell Women's Center, Scheib Opportunity Center, Southside Community Center, Greater San Marcos Youth Shelter, Casa of Central Texas, Big Brothers/Big Sisters, Nosotros la Gente, for a total amount of $84,687

Motion was made by Commissioner Conley, seconded by Ingalsbe to use $167,187.00 of Tobacco Settlement monies to fund those line item numbers included line item 312 San Marcos/Hays County EMS to make up the difference of the 25% which was deducted for the Judge's recommended budget.

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant 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 August 5, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF AUGUST 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**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT 3 WILL CONLEY NOT PRESENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ray Whisenant gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order. Dee Dee Baen Human Resources Director introduced new hires.

PRESENTATION TO RECOGNIZE THE ACHIEVEMENT OF KAREN LOPEZ IN THE "NAME OUR DEPUTY" CONTEST SPONSORED BY THE HAYS COUNTY SHERIFF'S DEPARTMENT

Sheriff Gary Cutler spoke of the "Name Our Deputy" contest gave students the opportunity to choose the name of the new K-9 deputy and write an essay that detailed the reasons the contestant believed the name should be used for the dog. Ms. Karen Lopez, a Senior at Jack C. Hays High School, was one of 13 entries. She chose the name "Rocky". In addition to having named an important member of the Sheriff's Department, Lopez was awarded a $250 scholarship.

28278 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve payments of county invoices in the amount of $540,848.32 as submitted by the County Auditor with the addition of an invoice in the amount of $8,400 payable to Lynn Peach for services in the District Court. All present voting "Aye". MOTION PASSED

28279 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 2, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of August 2, 2011 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28280 APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND THE CENTER FOR DOMESTIC PREPAREDNESS COURSE PER-906 HAZARD ASSESSMENT AND RESPONSE (HARM), IN ANNISTON, ALABAMA, SEPTEMBER 11, 2011 THROUGH SEPTEMBER 15, 2011

Emergency Management Coordinator Jeff Turner has been accepted into the Hazard Assessment and Response Management (HARM) course presented by the Center of Domestic Preparedness in Anniston, Alabama, September 11th-15th, 2011. This course will allow Jeff Turner to maintain the necessary continuing educational requirements for Hazardous Materials Technician and Hazardous Materials Command which are components of emergency management. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Out of State Travel for Jeff Turner, Emergency Management Coordinator, to attend the Center for Domestic Preparedness course PER-906 Hazard Assessment and Response (HARM), in Anniston, Alabama, September 11, 2011 through September 15, 2011. All present voting "Aye". MOTION PASSED**

28281 AMEND THE TRANSPORTATION DEPARTMENT BUDGET FOR FUEL AND VEHICLE MAINTENANCE & REPAIR

Additional funds are needed in the fuel line and are available in the Salary Adjustment line. The additional funds for Vehicle Maintenance & Repair are available in the Staff Salaries. ($44,4795 to 020-710-00.5271 Fuel: $44,495 from 020-710-00.5091 Salary Adjustments;$20,000 to 020-710-00.543 Vehicle Maintenance & Repair $20,000 from 020-710-00.5021 Staff Salaries. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Transportation Department budget for Fuel and Vehicle Maintenance & Repair. All present voting "Aye". MOTION PASSED**

28282 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 8, 2011, CONSTITUTIONAL AMENDMENT ELECTION

Joyce Cowan Elections Administrator requested adoption of the November 8, 2011, Constitutional Election Early Voting Schedule. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt the Early Voting Schedule for the November 8, 2011, Constitutional Amendment Election. All present voting "Aye". MOTION PASSED**

28283 ADOPT THE ELECTION DAY POLLING SITES FOR THE NOVEMBER 8, 2011, CONSTITUTIONAL AMENDMENT ELECTION

Joyce Cowan Elections Administrator requested adoption of the November 8, 2011, Constitutional Election Early Voting Schedule. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to Adopt the Election Day Polling sites for the November 8, 2011, Constitutional Amendment Election. All present voting "Aye". MOTION PASSED**

28284 APPROVE THE JUNE 2011 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the June 2011 Treasurer's Report and Investment Report. All present voting "Aye". MOTION PASSED

28285 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FY12 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) CONTRACT BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD) IN THE AMOUNT OF $122,428.00

The application for this grant was approved by Commissioners Court on July 19, 2011. The County match is 10% of $12,243 and is within the current PHD budget. This contract between DSHS and the PHD is to provide funding for the FY 2012 Public Health Emergency Preparedness program. The award is for $122,428.00. The funding is for August 1, 2011 through July 31, 2012. Amount required is $12,243.00 120-675-00.5230 and 120-675-00.5431. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute the FY12 Public Health Emergency Preparedness (PHEP) contract between the Department of State Health Services (DSHS) and the Personal Health Department (PHD) in the amount of $122,428.00. All present voting "Aye". MOTION PASSED**

28286 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE HAYS COUNTY SHERIFF'S OFFICE AND THE HAYS COUNTY SHERIFF'S JAIL COMMISSARY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the delivery of the Internal Examination Reports for the Hays County Sheriff's Office and the Hays County Sheriff's Jail Commissary. All present voting "Aye". MOTION PASSED

28287 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), SECTION 5310 GRANT PROGRAM FOR UP TO $3000 FOR MAINTENANCE FUNDS FOR TWO VEHICLES IN THE VETERANS SERVICE OFFICE

Over the past several years, the Hays County Veterans Service Office has utilized funding from the TXDot 5310 program to both purchase and provide periodic maintenance for vehicles to provide transportation services for Veterans to the VA Hospital in San Antonio. This grant application requests funding for preventative maintenance on two vehicles purchased through TXDOT for the Veterans Service Office. Funding, if received, will be utilized for routine maintenance and upkeep of the vehicles, as required under the same program from which the vehicles were purchased. Hays County would be required to provide a 20% match for the project in the amount of $750.00 that would bring the total project cost to $3,750.00. The match amount is currently budgeted for FY 2012. The application will be submitted on or before the due date of August 12, 2011. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to submit a grant application to the Texas Department of Transportation (TXDOT), Section 5310 grant program for up to $3000 for maintenance funds for two vehicles in the Veterans Service Office. All present voting "Aye". MOTION PASSED**

28288 TRANSFER FUNDS FROM THE LAW ENFORCEMENT CENTER PROJECT TO THE IMMEDIATE NEEDS PROJECT FOR PROJECT MANAGEMENT FEES

On August 24, 2010 the Commissioners Court approved a budget for the LEC Immediate Needs project. The budget included $50K for project management services. Due to the complexity of the project, additional funds are required. These funds will be transferred from savings identified in the LEC kitchen and roof repair project. No budget amendment is needed. Amount required is $68,990.12 001-645-00.5741. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to transfer funds from the Law Enforcement Center project to the Immediate Needs project for project management fees. All present voting "Aye". MOTION PASSED**

28289 ADOPT A RESOLUTION APPROVING THE CREATION OF THE 428TH JUDICIAL DISTRICT DRUG COURT

Bill Henry Judge District Judge of the 428th District requested the Commissioners Court to adopt a Resolution for a Drug Court and is asking to retain funds collected for that purpose. Presently the County can retain 10% of the monies collected for that purpose, but if we have a Drug Court then the County would retain 60%. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Resolution approving the creation of the 428th Judicial District Drug Court. All present voting "Aye". MOTION PASSED**

28290 APPROVE THE ASSESSMENT AND COLLECTION AGREEMENT WITH AUSTIN COMMUNITY COLLEGE DISTRICT

Luanne Caraway Tax Assessor Collector spoke of Austin Community College's request. Hays County has been asked to assess and collect the taxes for the Austin Community College District located within the boundaries of the Hays CISD with the exception of those accounts within Travis County. The Agreement has been approved by Dr. Stephen B. Kinslow, President/CEO of Austin Community College District. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the Assessment and Collection Agreement with Austin Community College District. All present voting "Aye". MOTION PASSED**

28291 EXTEND THE HOURS FOR A TEMPORARY EMPLOYEE AND AMEND THE TREASURER'S BUDGET

Due to unforeseen medical circumstances, the revenue clerk (front receptionist desk) has been out since June 24, 2011 and is not expected to return part-time until the week of August 8. In meantime, the Treasure Department has moved their temporary clerk to the front desk to perform the regular duties of the revenue clerk which includes entering all revenues, processing accounts payable checks and reception duties. At this time the treasure departments is asking for a additional 302 hours for the temporary clerk to complete the projects that are still outstanding as approved by Commissioners Court in January 2011. Amount required is $3,901.26 in Treasure's Budget 001-620-00.4160_400. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to extend the hours for a temporary employee and amend the Treasurer's budget. All present voting "Aye". MOTION PASSED**

28292 AMEND EXHIBIT A OF THE PARK BOND FUND AGREEMENT WITH THE HAYS COUNTY YOUTH ATHLETIC ASSOCIATION TO INCLUDE ADDITIONAL ELEMENTS MADE POSSIBLE THROUGH SAVINGS IN THE PRIORITY LIGHTING PROJECT

On December 7, 2010 the Commissioners Court awarded partial project funding of $447,256 in remaining Park Bond funds to the Hays County Youth Association to address safety issues at the facility new Buda. This included priority replacement of the deteriorated wooden poles and sports fields lighting system (Project 1- estimated cost of $400,000) along with improvements and maintenance equipment for the soccer fields (Project 2 – partial funding is $47,256). Other requested upgrades in Project 2, including a walking trail around the fields for better access and other needed field improvements, were not included due to the lack of funds. The HCYAA was able to complete the lighting project for $317,448, resulting in a cost savings in this element, and is requesting that the remaining funds be allocated to other improvements. In addition to the field maintenance equipment and partial field materials/repairs already covered under the agreement, the HCYAA would like to included the walking trail in the project, conduct additional field leveling and resurfacing, perform irrigation system repairs and upgrades to make for more efficient watering of fields, replace goals, purchase a utility cart, and construct an equipment storage building to secure the tractor and implements and other equipment, No additional funding is requested. **A motion was made by Commissioner Jones seconded by Commissioner Whisenant to amend Exhibit A of the Park Bond Fund agreement with the Hays County Youth Athletic Association to include additional elements made possible through savings in the priority lighting project. All present voting "Aye". MOTION PASSED**

28293 AUTHORIZE COMMERCIAL OSSF PERMIT AT 5150 INDUSTRIAL WAY, BUDA, TX; CONSIDER VARIANCE FROM SECTION 10-M(B) OF THE HAYS COUNTY ON-SITE SEWAGE FACILITIES ORDER

Gary Rhodes is replacing an existing (failing) on-site sewage facility for his car dealership at 5150 Industrial Way, Buda, Texas. This on-site sewage facility is designed for 120 gallons per day. The property is 1.859 acres in size. The on-site sewage facility consists of a standard septic tank and a low pressure dosed drainfield. A wastewater meter will be installed so that the system can be monitored. The designer of the system Stan Burrier, PE. is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities, which requires a hydraulic equalization tank prior to the treatment on non residential on-site sewage facilities. His justification for variance: The flows are expected to be at a uniform rate throughout the day with no peak surges and the treatment tank is 33% larger than required which will provide more retention time. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize commercial OSSF permit at 5150 Industrial Way, Buda, TX; consider variance from Section 10-M(B) of the Hays County On-Site Sewage Facilities order. All present voting "Aye". MOTION PASSED**

28294 AUTHORIZE COMMERCIAL OSSF PERMIT AT 5151 INDUSTRIAL WAY, BUDA, TX; CONSIDER VARIANCE FROM SECTION 10-M(B) OF THE HAYS COUNTY ON-SITE SEWAGE FACILITIES ORDER

Gary Rhodes has applied for an on-site sewage facility permit for a proposed furniture store at 5151 Industrial Way, Buda, Texas. This on-site sewage facility is designed for 120 gallons per day. The property is 1.923 acres in size. The on-site sewage facility consists of a standard septic tank and a low pressure dosed drainfield. A wastewater meter will be installed so that the system can be monitored. The designer of the system, Stan Burrier, P.E., is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities, which requires a hydraulic equalization tank prior to the treatment tank on non-residential on-site sewage facilities. His justification for variance: The flows are expected to be at a uniform rate throughout the day with no peak surges and the treatment tank is 33% larger than required, which will provide more retention time. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize commercial OSSF permit at 5151 Industrial Way, Buda, TX; consider variance from Section 10-M(B) of the Hays County On-Site Sewage Facilities order. All present voting "Aye". MOTION PASSED**

28295 AUTHORIZE COMMERCIAL OSSF PERMIT IN PRECINCT 1 AT 7809 CAMINO REAL (HWY 21) MAXWELL, TX; CONSIDER VARIANCE FROM TITLE 30, TAC CHAPTER 285.91-TABLE X

Sac-N-Pac Stores, Inc. has applied for an on-site sewage facility permit for a proposed convenience store at 7809 Camino Real, Maxwell, TX. This on-site sewage facility is designed for 1050 gallons per day. The property is 12.26 acres in size. The on-site sewage facility consists of a grease trap, equalization tank, trash tanks, aerobic treatment units with the effluent dispersed to a multiple zone drip irrigation field. A wastewater meter will be installed so that the system can be monitored. The designer of the system, Greg Johnson, P.E., is requesting a variance to Title 30, TAC Chapter 285.91 – Table X (State of TX rules for OSSF's), which requires 5 feet of separation distance between surface improvements and treatment tanks. Two of the tanks need to be installed underneath a driveway. His justification for variance: These tanks will be constructed with traffic bearing lids and will have at-grade risers with cast iron manhole covers. They will be easily serviceable and are designed for the expected service. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize commercial OSSF permit in Precinct 1 at 7809 Camino Real (HWY 21) Maxwell, TX and approve variance from Title 30, TAC Chapter 285.91-Table X. All present voting "Aye". MOTION PASSED**

28296 AMEND THE DEVELOPMENT SERVICES BUDGET FOR COMPUTER EQUIPMENT

Clint Garza Development Services Director requested replacement computers. Request is to buy from this year's budget and scratch it from next year's budget. In November 2010CAPCOG awarded the Hays County GIS/911 addressing division of development services with an additional $15,975 in grant funds for FY 2011. These funds came in after the adoption of the FY 2011, Hays County budget and were arbitrarily assigned to 001-657-99.5211 (Office and Computer Supplies). The GIS department is in need of new computers as the models they are currently using have been upgraded over the past few years and have reached their capacity for the high end processing required for GIS. If approved, this budget amendment will allow the department to purchase replacements which will then allow their former computers to be utilized in the Development Services division for a few more years. All computer equipment purchases must be Commissioner Court approved, during the annual budget process, and as these funds came in some time after budget approval. Expenditure for computer equipment will require an amendment. Budget Amendment: 001-657-99-037.5211 (Office and Computer Supplies) -$10,000, 001-657-99-037.5712 (Computer Equipment) +$10,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Development Services budget for computer equipment in an amount of $10,000. All present voting "Aye". MOTION PASSED**

28297 AMEND THE DEVELOPMENT SERVICES BUDGET FOR THE PURCHASE OF A LARGE FORMAT PRINTER/SCANNER

Clint Garza Development Services Director requested the purchase of a new large format printer/scanner. The GIS division of Hays County Development Services is in need of a new large format plotter/scanner. The current equipment has been in use for 8 years but has recently seen both an increase in use and a decrease in performance. The scanner/plotter still functions for many purposes however, large print jobs can take in excess of one half hour to complete. Unfortunately more than half of the entire print time is spent waiting on the software to start the print process. Additionally, the wide-format scanner part of this device has had software and hardware problems that cause scanning or copying to be a very slow process. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Development Services budget for the purchase of a large format printer/scanner. All present voting "Aye". MOTION PASSED**

DEPARTMENTAL FY2012 BUDGET REVIEW

No discussion and no action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.076 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING SECURITY DEVICES AND PERSONNEL AT THE HAYS COUNTY GOVERNMENT CENTER

Court convened into closed executive session at 9:56 a.m. and reconvened into open meeting at 11:00 a.m. In attendance were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Sheriff Gary Cutler, Chief Deputy Jamie Page, Captain Mark Cumberland, Dee Dee Baen Human Resources Director, and Mark Kennedy Special Counsel. No action taken.

28298 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 RANCH ROAD 12 AND MCGREGOR LANE

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 11:17 a.m. In attendance were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Attorney Ellie Dietz. There will be no action on McGregor Lane. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase Contract between Hays County and Ingram Ranches I, Ltd for approximately 26.244 acres of land along RR 12; and an Option Agreement between those parties for future acquisition of additional acreage, as presented by Counsel in Executive Session. All present voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION WITH THE HAYS COUNTY WATER AND SEWER AUTHORITY REGARDING PROPOSAL(S) FOR ALTERNATIVE SOURCE(S) OF WATER, TO BE CALLED "PROJECT FLOW"

Court convened into closed executive session at 12:12 p.m. and reconvened into open meeting at 1:00 p.m. In attendance were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Development Services Director Clint Garza, Tom Haley, and Executive Assistant Lon Shell, James Holt joined in later. Not present was Ruben Garza. Charles O'Dell-Austin resident spoke. No action taken.

DISCUSSION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time Court decided to leave the Burn Ban in effect.

Clerk's Note Agenda Item #27 RE: *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**

Clerk's Note Agenda Item #28 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

28299 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S) IN THE SHERIFF'S OFFICE AND BUILDING MAINTENANCE

Captain Mark Cumberland from the Sheriff's Department requested hiring for slots 12 and 16 for 911/Dispatchers. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to hire a ECO slot 12 for the 911/Dispatcher in the Sheriff's Department. All present voting "Aye". MOTION PASSED**

Captain Mark Cumberland explained other openings Deputy slots 9 & 12 in Deputy positions, and filling Correction Corporal slot 5 and Correction Officer 69 Admin Asst II slot 9, Admin Asst I slot 15, Correction Officer slots 23, 35, 44 & 43 for Security at the Government Center. No new positions and no additional funding is needed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the positions presented by the Sheriff's Office and approved by Human Resources and no new additional funding required. All present voting "Aye". MOTION PASSED**

Ron Knott Building Maintenance spoke of an employee that is out on medical leave and is asking for a temporary position. **A motion was made by Commissioner Whisenant seconded by Ingalsbe to approve the temporary hiring of a Building Maintenance position until September 30, 2011. All present voting "Aye". MOTION PASSED**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant commented that the UDC had submitted a bid to LCRA on the divestitures of the assets. It was done consistent with the stated goals of the UDC which was to make a reasonable offer on the assets based off their ability to generate revenue from the users and maintain their selves as a utility. The Utility entity has no ad valorem taxing ability and is a public non-profit corporation with no power of imminent domain. Barbara Hopson-Wimberley resident, Charles O'Dell-Austin resident, Sam Brannon-San Marcos resident made public comments.

Adjournment

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 August 9, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF AUGUST A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER CONLEY NOT PRESENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

DISCUSSION REGARDING THE REDISTRICTING OF COMMISSIONERS PRECINCT LINES IN HAYS COUNTY; PROPOSED MAPS WILL BE AVAILABLE FOR REVIEW

Joel Kirkby-Kyle resident, Curtis Wayne Taylor-San Marcos resident, Bill Liddle-San Marcos, Sam Brannon-San Marcos resident, Brad Picket-Kyle City Council and resident, Kyle Mayor Lucy Johnson-Kyle resident, Lila Knight-Kyle resident, Richard Schneider-Buda resident, Warren Ketteman-Buda resident, Jim Green-San Marcos, Barbara Hopson-Wimberley resident made public comments. Rolando Rios Redistricting Attorney representing Hays County spoke of the redistricting process and answered questions from the public. Judge asked the Commissioners to choose one map each to be voted on at the next meeting. Commissioner Ingalsbe selected Map “P”, Commissioner Jones selected Map “M2” and Commissioner Whisenant selected Map “O”. Commissioner Conley has mentioned that he favors one of the M-maps. Court selected Map “M1” to be brought back as Commissioner Conley’s choice. Mark LeMense-Kyle resident, Judge Beth Smith-Kyle resident made public comments.

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to adjourn court. All present voting “Aye”. MOTION PASSED

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 August 9, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF AUGUST A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL BUDGET 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:

FY 2012 DEPARTMENTAL BUDGET REVIEW

District Attorney Sherri Tibbe explained the Career Path for Assistant District Attorney's. She is requesting the Court to consider the re-grade of 2 Attorney's that are eligible, the budget impact would be $2,209/$1,294 = $4,976 (fringe & salary). Sherri Tibbe is willing to impede any new hires if the Court would consider the re-grades. Ms. Tibbe is requesting the Court reconsider the Witness Reimbursement. Amount requested is $10,000. There are some big cases coming up and there is a need for the funds.

Constable Pct 2 James Kohler requested a new full-time Deputy Constable. The cost for a new position would be $42,719, the amount with fringe benefits is $61,747. He's requesting salary increase. He's currently is $50,502 and is requesting $60,094.

Civic Center Director Barry Nelson explained that the 1969 forklift he has finally died. He mentioned different options to fix or repair – 1) do nothing, 2) replace the motor ($4,000) 3) Rental $325 per day, $975 week 4) replacement $8,000 - $10,000. The Road Department has a forklift that the Civic Center has borrowed in the past, but to be hauling it back and forth would cost more than a replacement would be. The cost to run the Civic Center yearly is $158,364 and the Revenues are approximately $58,000 yearly.

Jimmie Kitchen from the District Courts is requesting an increase in Jury Fees of $32,000. Currently they have $100,000 as an amended amount.

Jimmy Skipton Hays Trinity Groundwater Conservation District requested the County reconsider the amount of $185,000 for FY2011 – FY2012's budget. In FY2010 – FY2011's budget was $125,000. Which is an increase of $60,000.

National Center for Farmworker Health Bobby Ryder requested the Court's consideration and gave an update. Two facilities have been opened in Hays County, one in San Marcos – 2009 and one in Kyle – September 2010. The total number of unduplicated patients seen at both health center sites for the period from last September 1 – the end of August of this year – 9,655. The total number of uninsured patients seen at both health centers for the same period – 4,673. Last year, Hays County contributed $10,000 and this year's request is $20,000.

Dispute Resolution Center Walter Krudop and Anna Bartowski gave a brief powerpoint presentation. Approximated costs for the County to litigate a CPS case: 1) Court appointed attorney's fees - $12,112, 2) Jury cost for 4 day trial - $1,700, 3) other court costs for CPS trail – $2,000, 4) DA's office time and costs - $3,606, for a total of $19,418. Current FY2011 budget for the DRC is $75,000. DRC presented different options for the Court to consider. Sara Brandon Attorney from Dripping Springs spoke of the importance of the DRC and the impact they have had in the last couple of years with the time that it saves the Judge and Attorneys. Mark Zuniga Assistant District Attorney spoke of the numbers presented and importance of the DRC.

Jerry Borcherding Hays County Transportation Director spoke of rollover money. Line item #020-710-00-5448_008 is for Consulting/Design Work – McGregor Bridge – Arboricultural Consulting Services $1,250, Nutty Brown Road – Freese and Nichols, Inc - $25,000, McGregor Bridge – Halff Associates, Inc. $10,900, Leisurewoods Drainage – Klotz Associates, Inc. $146,466, Green Acres Bridge – Ramsey Engineering $3,860, Elder Hill Re-alignment – Rogers Design Service $150,000, Mt. Gainor Low Water Crossings – Rogers Design Service $258,000, McGregor Bridge – Whitenton Group, Inc. $15,000, Transportation Plan – Parsons Brinckerhoff $250,000 for a subtotal of $860,476. Line item #020-710-00-5448_010 is Construction Money: Leisurewoods drainage - $200,000, McGregor Bridge – Smith Contracting Co. Inc. - $698,095, Nutty Brown - $132,500, Hot Mix Projects – at this time undetermined for a subtotal of $1,030,595. This would bring the grand total to $1,891,071.

A motion was made by Commissioner Jones seconded by Commissioner Whisenant to adjourn court

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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 August 15, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF AUGUST 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:

Craig Curry of Dripping Springs First Baptist Church gave the invocation and Judge Cobb led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

PRESENTATION TO RECOGNIZE MEMBERS OF THE VICTIM'S ASSISTANCE TEAM FOR THE HAYS COUNTY SHERIFF'S OFFICE

Sheriff Gary Cutler introduce Aurora Williamson the Director of San Marcos Victims Service Unit. JP Pct 3 Andy Cable made public comment.

PUBLIC COMMENTS
L.M. Coppulette-San Marcos resident, Sam Brannon-San Marcos resident made public comments.

28300 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 $1,820,585.18 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28301 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 5 AND 9, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of August 5, and 9, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28302 APPROVE AWARD OF RFP #2011-P16 AUDIT OF HAYS COUNTY TO HOLTMAN WAGNER & COMPANY LLP

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve award of RFP #2011-P16 Audit of Hays County to Holtman Wagner & Company LLP. All voting "Aye". MOTION PASSED

28303 ACCEPT DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received donations for the Historical Jail Restoration Project from various entitles and individuals. These funds will be used for construction costs. Amount is $3,850.00 144-676-00.4610.

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept donations for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED

28304 AMEND JUVENILE PROBATION TJPC X GRANT TO USE SAVINGS IN OVERTIME FOR BOOKS AND PERIODICALS, MISCELLANEOUS SUPPLIES, CONTRACT SERVICES AND GASOLINE

This amendment will allow the program to spend the remaining grant award with no matching funds required from the County. Amount required $7,710.00 budgeted in Juvenile Probation 001-686-99-035.5031 ($6,300.00); 001-686-99-035.5201 ($1,410.00); 001-686-035.5213 ($2,300.00); 001-686-99-035.5391-$250.00; 001-686-99-035.5448 $4,900.00; 001-686-99-035.5501 $260.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend Juvenile Probation TJPC X Grant to use savings in overtime for books and periodicals, miscellaneous supplies, contract services and gasoline. All voting "Aye". MOTION PASSED**

28305 AMEND THE JAIL SUPPORT SERVICE BUDGET FOR DAMAGED FENCING REPAIR

This additional budget amendment of $1,345.01 will allow the Sheriff's office to finish repairs of damaged fencing. Amount required $1,345.01 from 001-618-03.5361 Contract Inmate Detention to 001-618-03.5741 Capital Improvements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Jail Support Service budget for damaged fencing repair. All voting "Aye". MOTION PASSED**

28306 APPROVE HEALTH SERVICES AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND COMMUNITY ACTION INC., OF HAYS, CALDWELL, & BLANCO COUNTIES THROUGH JULY 31, 2012

This is an agreement renewed annually between the PHD and Community Action Inc. of Hays, Caldwell, & Blanco Counties for the PHD to provide the annual physicals for Head Start students who have no health insurance. Community Action reimburses the PHD at the rate of $25.00 per exam and $10.00 for lead testing.

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Health Services Agreement between Hays County Personal Health Department (PHD) and Community Action Inc., of Hays, Caldwell, & Blanco Counties through July 31, 2012. All voting "Aye". MOTION PASSED

28307 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PUBLIC TRANSPORTATION MASTER GRANT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) REGARDING MANAGEMENT AND ADMINISTRATION OF FUNDING PROVIDED THROUGH THE SECTION 5310 PROGRAM

This is a renewal of the Master Grant Agreement with TxDot. Hays County has been awarded and continues to apply for grant funding from the Section 5310 program administered by TxDot for both the purchase and maintenance of vehicles in the Veteran Services Office for the medical transportation needs of our veterans. In 2010 a new van was purchased through the program and a grant application for maintenance for this vehicle, as well as an older vehicle purchased through the program, has been submitted. The Master Grant Agreement details the overall requirements for management and administration of grant funds and projects associated with the program. The current Master Grant Agreement between TxDot and Hays County will expired on August 31, 2011 and therefore it is necessary to execute a new agreement to provide assurances of compliance with the program and maintain TxDot program eligibility. This Agreement does not specify an annual funding amount, as this is dependent on annual grant application and awards made under project Grant Agreements. Not all provisions of the Agreement are applicable to the 5310 program, as the Agreement covered several different public transportation programs. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Public Transportation Master Grant Agreement with the Texas Department of Transportation (TxDOT) regarding management and administration of funding provided through the Section 5310 program. All voting "Aye". MOTION PASSED**

28308 AUTHORIZE THE COUNTY JUDGE TO APPROVE PROPOSED ANNUAL RENEWAL APPLICATION FOR THE FY 2012 LOCAL PUBLIC HEALTH SERVICES CONTRACT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT IN THE AMOUNT OF $51,463.35

This is a renewal application between the Hays County Personal Health Department and DSHS for funding of the Local Public Health Services contract for FY 2012. The funding is for September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to approve proposed annual renewal application for the FY 2012 Local Public Health Services Contract between the Texas Department of State Health Services (DSHS) and the Personal Health Department in the amount of $51,463.35. All voting "Aye". MOTION PASSED**

28309 APPROVE A CELL PHONE ALLOWANCE IN LIEU OF A COUNTY ISSUED PHONE FOR THE DEVELOPMENT SERVICES DEPARTMENT HEAD

As of August 1, 2011, the Development Services department discontinued service for County issued cell phone. By accepting a telephone allowance in effort to reduce the monthly recurring costs is by converting to a monthly allowance, the County will save $ 420 a year. Funds for the remainder of FY 2011 are already budgeted. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve a cell phone allowance in lieu of a County issued phone for the Development Services Department Head. All voting "Aye". MOTION PASSED**

28310 AUTHORIZE THE COUNTY JUDGE TO APPROVE HAYS COUNTY PERSONAL HEALTH DEPARTMENT'S (HCPHD) RENEWAL GRANT APPLICATION WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY 2012 TITLE V MATERNITY PROGRAM IN THE AMOUNT OF $12,000.00

This is an annual renewal application by the Hays County Personal Health Department to receive grant funds through the Title V Maternity programs for FY 2012. This allows clients to receive prenatal care for reduced or no cost prior to their obtaining funding. Consequently clients are able to seek prenatal care early on in their pregnancies and potentially prevent maternal and fetal health programs. The funding is from September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to Authorize the County Judge to approve Hays County Personal Health Department's (HCPHD) renewal grant application with the Department of State Health Services (DSHS) for the FY 2012 Title V Maternity program in the amount of $12,000.00. All voting "Aye". MOTION PASSED**

28311 AMEND VETERAN'S ADMINISTRATION OPERATING BUDGET FOR ADDITIONAL CONTRACT SERVICES

Amend the Veteran's Administration budget for additional contract services for Lifelock enrollment fees. Savings in the travel budget will fund this budget amendment. Amount required is $110.00 001-720-00.5448 Contract Services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Veteran's Administration operating budget for additional contract services. All voting "Aye". MOTION PASSED**

28312 AMEND BUDGET OF DISTRICT COURT FOR INDIGENT TRIAL AND COURT TRANSCRIPTIONS FROM COUNTYWIDE

District Court requires Indigent Trail/Pretrial expense and Court Transcriptions and will need to have a transfer from Countywide Operations. Amount required $31,000 to 001-608-00.5304 Indigent Trail Expense and 001-608-00.5445 Transcriptions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to Amend Budget of District Court for Indigent Trial and Court Transcriptions from Countywide. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #15 RE: *APPROVE ADDITIONAL FUNDS FOR CONTINUING EDUCATION FOR COMMISSIONER PCT 3 AND AMEND BUDGET FROM WITHIN DEPARTMENT* **– was pulled**

28313 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS ON PIEDRAS PASS IN ROCKY RANCH ACRES SUBDIVISION

Judge Cobb opened the public hearing. No public input was received and the public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. This will establish a speed limit of 25 MPH on Piedras Pass, off of Hilliard Road, CR222 and a stop sign on Piedras Pass at Hilliard Rd. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to hold a public hearing to establish traffic regulations a speed limit of 25 MPH on Piedras Pass off of Hilliard Road, CR 222 and a stop sign on Piedras Pass at Hilliard Road in Rocky Ranch Acres subdivision. All voting "Aye". MOTION PASSED**

28314 VACATE AND REPLAT OF LOTS 7 & 8, WOODCREEK SECTION 21 [11-3-22 – 1 LOT] **WAIVE PUBLIC HEARING AND PRELIMINARY PLAN AND APPROVE FINAL PLAT**

Woodcreek Section 21 is a platted subdivision located off of RR 2325 in Precinct 3. The owner of Lots 7 & 8 wishes to dissolve the lot line dividing the two lots and create one larger lot. Water and wastewater services will be provided to Lot 7R by Aqua Texas, Inc. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to consider of waive of public hearing and preliminary plan and approve final plat to vacate and Replat Lots 7 & 8, Woodcreek Section 21. All voting "Aye". MOTION PASSED**

28315 AMENDING PLAT OF LOTS 22 AND 23 OF SOUTHRIDGE ESTATES [11-1-19 – 3 LOTS] **HOLD PUBLIC HEARING AND ISSUE A VARIANCE TO MINIMUM LOT SIZE IN TABLE 10-1 OF THE HAYS COUNTY OSSF REGULATIONS AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing – Amy Gonzales-San Marcos resident made public comment. No other comments were made. Judge Cobb closed the public hearing. Development Services Director Clint Garza explained the plat subdivision and variance request. Karen Moon owner of Lots 23A & 23B made public comment. Southridge Estates is an 88 lot subdivision located off of Centerpoint Road in Precinct 1. There are 45 parcels located in Hays County and the remaining lots in Guadalupe County. Portions of lots 22 and 23 have been sold by metes and bounds, therefore, all portions of this amended plat are non-complaint parcels. Lot 22 is currently a 0.39 acre tract and does not meet the 0.50 acre minimum lot size as required by Hays County and TCEQ OSSF regulations. On July 19, 2011, the court approved a preliminary plan with the following lot configurations: Lot 22-A-0.50 acres: Lot 23A-1.036 acres, Lot 23B-0.50 acres. The owner of Lot 23 agreed to convey 0.11 acres to the owners of Lot 22 in order for the lot to meet the minimum lot size requirement. Upon approval of preliminary plan, staff began review of the existing facilities and found that the disposal area for the OSSF for Lot 23A was located on the proposed Lot 22A. The property owner was made aware of the issue and was informed that the sprayheads would be to be moved in order to meet county regulations. The property owner declined to modify her existing system and is proposing a final plat with a new configuration and a variance from the minimum lot size requirement. The newly configuration lots are sized as follows: Lot 22A- 0.41 acres. Lot 23A-1.079 acres and Lot 23B-0.50 acres. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve amending plat of Lots 22 and 23 of Southridge Estates and hold a public hearing to issue a variance to minimum Lot size in Table 10-1 of the Hays County OSSF Regulations. All voting "Aye". MOTION PASSED**

28316 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER OF INTENT BETWEEN FORESTAR GROUP, INC. AND HAYS COUNTY REGARDING THE AVAILABILITY OF ADDITIONAL WATER SUPPLIES IN HAYS COUNTY

At recent meeting Hays County Water and Sewer Authority has discussed contractual and/or economic development opportunities involving additional water supplies that may be made available for use in Hays County. Representatives from the Hays County Water and Sewer Authority have provided recommendations to the Commissioners Court regarding a Letter of Intent between Forestar Group, Inc. and Hays County. The LOI details the opportunity to discuss the availability of additional water supplies that could be brought to Hays County through an agreement with Forestar Group, Inc. and/or other parties. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Letter of Intent between Forestar Group, Inc. and Hays County regarding the availability of additional water supplies in Hays County. All voting "Aye". MOTION PASSED**

28317 APPROVE REORGANIZING THE PERSONAL HEALTH DEPARTMENT'S (PHD) COMMUNITY OUTREACH TEAM, EFFECTIVE AUGUST 16, 2011

Personal Health Director Priscilla Hargraves explained the re-organization. The Personal Health Department proposes to split the Community Outreach Team into the Emergency Preparedness team directly supervised by the Director and the TB/ EPI team supervised by an RN-Supervisor. The new RN-Supervisor is the current TB-RN who will continue to function in that position also. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve reorganizing the Personal Health Department's (PHD) Community Outreach Team, effective August 16, 2011. All voting "Aye". MOTION PASSED**

28318 AUTHORIZE PAYMENT OF INVOICES FOR THE SHERIFF'S OFFICE FOR WHICH PURCHASE ORDERS WERE NOT OBTAINED

Yvette Johnson of the Sheriff's Office explained the oversight. Bill Herzog County Auditor explained that there were 3 more invoices that came in since the posting of the agenda. This invoice was submitted to the Auditor's Office for payment with the issuance of a purchase order. However, the purchase order was dated July 13, 2011 and the invoice was dated July 12, 2011. In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total $300 or more. Therefore, this invoice cannot be paid until it is granted by the court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize payment of invoices for the Sheriff's Office for which purchase orders were not obtained. All voting "Aye". MOTION PASSED**

DISCUSSION TO APPROVE A COUNTYWIDE PROCUREMENT CARD

Eric Smith and Ernest Smith of BBVA Compass gave a brief powerpoint presentation. The Compass Purchasing Card is a Visa branded credit card that centralizes invoices, payments and reporting for corporate and government entities. Essentially, the Purchasing Card is a tool used for purchasing and the accounts payable process. By using Pcard to reduce or eliminate paperwork associated with the purchase to pay process, our customers can generate significant transactional cost savings. Average cost per transaction with traditional PO method is $92.49, average cost per transaction with plastic Pcard is $21.91, cost reduction with plastic Pcard across all industry types is $70.58, the average procurement cycle time savings is 12.3 days. By moving just 100 invoices per month to a card, Hays County can save $84,000 annually. Rebate earning potential is affected by these factors: monthly spend volume, billing cycle, how quickly the customer pays. While rebate is an important factor to consider, a purchasing card program provides other important value-add features: technology, successful implementation, customer service, financial stability of issuer. Hays County benefit: greater control – ability to set credit limit and validity period, approval workflow, reduces the chance of errors and fraud, liability coverage – up to $100,000 in liability for misuse and abuse of card program, cost reduction – automation reduces administrative expenses, printing and mailing costs, bank check fees, new revenue streams – increased rebates, extended payment float. Supplier benefit: faster payment – improving days sales outstanding (DSO), cash flow visibility – accelerated order-to-cash cycle and increase in working capital, processing saves – electronic remittance data, no check handling, reduce administrative costs – no A/R collections, bank processing fees. Michele Tuttle Hays County Treasurer explained the benefits of the Pcard and all the concerns staff expressed prior to bringing it forward for the Court's consideration. Bill Herzog County Auditor explained that he would like to look at other avenues and to have time to develop a policy prior to the Court's approval. Commissioner Conley suggested that the County Auditor and Treasurer look this over and get with the finance committee and bring this back to the Court for consideration.

28319 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) FOR INITIAL STUDIES IN A BASIN-WIDE MASTER DRAINAGE STUDY OF THE LOWER GUADALUPE RIVER BASIN

Jeff Hauff Grants Administrator explained the Agreement with GBRA. W. E. West Jr. spoke. On January 11, 2011 the Commissioners Court approved a resolution in support of a GBRA grant application to the Texas Water Development Board (TWDB) for funds to initiate a basin-wide drainage study of the Lower Guadalupe River Basin. On May 4, 2011 the TWBD approved award funding to the GBRA in the amount of $352,262 to be matched by local partners, with additional leveraging of the funds made possible through project partnership by the U.S Army Corps of Engineers (USACE). A Project Management Plan and Feasibility Cost Sharing Agreement, as required for USACE participation, has been drafted between the USACE and GBRA to formalize the partnership and facilitate expansion of the study area in future years. While the current study area will include the San Marcos River downstream from the Hays County line, Hays County has expressed interest in partnering with these entitles to study those portions of the County drained by the Guadalupe/Blanco basin, including the Blanco River and other tributaries, once a similar study currently underway on the Lower Colorado River drainage has been completed. The current study will develop a hydrologic model for the Blanco River that will be available for use in Hays County. The current study will initiate the partnership between the GBRA and USACE and make available future resources of the USACE to match total drainage basin study costs by 50%. It is beneficial for Hays County to enter into partnership with these entitles while parameters and models for the drainage basin are being developed that will impact Hays County once specific areas of the County are studied. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement with the Guadalupe-Blanco River Authority (GBRA) for initial studies in a basin-wide master drainage study of the Lower Guadalupe River Basin. All voting "Aye". MOTION PASSED**

28320 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN IRS FORM 8283 RELATED TO THE SALE OF CONSERVATION EASEMENTS ON THE DAHLSTROM RANCH PROPERTY; AND THERE AMENDMENTS TO THOSE CONSERVATION EASEMENTS

This amendment primarily corrects definition of impervious cover to more accurately describe what impervious cover should be to reflect intent of the parties. John M. Coleman, The Aegis Group, Inc is the Appraiser. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an IRS Form 8283 related to the sale of conservation easements on the Dahlstrom Ranch property; and three amendments to those conservation easements. All voting "Aye". MOTION PASSED**

28321 HAYS COUNTY WILL NOT PARTICIPATE FINANCIAL SUPPORT OF THE CLEAN AIR FORCE OF CENTRAL TEXAS (CAF) FOR THE UPCOMING FISCAL YEAR

A $6500 contribution to the CAF was budgeted for FY2011. Hays County has been invoiced $6500 by the Clean Air Force. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to have Hays County not participate in the financial support of the Clean Air Force of Central Texas (CAF) for the upcoming fiscal year. All voting "Aye". MOTION PASSED**

28322 APPROVE A SUPPLEMENTAL WORK AUTHORIZATION FOR NECESSARY CONSTRUCTION PHASE SERVICES ON THE RM 1826 AT RM 967 ROAD BOND PROJECT LOCATED IN PRECINCT 4

Allen Crozier of HDR gave an overview of the project. The intersection of RM 1826 and RM 967 was identified as an intersection which warranted safety improvements as part of 2008 road bond program. The project design is complete and is currently under construction. With construction advancing, it has become necessary to supplement Rogers Design Services work authorization to provide construction phase services. These services were not included in the initial work authorization to permit development of an appropriate scope and fee for these services once it was determined who would be providing construction management/engineering services and more accurate construction schedule was available. Construction phase services include: (1) attend construction progress meetings. (2) respond to contractor requests for information (RFIs) (3) review contractor change order requests, and (4) verify/re-establish project control for initiation of construction. Amount required $ 9,964.00 funds are available within the project's bond program budget. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a supplemental work authorization for necessary construction phase services on the RM 1826 at RM 967 road bond project located in Precinct 4. All voting "Aye". MOTION PASSED**

28323 APPROVE A SUPPLEMENTAL WORK AUTHORIZATION FOR NECESSARY CONSTRUCTION PHASE SERVICES ON THE SH 21 AT FM 2001 ROAD BOND PROJECT LOCATED IN PRECINCT 2

Allen Crozier of HDR gave an overview of the project. The intersection of SH 21 and FM 2001 was identified as an intersection which warranted safety improvements as part of the 2008 road bond program. The project design is complete and is currently under construction. With construction advancing, it is become necessary to supplement LAN's work authorization to provide construction phase services. These services were not included in the initial work authorization to permit development of an appropriate scope and fee for these services once it was determined who would be providing construction management/engineering services and more accurate construction schedule was available. Construction phase services include: (1) attend construction progress meetings. (2) respond to contractor requests for information (RFIs) (3) review contractor change order requests, and (4) verify/re-establish project control for initiation of construction. Amount required $11,147.50 funds are available within the project's bond program budget. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a supplemental work authorization for necessary construction phase services on the SH 21 at FM 2001 road bond project located in Precinct 2. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item # 28 RE: *ALLOW CONSTABLE PCT. 1, DAVID PETERSON, TO HIRE A PART-TIME DEPUTY CONSTABLE* **– was pulled**

28324 APPOINT JENNIFER ANDERSON TO SERVE ON THE HAYS COUNTY CHILD PROTECTIVE BOARD AND REPLACING ELLEN MOORE

The current Hays County Child Protective Board has voted and unanimously agree to support the appointment of Jennifer Anderson to a vacant this position. She will be replacing Ellen Moore. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to appoint Jennifer Anderson to serve on the Hays County Child Protective Board and replacing Ellen Moore. All voting "Aye". MOTION PASSED**

28325 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 1950 LIME KILN ROAD, SAN MARCOS, TX IN PRECINCT 4

Clint Garza Developmental Services Director gave a brief explanation and staff recommendation. The Promiseland Church is planning a new sanctuary building. The on-site sewage facility is designed for 1848 gallons per day (maximum flow on Sunday). The property is 20.227 acres in size. A 2500 gallon equalization tank will be used to equalization tank will be used to flow to the on-site facility consists of a standard septic tank, pump, and low pressure dosed drainfield. A wastewater meter will be installed so that the system can be monitored. The water will be supply by a privately owned water well permitted by Texas Commission on Environmental Quality as a public water supply. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit at 1950 Lime Kiln Road, San Marcos, TX in Precinct 4. Commissioner Jones not present for vote. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant, and Judge Cobb voting "Aye". MOTION PASSED**

28326 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A BUSINESS PRI PRIVATE SWITCH AGREEMENT FOR 9-1-1 EMERGENCY SERVICE BETWEEN HAYS COUNTY AND THE CAPITAL AREA COUNCIL OF GOVERNMENTS CAPCOG; AND AN ACCOMPANYING SOFTWARE USER AGREEMENT

The Business PRI Private Switch Agreement will authorize and compensate CAPCOG for a contract with the appropriate CTU to supply the needed interface with the Emergency 9-1-1 Database to provide enhanced 9-1-1 service. This will resolve recent glitches identified with the County's current 9-1-1 service being provided to County Office phones. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Business PRI Private Switch Agreement for 9-1-1 Emergency Service between Hays County and the Capital Area Council of Governments CAPCOG; and an accompanying Software User Agreement. Commissioner Jones not present for vote. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant, and Judge Cobb voting "Aye". MOTION PASSED**

FINALIZE FORMATION OF A SALARY GRIEVANCE COMMITTEE PURSUANT TO CH. 152 OF THE TEXAS LOCAL GOVERNMENT CODE

Since the process for hearing salary grievances usually begins quickly during budget time, and considering that Hays County has had to form salary grievance committee during the last 3 budget cycles, staff requests that a salary grievance committee be formed in advance of the FY2012 budget cycle. Out of the 1st 18 names drawn, the Clerk's Office was able to garner 8 out of the 9 statutorily required members. Since 1 additional member is still needed, the Clerk's Office has asked that additional names be drawn from the Grand Jury Pool. Chapter 152 requires that those names be drawn in session at Commissioners Court. Names that were selected for the Salary Grievance: John-Paul Zeller, Arnulfo A. Martinez, Drew Preston Hardin, Allan R. Doane, Shelly Peck Forister, Sheryl Lynn Leach, Modesta Garza Alcorn, Karan Bergeron Freeman, Shannon Denise Reichl.

28327 FY2012 BUDGET REVIEW AND ADOPTION OF A PROPOSED BUDGET, ACTION MAY FOLLOW

Dee Dee Baen Human Resources Director spoke of the upcoming topics that will be discussed by Abel Velasquez Safety Specialist and Shari Miller Title Compensation Analyst. Ms. Baen spoke of money that wasn't placed in the budget that HR would oversee for temporary help in small offices. Last year $10,000 was budgeted, and HR is requesting the Court's consideration. Ms. Baen spoke of Customer Service training. One is for employees and one is for Department Heads. Bids were taken for 6 sessions, which would include four sessions for employees and two sessions for Department Heads.

Abel Velasquez Safety Specialist spoke of vaccines for employees. He spoke of the amount needed for vaccines for current employees - $23,000. Mr. Velasquez spoke of conversations he had with Director of Personal Health to come up with amount. The Sheriff and Road Department currently have Safety Budgets. Mr. Velasquez spoke of the Industrial Hygiene survey. Survey of different mechanisms in each department, such as hearing and air quality. Amount needed for the Industrial Hygiene is $14,478.

Shari Miller Compensation Analyst of the Human Resources Department gave a powerpoint presentation. The powerpoint was on salary studies. The 2008 Market Survey identified new entities, such as the university, cities, state, and schools that have similar types of jobs. Prior to 2008 there were quite a few issues. Department Heads were requesting re-grades to give increases to current staff.

Constable Pct 1 David Peterson requested hiring a Part-time Deputy Constable for Precinct 1 at 20-hours per week and he is requesting this become effective immediately and this would become a permanent part-time position. This Deputy would be required to report to Commissioner's Court every Tuesday and when called upon for special functions. The Deputy would secure the Courthouse and enforce 2 hour parking. The Deputy would also assist in other areas including civil process, warrants, money pick-up and community assistance. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to suspend item until a later time. All voting "Aye". MOTION PASSED**

Court recessed until August 17, 2011 at 1:30 p.m.

Court reconvened on August 17, 2011 at 1:30 pm.

Mark Key of the Hays Trinity Groundwater Conservation District made a public comment. The court is proposing these additions to the County Judge's proposed budget.

JP 3 – Travel - $200

E/O Salary increase - $ 0

Part-time clerk to 30 hours - $0

COLA for Staff - $0

Office Supplies - ($400)

Constable Pct. 3 - reserve deputy - Hand held radio-Eqpt Lease in Co Wide - $360

Part-time deputy - 24 hrs per wk - $ 0

Body armor - if new position approve -$0

Hand held radio – if new position approve - $0

Taser – if new position approve - $0

Development Services- GIS - $0

Sheriff Office – re-grade ECO's to 109 - $23,897

SO – re-grade Lead ECO to 111 - $206

SO – re-grade ECO Sprvsr to 113 - $784

Reduce Jail contract detention - ($80,000)

Remove 2 SRO positions – 25% - CO ($31,041)

Reduce Holiday O/T & Reg O/T – (60,000) SO & Jail

ESD Dispatch - 5 ECO's - $126,510

ESD Dispatch – regrade ECO's to 109 - $25,155

Constable Pct. 4 – Books & Periodicals - $300

Vehicle - $0

Vehicle equipment - $0

Vehicle Maint & Repair - $2,605

COLA for staff - $0

Contract services - $0

CCL 2 – Increase office supplies – from Compliance budget - $200

Increase postage – from Compliance budget - $500

Transfer Station- Equipment Lease – reduce maint by 3K - $1,500

Information Technology – Sheriff – Jail – 3 laptops – ($3,600) – transfer from other office

Auditor – laptop – ($1,200)

Co Clerk – computer (civil workstation) – ($850)

Dev Svcs-GIS-4 computers – ($10,000)

DA-10 computers – ($8,500)

District Court – 4 computers ($3,400)

District Court – 4 computers ($4,800)

District Court – 4 computers ($1,600)

Extension-computer – ($850)

Govt Ctr Security – computers (2,500)

Sheriff – 15 training laptops ($9000)

Sheriff Jail – 3 laptops ($3,600)

Increase software maintenance- $7,300

HR Next Gen - $2,650

Government Center – Remove Holiday O/T ($1,900)

Reduce O/T – ($7,100)

Add Law Enforcement Supplies - $3,000

Decrease office supplies – ($3,800)

Increasing continuing education – ($2,500)

Add photo supplies & processing - $0

Add fuel - $0

Add miscellaneous expense - $0

Add vehicle maintenance & repair - $0

Increase uniforms - $700

Add telephone expense - $0

Increase continuing education – ($2,500)

District Attorney – Increase 2 Attorney's salaries - $4,976

Increase witness reimbursement – Capital murder trail - increase contingencies - $7,000

Increase expert witness – Capital murder trail – increase contingencies - $25,000

Constable Pct. 2 – Deputy – FTE -$0

Increase longevity – error in current calculation -$615

Civic Center - Fork Lift - Commissioners Court requested list of events

District Court – Jury Expense - $32,000

Tax Office – software - $600

Reduce Equipment Lease - ($3,000)

Human Resources – Safety Programs – policy- $0

Customer Service training - $0

Sheriff – Increase ALERRT revenue – ($1,094)

Increase worker's comp insurance – $400

Decrease TCATTF expenses – ($16,932)

Dev Services – GIS – CAPCOG 911- decrease revenue - $20,108

Remove temp personnel – ($4,500)

Admin II to GIS Technican - $0

Juvenile Probation – Increase TJPC-C & expense - $0

Decrease TJPC - M expense – ($2,704)

Decrease TJPC - J revenue - $21,152

Increase TJPC - A revenue – ($485,690)

Increase TJPC - A revenue – ($414,993)

Decrease TJPC - Z,Y,F,O,X,H, revenue - $444,486

Remove TJPC - Z,Y,F,O,X,H expense – ($611,612)

Increase Juv Prob Op - salaries - $166,545

Increase Juv Prob Op - fica/ret - $30,711

Increase Juv Prob Op - ins $31,052

Reduce Juv Prob Op - contract det – ($20,000)

Reduce Juv Prob Op – supplies – ($5,000)

Reduce Juv Prob Op – phone - ($9,700)

Reduce Juv Prob Op – fuel - ($5,000)

Increase Juv Prob Op – printing - $200

Increase Juv Prob Op – cont ed - $2,200

Constable Pct. 1- part time deputy - $0

Dev Services – Budget re-grades approved in Commissioners Court 8/16/11 - $7,716

Reduce continuing ed - ($3,716)

Reduce contract services - ($2,000)

Reduce vehicle maint - ($1,000)

Reduce telephone - ($1,840)

Add phone allowance - $420

Extension office – reduce full time Admin 1-24 hrs wk ($20,693)

County Wide – Reduce Transfer of Funds – Courthouse Security & P Health Fund – ($77,620)

Reduce membership fees – Remove Clean Air Force membership – ($23,187)

Contingencies – reduce Emp App allocation – ($5,000)

Salary Adjustments - H/R requested for temp help & hire above min - $2,000

Decrease Insurance Benefits – ($30,906)

District Court – Re-establish District Judge's stipends - $13,832

Road & Bridge Fund – Rollover precinct project - $1,933,071

Bail Bond Fund – Extend temp P/T admin asst - $5,906

Courthouse Security Fund- CCL 2 - Remove Security Specialists – ($21,551)

Remove Security Specialist – ($24,164)

Personal Health – Increase Travel - $0

Admin Asst re-grades $ 8,425

Personal Health Grant Budgets – Increase DSHS Immunization PI – grant budget - ($15,000)

Increase DSHS Immunization exp - grant budget - $75,029

Increase DSHS RLSS revenue - grant budget - ($51,463)

Decrease DSHS RLSS expense - grant budget - ($2,522)

Decrease DSHS BT revenue - grant budget - ($2,902)

Increase DSHS BT expense - grant budget - $2,565

Decrease DSHS Title V expense - grant budget - ($52,151)

Increase P Health Op-salaries - grant budget - $5,837

Increase P Health Op-fica/ret- grant budget - $1,000

Increase P Health Op-insurance - grant budget - $7,703

County Clerk – plat cabinet – records mgmt. fund - $6,000

Social Services – Crimestopper - $1,250

CERT - $3,812

Community Action - $4,250

Wimberley Srs. - $2,500

Greater SM Srs. - $750

Kyle Area Srs.- $2,500

Hill Country Srs. - $5,625

Onion Creek Srs. - $2,500

Combined Comm. Action - $3,250

Food Bank - $6,250

Hays Caldwell Council on A & D - $4,375

Women's Center - $12,500

Scheib - $7,500

Southside - $6,250

Youth Shelter - $9,188

CASA - $4,625

Big Brothers, Big Sisters - $1,313

Nostros La Gente - $ 1,250

SM/ Hays EMS - $87,500

CARTS $5,000

Addtl Social Service – National Ctr for Farmworker Health –Breast Cancer Awareness- $0

National Ctr for Farmworker Health - Healthy Communities Collaborative - $0

Dispute Resolution Center – FY 2012 start up funds - $15,000 final year

LCRA Fund- Lower Guadalup River Authority – GBRA Basin Study- $ 11,750

Hays Trinity Groundwater Consv - $6,250

Commissioner Conley proposed that up to $100,000 come out of reserves for planning of 911 Dispatch Center. **A motion was made by Commissioner Conley seconded by Commissioner Whisenant to earmark $100,000 out of Reserves for planning of 911 Dispatch Center. All voting "Aye". MOTION PASSED**

28328 ORGANIZATION OF THE DEVELOPMENT SERVICES DEPARTMENT; PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, COMMISSIONERS COURT MAY CONVENE TO EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF INDIVIDUAL EMPLOYEES OF DEVELOPMENT SERVICES

Court convened into closed executive session at 12:47 pm and reconvened into open meeting at 1:12 p.m. In attendance were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Clint Garza, and Shari Miller. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to instruct HR to change the official title of a Floodplain Administrator to Chief Environmental Health Specialist/Floodplain Administrator, and to instruct HR to re-grade the Environmental Health Specialist II position to the 112 salary range, to instruct HR to re-title Danielle Donnelly, Eric Vangaasbeek, April Porter and Corrie Smith to Environmental Health Specialist I in the 111 salary range, make an exception to county policy regarding posting and promotion and promote Tom Pope to Chief Environmental Health Specialist/Floodplain Administrator in the 113 salary range, make an exception to county policy regarding posting and promotion and promote Bob Pratt to Environmental Health Specialist II in the 112 salary range and grant a one-time 6% increase to current salary to Tom Pope and Bob Pratt. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Burn Ban will remain in effect.

Clerk's Note Agenda Item #36 RE: *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**

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

Jeff Watson standing in for Mike Weaver gave a brief updated on Road Bond Projects. FM 1626 Southern Section – Klotz, FM 1626 Northern Section (FM 967 to Brodie Lane) – Jacobs, FM 110 (IH 35 to SH 123) – S&B Infrastructure, US 290 (Nutty Brown Rd to Trautwein Rd) – Construction COMPLETE, IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing /CR 210 Overpass), IH 35 Phase IIA (RM 150 Realignment) – URS, IH 35 Phase IIB (FM 1626 to Yarrington) – CP&Y, FM 2001 (Frontage Road Connector) – Construction COMPLETE.

Clerk's Note Agenda Item #38 RE: *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**

Clerk's Note Agenda Item #39 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 August 16, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF AUGUST A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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:

DISCUSSION TO CONSIDER THE REDISTRICTING OF COMMISSIONERS PRECINCT LINES IN HAYS COUNTY

PUBLIC COMMENTS

Jack Jordan – Kyle resident Pct 2, Barbara Hopson – Wimberley resident Pct 3, Joel Kirkby – Kyle resident Pct 2, Mark LeMense – Kyle resident Pct 2, Kenneth J. Christie – Kyle resident Pct 2, Lila Knight Kyle resident Pct 2, Wayne Taylor – San Marcos resident Pct 4, Steven M. Pulis – Kyle resident Pct 2, Jim Brewington – Kyle resident Pct 2, Sam Brannon – San Marcos resident Pct 1, Wally Kinney – Dripping Springs resident Pct 4, David Crowell – Kyle resident Pct 2, Brad Pickett – Kyle resident Pct 2, John Leonard – San Marcos resident Pct 1, Todd Giberson – Buda resident Pct 2, Diana Hendricks – San Marcos resident Pct 3 made public comments. Rolando Rios Redistricting Attorney for Hays County spoke of the requirements needed when considering redistricting. Commissioner Whisenant presented the Court with a letter that he will post on the internet that explains the process they took when preparing some of the redistricting maps. Commissioner Ingalsbe explained her support for Map "O" instead of Map "N". Commissioner Jones explained that the redistricting map would decide who your Commissioner is. Commissioner Conley explained his support for Map "M". **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve Commissioners Court Precinct Map "M-2". Commissioner Ingalsbe and Commissioner Whisenant voting "No". Commissioner Jones, Commissioner Conley, Judge Cobb voting "Aye" MOTION PASSED**

A motion was made by Commissioner Conley, seconded by Commissioner Jones to adjourn.

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 AUGUST 16, 2011

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF AUGUST 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:

Pastor Nancy Marroquin from Dripping Springs Presbyterian Church gave the invocation and Judge Cobb led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

28329 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 $2,852,537.58 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28330 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 15 AND 16, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of August 15 and 16, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28331 AMEND THE SHERIFF'S OFFICE BUDGET TO PURCHASE REPLACEMENT TASERS

The Sheriff's Office would like to purchase replacement tasers, the cost of repairs exceed or are just as much of a replacement. The funds have been identified with the Sheriff's Office budget. Amount required $2,500 (011-618-0.5362 Criminal Investigation). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Sheriff's Office budget to purchase replacement tasers. All voting "Aye". MOTION PASSED**

28332 APPROVE AMENDMENT TO PURCHASING POLICY TO INCLUDE BIDDER'S PROTEST PROCEDURES LANGUAGE ON ALL BID DOCUMENTS

Hays County underwent a TxDot compliance review recently and one of the requirements the County needs to complete is to add the Bidders Protest Procedures language to the purchasing policy. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve amendment to purchasing policy to include Bidder's Protest Procedures language on all Bid documents. All voting "Aye". MOTION PASSED**

28333 AMEND BUDGET OF CONSTABLE PCT 1 FOR EQUIPMENT AND FUEL

Constable Pct.1 requires addition fuel, needs to decal/stripe vehicle rec'd from Sheriff's Office, and needs a replacement radio in another car that LCRA reports not repairable and is asking for the loaner radio to be return to them. Amount required is $6,350 to 001-635-00.5271 Fuel, 001-635-00.5715 Communication Eqpt,. 001-635-00.5717 Law Enforcement Equipment. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend Budget of Constable Pct 1 for equipment and fuel. All voting "Aye". MOTION PASSED**

28334 AMEND BUDGET OF VETERANS OFFICER IN GENERAL FUND FOR CONTINUING EDUCATION

The Veteran's Office budget will require additional funds to attend a conference. Amount required is $300 to 001-720-00.5551 Continuing Ed. From 001-720-00.5011 Dept Head. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend Budget of Veterans Officer in General Fund for Continuing Education. All voting "Aye". MOTION PASSED**

28335 APPROVE RECOMMENDATION OF RVI AS MOST QUALIFIED FIRM FOR RFQ 2011-P15 "JACOB'S WELL DEVELOPMENT MASTER PLAN" AND AUTHORIZE CONTRACT NEGOTIATION

On June 28, 2011 the Commissioners Court approved the solicitation of a Request for Qualifications (RFQ) for consultant services for development of a master plan for the Jacob's Well property. The deadline for submissions was July 21, 2011 and seven firms which responded to the RFQ were AMEC from Austin, Baker-Aicklen/Luck Design Team from San Marcos, Bury & Partners, Inc. from Austin, Environmental Survey Consulting from Austin, J. Robert Anderson Landscape Architects from Austin, RVI from Austin and The Rivers Studio from Austin. Submissions were evaluated per established rating criteria, and two finalists (RVI and J. Robert Anderson Landscape Architects) were interviewed. The firm of RVI has been recommended for the project. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve recommendation of RVI as most qualified firm for RFQ 2011-P15 "Jacob's Well Development Master Plan" and authorize contract negotiation. All voting "Aye". MOTION PASSED**

28336 ACCEPT DONATION FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received a donation for the Historical Jail Restoration Project from Kate Johnson. These funds will be used for construction costs. Amount of contribution is $10,000 (144-676-00.4610). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept donation for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**

28337 RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR COUNTY MAINTENANCE THE ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR A SECTION OF VALLEY SPRINGS ROAD IN WIMBERLEY SPRINGS SUBDIVISION, PHASE 1

Transportation Director Jerry Borcherding gave staff recommendation. The Road Department has inspected and recommends its acceptance for maintenance. This section of Valley Springs Road is off of FM 2325, includes the round-a-bout, and meets up with the current County-maintained section of Valley Springs Road in Woodcreek North Subdivision. The section length is approximately 2,571 feet. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to release the maintenance bond and accept for County maintenance the road and drainage improvements within County ROW for a section of Valley Springs Road in Wimberley Springs subdivision, Phase 1. All voting "Aye". MOTION PASSED**

28338 CALL FOR A PUBLIC HEARING ON SEPTEMBER 6, 2011 TO ESTABLISH TRAFFIC REGULATIONS (SCHOOL ZONE) ON POSEY ROAD BETWEEN THE RAILROAD TRACTS WEST TO HUNTER ROAD

Business owners and residents have expressed concern with the volume of traffic, especially larger truck traffic, and the daycare/pre-school that is located on Posey and have requested a school zone be established. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to call for a Public Hearing on September 6, 2011 to establish traffic regulations (school zone) on Posey Road between the Railroad Tracts West to Hunter Road. All voting "Aye". MOTION PASSED**

28339 RESUBDIVISION OF LOTS 19 AND 20, LOS RANCHOS [11-4-9 – 6 LOTS] **AND HOLD PUBLIC HEARING**

Judge Cobb opened the public hearing. Judy Powell made public comment. Public hearing was closed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to re-open public hearing. All voting "Aye". MOTION PASSED** Judge Cobb re-opened the public hearing. Pat Campbell, Greg Boyce, Larry Spector, Don Rainey, Dale Campbell and Victor Garza made public comments. Public hearing was closed. Roxie Botkin Subdivision Coordinator gave staff recommendation. Los Ranchos is a recorded subdivision located off of F.M. 150 in Precinct 4. The subdivision was originally platted in 1978 as a 28 lot subdivision. The current configuration of the two lots consists of seven unplatted parcels, three of which are currently developed. The purpose of the resubdivision is to plat six new lots, thereby allowing the existing parcels to be further developed. The proposed lot sizes are as follows; Lot 20A, 6.68; Lot 20B, 2.00 acres; Lot 20C, 2.02 acres; Lot 20D, 2.00 acres; Lot 19A, 3.24 acres; Lot 19B, 4.61 acres. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to postpone until staff recommends bringing it back for the Courts consideration. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28340 RATIFY AND CONFIRM THE COURT'S ADOPTION OF MAP M-2 AS THE MAP TO BE SUBMITTED TO THE DEPARTMENT OF JUSTICE FOR THE PURPOSE OF REDISTRICTING COMMISSIONERS' PRECINCT BOUNDARIES

Lila Knight – Kyle resident, David Wilson – Kyle resident, Liz Sumter – Wimberley resident and Jim Green – San Marcos resident, Jimmy Skipton – Dripping Springs resident and Commissioner Whisenant made public comments. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to ratify and confirm the Court's adoption of Map M-2 as the map to be submitted to the Department of Justice for the purpose of redistricting Commissioners' precinct boundaries. Commissioner Ingalsbe voting "No". Commissioner Jones, Commissioner Conley, Commissioner, Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28341 APPOINT ELECTIONS ADMINISTRATOR AND GIS MAPPING TO ESTABLISH COUNTY VOTING PRECINCT MAPS ACCORDING TO THE ADOOPTED COMMISSIONERS PRECINCT AND CONGRESSIONAL MAP BOUNDRIES PURSUANT TO SECTION 42 OF THE TEXAS ELECTION CODE AND DETERMINE A TIMELINE FOR ADOPTION OF ADJUSTED BOUNDARIES

Joyce Cowan Elections Administrator gave a brief explanation of the process and the time constraints. Ms. Cowan suggested that she and the GIS Coordinator co-chair this to get the maps done in a timely manner. County Election precinct boundaries must be reviewed and adjusted for changes resulting from redistricting. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to appoint the Elections Administrator and the GIS Coordinator to establish county voting precinct maps according to the adopted Commissioners Precinct map and Congressional map boundaries pursuant to Section 42 of the Texas Election Code and determine a timeline for adoption of adjusted boundaries. All voting "Aye". MOTION PASSED**

28342 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Shelly Williams Juvenile Probation requested the filling of a vacant position. She would like to move someone up to fill that position and this would create a second opening. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to fill the vacancies in the Juvenile Probation Department. All voting "Aye". MOTION PASSED**

28343 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF BUDA REGARDING PARTICIPATION IN A DRAINAGE ASSESSMENT ASSOCIATED WITH THE HAYS COUNTY LOWER COLORADO RIVER BASIN STUDY

Jeff Hauff Grants Administrator gave a brief overview of the grant. On November 3, 2009 the Commissioners Court approved a grant contract with the Texas Water Development Board to initiate a flood protection planning study on waterways in northern Hays County that are part of the Lower Colorado River Drainage Basin. On May 4, 2011 the Commissioners Court approved agreements with the Lower Colorado River Authority and U.S. Army Corps of Engineers to partner in funding and conducting the study, with cost sharing of 50 % by the USACE. On August 10, 2010 the Commissioners Court, accepted a grant award amendment increasing funding from the TWDB (total award $389,225) necessary to complete investigations of the drainage basin. There are small portions of the study that the USACE cannot participate in funding due to internal agency requirements, although this area was accounted for in the TWDB grant. Several communities have agreed to partner with Hays County to complete studies of these small drainage areas. The purpose of this agreement with the City of Buda is to complete detailed studies of drainage segments within their jurisdiction under the overall northern Hays County study. The City of Buda will provide funding of $7,029.00 over a two year period to match funding provided under the TWDB grant to investigate the drainages in this area. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement with the City of Buda regarding participation in a drainage assessment associated with the Hays County Lower Colorado River Basin study. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Conley, seconded by Commissioner Jones to recess until 2:00 pm Clerk's Note: Court reconvened into Open Session at 2:00 pm

28344 AUTHORIZE COMMERCIAL OSSF PERMIT AT 3509 CREEK ROAD, DRIPPING SPRINGS, TEXAS IN PRECINCT 4

Hancock/Hanks Investments, Ltd. is proposing to add a commercial kitchen for preparation of meals at the Camp Lucy Event Center. This will require an upgrade in the treatment capacity of the existing on-site sewage facility, which was permitted in 2009. This on-site sewage facility is designed for 1430 gallons per day (maximum flow on weekends). The property is 177 acres in size. This permit will authorize the addition of a 1500 gallon grease trap, a 2000 gallon equalization and pretreatment tank, and a 1500 gpd aerobic treatment tank. The water supply will supplied by Dripping Springs Water Supply Corp. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Commercial OSSF Permit at 3509 Creek Road, Dripping Springs, Texas in Precinct 4. All voting "Aye". MOTION PASSED**

28345 ADOPT THE FY 2012 HOLIDAY CALENDAR

In order to schedule court dockets the county has been requested to consider approving the 2012 County Holiday Calendar. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt the FY 2012 Holiday Calendar. All voting "Aye". MOTION PASSED**

28346 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT CONTRACT WITH THE ATTORNEY GENERAL (OAG), CRIME VICTIM SERVICES DIVISION FOR UP TO $42,000.00

Jeff Hauff Grants Administrator gave an overview of this grant. Lt. Mark Graves spoke of the importance of this position and how they have had volunteers in the past. On March 29, 2011 the Commissioners Court authorized submission of a grant application to the Office of the Attorney General in the amount of $42,000 for a victim counselor/coordinator for the Sheriff's Office. This position will provide services to crime victims, their families, and citizens of Hays County who have experienced the trauma of victimization. The victim counselor/coordinator would assist in completing and submitting the required forms for court, provide counseling, and coordinate victims for court appearances. The grant term is for one year from September 1, 2011 through August 31, 2012. Subject to and contingent on funding, this grant could be extended through August 31, 2012. Subject to and contingent on funding, this grant could be extended through August 31, 2013. The first year annual salary and fringe benefits for this position is $44,194.00, a difference of $2,194.00. The Sheriff's Office budget will supplement the additional funds required. The county is not required to continue this position after the grant expires. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Grant Contract with the Attorney General (OAG), Crime Victim Services Division for up to $42,000.00. All voting "Aye". MOTION PASSED**

28347 AUTHORIZE THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE FLU SHOTS TO HAYS COUNTY EMPLOYEES AND THEIR INSURED DEPENDENTS AT NO COST

Priscilla Hargraves Personal Health Director gave an overview of the flu shots. As part of the County's ongoing support of wellness and preventative initiatives, this will be the 7th year that Hays County provides flu shots free of charge to County employees and their insured dependents. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Hays County Personal Health Department to provide flu shots to Hays County employees and their insured dependents at no cost. All voting "Aye". MOTION PASSED**

28348 HAYS COUNTY TRANSPORTATION PLAN AND THE FORMATION OF A CITIZEN TRANSPORTATION COMMITTEE

A motion was made by Commissioner Conley, seconded by Commissioner Jones to create a citizen advisory board consisted of three appointees from each member of the court to participate and to advise staff and consultants in developing the Hays County Transportation Plan; completion of the adoption of the plan by the county the advisory committee would be dissolved. All voting "Aye". MOTION PASSED

28349 DETERMINE A PROPOSED TAX RATE AND PROPOSED BUDGET FOR FY2012; AND TO SCHEDULE A PUBLIC HEARING ON THE FY2012 BUDGET

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the budget for the Hays Trinity Groundwater Conservation District and add $25,000 of funding from LCRA Funds. All voting "Aye". MOTION PASSED A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to keep 3 Security Personnel for Security at the Justice Center ending on 12/31/11 through salary savings/attrition. All voting "Aye". MOTION PASSED A motion was made by Commissioner Conley, seconded by Commissioner Jones to move $10,500 out of IT's Development Services Line and into County-wide Contingencies. All voting "Aye". MOTION PASSED A motion was made by Commissioner Conley, seconded by Commissioner Jones to allocate $60,000 into the Parks Budget to hire 2 park attendants at a grade 105. All voting "Aye". MOTION PASSED A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the proposed budget for FY 2012. All voting "Aye". MOTION PASSED A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt the proposed tax rate of 46.91. All voting "Aye". MOTION PASSED A motion was made by Commissioner Whisenant, seconded by Commissioner Conley schedule a public hearing on the FY2012 budget on September 20, 2011 at 1:30 pm. All voting "Aye". MOTION PASSED

WORKSHOP – PRESENTATION AND DISCUSSION REGARDING INDIGENT CARE FUNDING INCLUDING A SUMMARY OF THE MEDICAID SUPPLEMENTAL PAYMENT PROGRAM

Sam Huenergardt introduced Eric Weatherford, Richard Boggess of CTMC. Sam Huenergardt gave a presentation on Medicaid Supplemental Payment Program in Texas and spoke of Indigent Care that is done in Hays County. CTMC is not reimbursed for Indigent Care Services by Hays County due to an agreement made 23 years ago. Medicaid is funded jointly by the state and federal governments – the current state-to-federal matching ratio is approximately 31:69, but will drop to 42:58 on October 1, 2011. To trigger the federal government's responsibility to match, the State Comptroller's Office certifies to CMS that state funds are currently on deposit to match the requested federal funds. Eric Weatherford spoke of changes made by the state. Margie Rodriguez Personal Health Indigent Coordinator spoke.

WORKSHOP – DISCUSS HAYS COUNTY COMMUNICATION ISSUES AND POLICIES INCLUDING BUT NOT LIMITED TO CELL PHONES, AIR CARDS, PHONE/FAX LINES, WI-FI CONNECTIONS, COURTROOM VIDEO, HAND HELD RADIOS, EMERGENCY COMMUNICATION DEVICES, INTERNET, AND SOCIAL MEDIA

Laureen Chernow Public Information spoke of the committee and its members. The need for the policies and liabilities it has on the county. Some of the topics are 1) Social Media Policy, 2) Email Policy, 3) Landline/Cell Phone Policy, 4) Air Card Policy, 5) TV/Cable Policy, 6) FAX Machine Policy, 7) County Directory Assistance Phone Number, 8) Court Video Quality/Capabilities, 9) Global Email Address List Expansion, 10) "Open Sky" Radios, 11) Pager Use, 12) Backup Documents. Need for new policies: New technologies and updated techniques require new policies or updates to existing ones, Committees have identified areas that need policies to clarify expectations among both our employees and the general public; Establishment and enforcement of policies can help save money and mitigate liability on County's part. Elected officials & Department Heads will have more responsibility under these new policies. New for Hays County: Automated Directory Assistance Number: 512-393-7779. This will be in phone book (November), currently rings to x2205, can be fully automated for Government Center move-in if Court approves. Lon Shell gave an overview of the cell phone issues: General Facts regarding Hays County Cell Phones – How many county provided cell phones are currently used? As of 8/22/11 there are a total of 161 County provided cell phones-not including the Sheriff's office. The Sheriff's office has 75 Department issued phones-approximately 45 are smart phones. Of the total how many have data plans or texting plans? There are a total of 58 smart phones that have data plans and 14 that have texting plans. There are 2 non smart phones that have data plans and 14 that have texting plans. What is our monthly cost for each type of service; smart phone, regular phone, and regular phone with text? The total monthly recurring charge depends on which "tier" of the AT&T Government Pooled Plan for voice. The details on the cost of the voice rate plan by tier. The 2GB smart phone data plan is $29.60/month and the unlimited Messaging feature is $10.00/month. The contract provides 100 free text messages at no charge, but this feature can and has been restricted for individual users. What do the phones cost? The initial cost of the device depends on the type of device. The State of Texas DIR contract (DIR-SDD-597) provides a free standard handset and a free blackberry device. The Solution- Government Nation Pooled Plan, Customized Pooled Voice Minutes to address each agency's specific needs, unlimited calls between users (mobile-to-mobile), 5,000 Minutes of Night and Weekend per user!, Additional features included at no cost; VM, Caller ID, Call Waiting, Call Forwarding, etc! Additional DIR Contract Benefits:
100 text messages Included, $10/month unlimited messaging (SMS/MMS) $5/month unlimited push-to-talk, access to the premier online portal, new activations and feature activation/restriction, robust management reporting, 26% discount, $80 equipment credit on voice-only devices, $100 equipment credit on integrated devices

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Burn Ban will remain in effect.

Clerk's Note Agenda Item # 25 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

Clerk's Note Agenda Item # 26 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

Clerk's Note Agenda Item # 27 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

ADJOURNMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones 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 August 23, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 30TH DAY OF AUGUST 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:

Commissioner Whisenant 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 – San Marcos resident, Darrell Ayres Constable Pct 3, and James Kohler Constable Pct 2 made public comments.

28350 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $2,714,877.93 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28351 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 23, 2011

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of August 23, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28352 AMEND BUDGET OF CONSTABLE PCT 1 TO PURCHASE LIGHT BAR FOR VEHICLE

Constable Peterson needs to install a light bar on vehicle received from the Sheriff's Office, transferring from his budget. Amount required $760 to 001-635-00.5717 Law Enforcement Equipment from 001-635-00.5413 Vehicle, 001-635-00.5461 Printing, 001-635-00.5473 Equipment Lease. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend budget of Constable Pct 1 to purchase light bar for vehicle. All voting "Aye". MOTION PASSED**

28353 AMEND BUDGET OF CIVIC CENTER FOR UTILITIES FROM COUNTYWIDE

The Civic Center will be deficit in utilities line item, and after transferring all within his budget. Amount required $2,800 to 001-646-00.5480 Civic Center Utilities from 001-645-00.5399 Contingencies. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend budget of Civic Center for utilities from Countywide. All voting "Aye". MOTION PASSED**

28354 AMEND LAW ENFORCEMENT STRIKE TEAM GRANT BUDGET TO USE SAVINGS IN LAW ENFORCEMENT EQUIPMENT FOR LAW ENFORCEMENT SUPPLIES

On November 9, 2010 Commissioners Court accepted a grant award for the Law Enforcement Strike Team, CAPCOG and the State Administrative Agency have approved the team to purchase gas masks at a cheap rate than what was proposed on the grant application. Savings from the cheaper rate will be used to purchase law enforcement supplies. Amount required $3,250 to 001-656-99-065.5717. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend Law Enforcement Strike Team Grant budget to use savings in law enforcement equipment for law enforcement supplies. All voting "Aye". MOTION PASSED**

28355 AMEND BUDGET OF CONSTABLE PCT 5 FOR SUPPLIES FROM EQUIPMENT SAVINGS

Constable wishes to purchase jumper/booster boxes and other supplies not deemed equipment and will use savings from equipment line. Amount required $512.00 to 001-639-00.5206 Law Enforcement Supplies from 001-639-00.5717 Law Enforcement Equipment. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend budget of Constable Pct 5 for supplies from equipment savings. All voting "Aye". MOTION PASSED**

28356 AMEND BUDGET OF VETERANS OFFICE FOR CONTINUING EDUCATION

The Veteran's Office requires $132 for balance of conference cost. 001-720-00.5551 Continuing Ed. from 001-720-00.5551 continuing education from 001-720-00.5501 Travel. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend budget of Veterans Office for continuing education. All voting "Aye". MOTION PASSED**

28357 AMEND BUDGET OF DISTRICT COURT FOR OFFICE SUPPLIES FROM PERSONNEL SAVINGS

In the past few weeks, District Court has exhausted its budget resources for Jury/Indigent legal costs. With an additional court coordinator, office supplies are needed and can be funded from the medical insurance savings form that coordinator. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe**

to amend budget of District Court for office supplies from personnel savings. All voting "Aye". MOTION PASSED

28358 AMEND BUDGETS OF GENERAL FUND, LAW LIBRARY, AND PARKS FUND FOR TELEPHONE REQUIREMENTS FROM COUNTYWIDE

Telephone line items will require adjustments with the net amount from Countywide. Amount required $133,547.00 to Various Departments from 001-645-00.5091 Countywide Salary Adj. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend budgets of General Fund, Law Library, and Parks fund for telephone requirements from countywide. All voting "Aye". MOTION PASSED**

28359 ACCEPT DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received several donations for the Historical Jail Restoration Project from various entities. These funds will be used for contract services. Amount $1,980.00 to 114-676-00.4610. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept donations for the Historical Jail restoration project and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**

28360 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CONSTABLE PRECINCT 1 OFFICE

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's Office performed an internal examination of the Hays County Constable Precinct 1 financial records for the period of September 1, 2009 to April 30, 2011. The internal examination consisted of reviewing disbursements, receipts, deposits, fixed assets, and other supporting documentation. Based on the internal examination, except for the following findings and recommendations, cash receipts and disbursements appear to be adequately accounted for and related records appear to be accurately maintained in accordance with statutory requirements. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the delivery of the Internal Examination Report for the Hays County Constable Precinct 1 Office. All voting "Aye". MOTION PASSED**

28361 AMEND THE SHERIFF'S OFFICE BUDGET TO PURCHASE EQUIPMENT

The Sheriff's Office would like to purchase a truck vault to secure SWAT equipment and replace a water softener. The funds have been identified in the Sheriff's Office Budget. Amount required $29,000.00 amendment for truck vault 001-618-00.5206 ($2,500) 001-618-00.5717_400 $2,500, amendment for water softener ($26,500) 001-618-03.5719_700 $26,500. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the Sheriff's Office budget to purchase equipment. All voting "Aye". MOTION PASSED**

28362 AMEND BUDGET OF ASSOCIATE JUDGE/FAMILY LAW FOR CONTINUING EDUCATION

Judge Smith will require $245 to cover the balance of CLE from office supplies. Amount required $245.00 to 001-608-01.5551 continuing education from 001-608-00.5211 Office Supplies. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend budget of Associate Judge/Family Law for Continuing Education. All voting "Aye". MOTION PASSED**

28363 AMEND THE BAIL BOND BUDGET TO INCREASE HOURS FOR TEMPORARY PART-TIME STAFF

Julie Villapando is requesting an additional 50 hours for the temporary Bail Bond Assistant for FY11. Salary $527.50 051-618-00.5021, Fica $32.71 051-618-00.5101_100, Medicare $7.65 051-618-00.5101_200 for the total of $567.86 taken from 051-618-00.5301 operating expense. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the Bail Bond Budget to increase hours for temporary part-time staff. All voting "Aye". MOTION PASSED**

28364 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REVISED CONTRACT FOR CHANGES TO SERVICES PROVIDED BY GRANDE COMMUNICATIONS

This is for the renewal/move order details changes necessary for the upcoming move to the new Government Center. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a revised contract for changes to services provided by Grande Communications. All voting "Aye". MOTION PASSED**

28365 CALL FOR A PUBLIC HEARING ON SEPTEMBER 13, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON INDIAN CREEK ROAD

This is to establish a speed limit of 25 MPH on Indian Creek Rd near the City of Mountain City. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to call for a public hearing on September 13, 2011 to establish traffic regulations of 25 MPH speed limit on Indian Creek Road. All voting "Aye". MOTION PASSED**

28366 CALL FOR A PUBLIC HEARING ON SEPTEMBER 13, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON CYPRESS RD, CR 225

This is to establish a stop sign on Cypress Rd at Old Stagecoach Rd and set a speed limit of 30 MPH on Cypress Rd, off of Old Stagecoach Rd near Kyle**. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on September 13, 2011 to establish traffic regulations on Cypress Rd, CR 225. All voting "Aye". MOTION PASSED**

28367 RESUBDIVISION OF LOT 10, SILVER SPUR RANCHETTES, SECTION 2 [11-4-18 – 5 Lots] **HOLD A PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the Public Hearing. Lisa Wagner – Austin resident, Ronald Taylor – Austin resident, made public comments. Judge Cobb closed the Public Hearing. Roxie Botkin Hays County Subdivision Coordinator gave staff recommendation. Silver Spur Ranchettes is a platted subdivision located off of Davy Crockett Drive in Precinct 4 Section 2 (11 lots) was platted in 1962. The section is located in both Travis and Hays Counties. There are currently 20 parcels on the CAD records. The owner of lot 10 wishes to divide his 35.51 acres into 5 new lots. The proposed lot sizes are as follows: Lot 10A, 10.5 acres, Lot 10B, 5.02 acres, Lot 10C, 5.02 acres, Lot 10D, 8.69 acres, Lot 10E, 6.28 acres. Water and wastewater service will be provided to all lots by private wells and on-site sewage facilities at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Resubdivision of Lot 10, Silver Spur Ranchettes, Section 2. All voting "Aye". MOTION PASSED**

28368 AMENDING PLAT OF LOTS 27 & 28, CAPITAL AREA INDUSTRIAL PARK [11-2-26 – 2 LOTS] **WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT**

Clint Garza Development Services Director gave staff recommendation. The Capital Area Industrial Park is a platted subdivision located off of Industrial Way in the Extraterritorial Jurisdiction of the City of Buda in Precinct 2. The owner wishes to combine Lot 27 and Lot 28 into a single 2.926 acre lot. This plat is in the City of Buda's ETJ and has been through the City's approval process. Water will be provided by Goforth WSC and wastewater service will be provided by on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to waive preliminary plan and approve final plat of Amending Plat of Lot 27 & 28 Capital Area Industrial Park. All voting "Aye". MOTION PASSED**

28369 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Brett Littlejohn Juvenile Detention Center Director spoke of vacant positions he needs filled. Juvenile Supervision Officer this position is a line officer position and is essential to meet staffing ratios for direct and indirect supervision with a pay grade at 107 and Senior Case Manager this position is responsible for counseling services for our post-adjudication residents and is essential to meet contract requirements for post-adjudication services. This position is at a salary grade 110, range 1st quarter $ 36,139.75. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to allow Brett Littlejohn of the Juvenile Detention Center to fill the vacant positions needed at the Juvenile Detention Center. All voting "Aye". MOTION PASSED**

28370 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AFFILIATE AGREEMENT BETWEEN HAYS COUNTY AND CTMC REGARDING THE MEDICAID SUPPLEMENTAL PAYMENT PROGRAM

Sam Huenergardt and Eric Weatherford gave a brief presentation. Central Texas Medical Center proposes to affiliate with Hays County to participate in the Medicaid supplemental payment program. This agreement requires no funding. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an affiliate agreement between Hays County and CTMC regarding the Medicaid supplemental payment program along with the Certification of Governmental Entity Participation. All voting "Aye". MOTION PASSED**

28371 APPOINT COMMISSIONER WHISENANT TO FILL THE VACANT POSITION ON THE CAPITAL AREA COUNCIL OF GOVERNMENTS GENERAL ASSEMBLY

This position was previously held by Karen Ford former Precinct 4 County Commissioner. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to appoint Commissioner Whisenant to fill the vacant position on the Capital Area Council of Governments General Assembly. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #23 RE: *AUTHORIZE THE COUNTY JUDGE TO ADOPT A STANDARD PROJECT CONSTRUCTION MANUAL FOR FUTURE USE ON PROJECTS LET BY HAYS COUNTY WITHIN THE PASS THROUGH PROGRAM, OR FOR ALL HAYS COUNTY ROAD PROJECTS* **– was pulled**

28372 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: DISCUSSION OF ISSUES RELATED TO A RIGHT OF WAY ACQUISITION ON FM 1626

Court convened into closed executive session at 10:04 am and reconvened into open meeting at 10:10 am. In attendance were: Lori Bible, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase Agreement between Hays County and Templeton Living Trust, related to Right of Way Acquisition on FM 1626, as presented in Executive Session. All voting "Aye". MOTION PASSED**

28373 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO HAYS COUNTY'S ARCHITECTURAL SERVICES CONTRACT WITH PBS&J

Court convened into closed executive session at 10:15 am and reconvened into open meeting at 10:18 am. In attendance were: Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to execute a Mutual Settlement and Release Agreement between Hays County and Atkins North America, formerly PBS&J as presented in Executive Session. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain in effect and court will revisit this item next week.

Clerk's Note Agenda Item #27 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #28 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #29 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Conley 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 August 30, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF SEPTEMBER 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**
MARK JONES	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH DEBBIE GONZALES INGALSBE, COMMISSIONER, PCT. 1, RAY O. WHISENANT JR. COMMISSIONER, PCT. 4, NOT PRESENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENTS
Rob Roark – San Marcos resident made public comments.

Clerk's Note Agenda Item #1 RE: *PRESENTATION BY LULAC COUNCIL 4876 "THE NEW GENERATION" TO HAYS COUNTY* **– was pulled**

28374 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve payments of county invoices in the amount of $523,970.38 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28375 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 30, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve Commissioners Court minutes of August 30, 2011 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28376 AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT FOR UP TO $12,000.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE TITLE V PRENATAL PROGRAM

This is annual contract between Texas Department of State Health Services and Hays County Personal Health Department to provide prenatal services for the Title V-eligible clients prior to their eligibility for the Medicaid program. This contract provides funding for the program from September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize County Judge to execute contract for up to $12,000.00 from the Texas Department of State Health Services for the Title V Prenatal program. All present voting "Aye". MOTION PASSED**

28377 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR UP TO $192,341.00 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE IMMUNIZATION PROGRAM

This is an renewal contract in the amount of $192,341.00 between the Texas Department of State Health Services and Hays County Personal Health Department to fund the Immunization program. The contract provides funding for the program from September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute contract for up to $192,341.00 from the Department of State Health Services for the Immunization program. All present voting "Aye". MOTION PASSED**

28378 AUTHORIZE COUNTY JUDGE TO RENEW THE TUBERCULOSIS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR $14,710.00

This is a renewal of the annual contract between the Texas Department of State Health Services and the Hays County Personal Health Department for the Health Department to provide for surveillance, case identification, contract investigation, treatment or preventive therapy, and follow-up for Tuberculosis. These services will be provided from September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize County Judge to renew the Tuberculosis contract for the Hays County Personal Health Department with Texas Department of State Health Services for $14,710.00. All present voting "Aye". MOTION PASSED**

28379 APPROVE RENEWAL OF DOCTORS' ANNUAL CONTRACTS TO PROVIDE PHYSICIAN SERVICES AND SUPERVISION FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC AND ITS NURSE PRACTITIONER. THE COLLABORATING DOCTORS ARE: DR. BARRETT RANDALL BLAUE, MD, DR. TERESA IRWIN, MD, DR. BETH D. REID, MD, AND DR. KARI FAY, MD

These are annual contracts for Doctors' Blaue, Irwin, Reid, and Fay to provide physician services, consultation, and supervision for maternity and post-partum clients of the Hays County Personal Health Department Women's Clinic. Under the Title V grant program they will also provide prenatal visits at their location for high risk clients. These services will be provided from September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve renewal of Doctors' annual contracts to provide physician services and supervision for the Hays County Personal Health Department Women's Health Clinic and its Nurse Practitioner. The collaborating doctors are: Dr. Barrett Randall Blaue, MD, Dr. Teresa Irwin, MD, Dr. Beth D. Reid, MD, and Dr. Kari Fay, MD. All present voting "Aye". MOTION PASSED**

28380 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR UP TO $51,463.35 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE RLSS-LOCAL PUBLIC HEALTH SERVICES GRANT

This is to renew the annual contract between the Texas Department of State Health Services and the Hays County Personal Health Department, to fund Communicable Disease surveillance and reporting. The contract provides funding for the program from September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute contract for up to $51,463.35 from the Department of State Health Services for the RLSS-Local Public Health Services grant. All present voting "Aye". MOTION PASSED**

28381 APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE FOR REQUEST FOR PROPOSALS FOR WAYFINDING AND SIGNAGE FOR THE HAYS COUNTY GOVERNMENT CENTER

Hays County and Broaddus & Associates are soliciting proposals for selection of Wayfinding and Signage, fabrication and installation for the new Government Center located at 712 S. Stagecoach Trail, San Marcos, Texas. Bob Hinkle of Broaddus & Associates gave a brief explanation of the signage. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve specifications and authorize purchasing to advertise for Request For Proposals for Wayfinding and Signage for the Hays County Government Center. All present voting "Aye". MOTION PASSED**

28382 APPROVE CONTRACT FOR DR. CHARLES P. ANDERSON, M.D., TO PROVIDE CONSULTATION AND SUPERVISORY SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S' HEALTH CLINIC

This is a contract for Dr. Charles Anderson, MD to provide consultation and supervisory services to the Hays County Personal Health Department Woman's Health Clinic and its Family Nurse Practitioner. Dr. Anderson will provide these services for the clinic's family planning clients. These services will be provided from September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve contract for Dr. Charles P. Anderson, M.D., to provide consultation and supervisory services for the Hays County Personal Health Department Women's' Health clinic. All present voting "Aye". MOTION PASSED**

28383 APPROVE THE RENEWAL OF ANNUAL AGREEMENT RELATED TO THE APPOINTMENT OF DR. CHARLES P. ANDERSON, MD AS THE HAYS COUNTY LOCAL HEALTH AUTHORITY PURSUANT TO CHAPTER 121.023, TEXAS HEALTH AND SAFETY CODE

This is an annual renewal for Dr. Anderson, MD stating his duties as the Local Health Authority and the duty of Hays County to reimburse him for this service. This agreement is for one year beginning September 1, 2011 and extending through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the renewal of annual agreement related to the appointment of Dr. Charles P. Anderson, MD as the Hays County Local Health Authority pursuant to Chapter 121.023, Texas Health and Safety Code. All present voting "Aye". MOTION PASSED**

28384 APPROVE RENEWAL OF CONTRACTS FOR DR. CHARLES P. ANDERSON, MD AND DR. ALBERTO SANTOS, DO TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

These are annual contracts for Dr. Anderson, MD and Dr. Santos, DO to provide supervision and consultation for the Hays County Personal Health Department's Family Clinic Nurse Practitioner. These services will be provided from September 1, 2011 through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve renewal of contracts for Dr. Charles P. Anderson, MD and Dr. Alberto Santos, DO to provide services for the Hays County Personal Health Department Family Clinic. All present voting "Aye". MOTION PASSED**

28385 AMEND THE BUDGET OF CONSTABLE PCT 3 FOR SUPPLIES FROM EQUIPMENT SAVINGS

Constable Ayers wishes to purchase lapel microphones and other supplies not deemed equipment. Amount required $279.00 to 001-637-00.5206 Law Enforcement Supplies from 001-637-00.5717. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to amend the Budget of Constable Pct 3 for supplies from equipment savings. All present voting "Aye". MOTION PASSED**

28386 AMEND INFORMATION TECHNOLOGY BUDGET TO PURCHASE AN HP PRO CURVE SWITCH FOR THE EMC BUILDING

This is due to other offices moving to the EMC Building, there is a need for a higher capacity switch to accommodate all of the equipment. The HP Pro Curve switch with 48 port capacity will provide the adequate coverage needed. Savings in continuing education will fund this purchase. Amount required $2,000 to 001-680-00.5712 computer equipment. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to amend Information Technology budget to purchase an HP Pro Curve switch for the EMC Building. All present voting "Aye". MOTION PASSED**

28387 AMEND THE BUDGET OF COURTHOUSE SECURITY FUND FOR CONTINUING EDUCATION

Balancing of licensing/certification is needed for the courthouse security fund. Amount required is $30.00 to 107-612-00.5551 Continuing Ed from 107-612-00.5301 Operating. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to amend the Budget of Courthouse Security Fund for Continuing Education. All present voting "Aye". MOTION PASSED**

28388 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE SERVICE AGREEMENT RENEWAL WITH APPRISS FOR THE VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM FOR UP TO $30,710.00

The VINE program is administered by the Office of the Attorney General of Texas to provide statewide automated system to provide crime victims with accurate and up-to-date information and notification of county inmate status and court events. Appriss is the contract provider selected by the OAG to support the Vine program. The original maintenance renewal agreement is in the amount of $30,710.00 to cover costs for the renewal of services through August 31, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to accept and execute service agreement renewal with Appriss for the Victim Information and Notification Everyday (VINE) program for up to $30,710.00. All present voting "Aye". MOTION PASSED**

28389 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A MAINTENANCE GRANT CONTRACT FROM THE OFFICE OF THE ATTORNEY GENERAL IN THE AMOUNT OF $30,710.00 FOR STATEWIDE CRIME VICTIM NOTIFICATION SERVICE (SAVNS) AND TO AMEND THE BUDGET ACCORDINGLY

This grant contract is a statewide crime victim notification service (SAVNS) grant program is to maintain Texas Counties in a statewide system that will provide relevant offender release information, notification of relevant court settings or events, promote public safety and support the right of victims of crime. The Office of the Attorney General will reimburse Hays County for certain costs incurred in the implementation and operation of its portion of the statewide crime victim notification service. Hays County has participated in this program for a number of years, and this is a renewal for the service. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to accept and execute a Maintenance Grant Contract from the Office of the Attorney General in the amount of $30,710.00 for statewide crime victim notification service (SAVNS) and to amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28390 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (SCHOOL ZONE) OF 25 MPH ON POSEY ROAD BETWEEN THE RAILROAD TRACKS WEST TO HUNTER ROAD

Judge Cobb opened the Public Hearing. Willie Thomas – San Marcos resident, Tina Owens – San Marcos resident and Rob Roark – San Marcos resident made public comments. Judge Cobb declared the Public Hearing closed. Jerry Borcherding Transportation Director gave staff recommendation. This is to establish a school zone due to volume of traffic, especially larger truck traffic, and the daycare/preschool that is located on Posey. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to establish traffic regulations (school zone) of 25 mph on Posey Road between the railroad tracks west to Hunter Road. All present voting "Aye". MOTION PASSED**

28391 RESUBDIVISION OF LOTS 19 AND 20, LOS RANCHOS [11-4-9 – 5 LOTS] **APPROVE FINAL PLAT**

Greg Boyce – Driftwood resident, Larry Spector – Driftwood resident made public comments. Clint Garza Development Services Director gave staff recommendations. Los Ranchos is a recorded subdivision located off of F.M. 150 in Precinct 4. The subdivision was originally platted in 1978 as a 28 lot subdivision. There are 35 taxable parcels on the CAD records. The current configuration of the two lots consists of seven unplatted parcels, three of which are currently developed. The purpose of this resubdivision is to plat five new lots, thereby allowing the existing parcels to be further developed. In response to concerns from the neighborhood, the property owner has submitted a revised final plat which reduces the density by one lot. The proposed lot size are as follows; Lot 20A, 6.68 acres, Lot 20B, 2.54 acres, Lot 20C, 4.71 acres, Lot 20D, 2.00 acres, Lot 19A, 4.61 acres. Water and wastewater service for all lots will be provided by individual water wells and on-site sewage facilities. Lots 20B and 20D are restricted to advanced septic systems only. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve final plat of resubdivision of lots 19 & 20 Los Ranchos. All present voting "Aye". MOTION PASSED**

28392 ROADRUNNER RIDGE SUBDIVISION [11-4-25 – 2 LOTS] **APPROVAL OF PRELIMINARY PLAN**

Clint Garza Development Services Director gave staff recommendation. The Roadrunner Ridge Subdivision is a proposed subdivision of 12.10 acres of land located off Twin Oaks Trail in Precinct 4. The division will consist of two lots- Lot 1, 6.10 acres, Lot 2, 6.00 acres. Water and wastewater services will be provided by private wells and on-site sewage facilities for each lot at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve preliminary plan of Roadrunner Ridge Subdivision. All present voting "Aye". MOTION PASSED**

28393 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR CONTINUANCE OF THE REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE

The Travis County Sheriff's Office is requesting approval of the annual agreement with the Automobile Burglary and Theft Prevention Authority to continue the Sheriff's Combined Auto Theft Task Force Grant. Funding for the program includes Travis County and 14 other counties with the Sheriff of each county forming the Advisory Board of the program. The goal of the program is to reduce auto theft rates in the task force areas. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Assistance Agreement for continuance of the Regional Auto Theft Enforcement Task Force. All present voting "Aye". MOTION PASSED**

28394 APPROVE THE 2012 SHERIFF'S AND CONSTABLES' FEES

Constable Pct 3 Darrell Ayres gave a brief explanation of fees and the need to increase them. This is pursuant to Local Government Code 118.131 changes to the Sheriff's and Constables fees for 2012 which must be submitted and approved prior to October 1, 2011. The law requires each Commissioners Court to set fees charged for Civil Services by the offices of the Sheriff and Constables and directs that these fees be reported to the Comptroller. The Constables and Sheriffs are requesting some increases in fees. These increases will help to cover the increased costs of fuel, man power, and the general costs associated with operations. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve the 2012 Sheriff's and Constables' fees. All present voting "Aye". MOTION PASSED**

28395 ADOPT A RESOLUTION IN SUPPORT OF THE I-35 FRONTAGE ROADS PROJECT IN PRECINCT 2

Commissioner Jones spoke about the need to adopt this resolution in support of the I-35 Frontage Roads. There will be a public hearing on Thursday, September 8, 2011 at the Hays High School at 6:30 p.m. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to adopt a resolution in support of the I-35 Frontage Roads project in Precinct 2. All present voting "Aye". MOTION PASSED**

28396 ADOPT A RESOLUTION IN SUPPORT OF THE FM 150 REALIGNMENT PROJECT IN PRECINCT 2

Commissioner Jones spoke about the need to adopt this resolution in support of the FM 150 realignment project in precinct 2. There will be a public hearing on Thursday, September 8, 2011 at the Hays High School at 6:30 p.m. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to adopt a resolution in support of the FM 150 Realignment project in Precinct 2. All present voting "Aye". MOTION PASSED**

28397 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN EXTENSION OF THE CONTRACT WITH SMITH ROBERTSON FOR WORK SPECIFICALLY RELATED TO APPROVAL AND CONSTRUCTION OF FM 1626

This is designed to allow our consultants to aid TxDOT in responding to comments and preparing final environmental paperwork and approvals, thus expediting the project and saving money for the county in the long run. As the Court will recall, we have been working with TxDOT to improve reaction time and to "get back on schedule" with respect to the environmental process. SREG is familiar with the area and the environmental issues, both from work on the road and from our habitat plan, we can help expedite and refine TxDOT's work with USFW & FHWA. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute an Extension of the Contract with Smith Robertson for work specifically related to approval and construction of FM 1626 up to $10,000. All present voting "Aye". MOTION PASSED**

28398 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER TO TXDOT, EXPLAINING HAYS COUNTY'S POSITION ON THE FM 110 PROJECT AND THE 3RD AMENDMENT TO THE PASS THROUGH TOLL AGREEMENT

A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to execute a letter to TXDOT, explaining Hays County's position on the FM 110 project and the 3rd Amendment to the Pass Through Toll Agreement. All present voting "Aye". MOTION PASSED

28399 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH TXDOT FOR INSPECTION SERVICES FOR PASS-THROUGH PROJECTS

TxDot will perform material inspection and testing services for FM 110 and FM 1626 as requested by Hays County in an amount not to exceed $65,000. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement with TxDOT for inspection services for Pass-Through projects. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #28 RE: *AUTHORIZE THE COUNTY JUDGE TO ADOPT A STANDARD PROJECT CONSTRUCTION MANUAL FOR FUTURE USE ON PROJECTS LET BY HAYS COUNTY WITHIN THE PASS THROUGH PROGRAM* **– was pulled**

28400 APPROVE INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE KENNEDY CONSULTING, LTD. PROFESSIONAL SERVICE AGREEMENT AND THE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 1 FOR NECESSARY ADDITIONAL CONSTRUCTION PHASE SERVICES ON THE RM 12 AT SPORTS PARK PROJECT IN PRECINCT 4

The RM 12 at Sports Park project was identified as a key project in Precinct 4 as part of the 2008 Priority Road Bond Program. The project design is complete and is currently under construction. With construction advancing, it has become necessary to supplement Kennedy Consulting work authorization to provide construction phase services. These services were not included in the initial work authorization to permit development of an appropriate scope and fee for these services once it was determined who would be providing construction management/engineering services and a more accurate construction schedule was available. Construction phase services include: 1) Attend construction progress meetings, 2) Respond to contractor requests for information (RFI's), 3) Review contractor change order requests, and 4) Verify/re-establish project control for initiation of construction. Funds are available within the project's bond program budget. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve increasing the not-to-exceed fee and compensation cap on the Kennedy Consulting, Ltd. Professional Service Agreement and the Supplemental Work Authorization No. 2 to Work Authorization No. 1 for necessary additional construction phase services on the RM 12 at Sports Park project in Precinct 4. All present voting "Aye". MOTION PASSED A motion was made by Commissioner Jones, seconded by Conley to authorize County Judge to execute Supplemental Work authorization No. 2 to Work Authorization No. 1 for necessary additional Construction Phase Services on the RM 12 at Park Project in Pct 4. All present voting "Aye". MOTION PASSED**

28401 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER OF INTENT WITH LOTT BROTHERS CONSTRUCTION COMPANY FOR CONSTRUCTION OF THE PRECINCT 2 BUILDING IN AN AMOUNT NOT TO EXCEED $223,626

Lott Brothers has been requested to act as the contractor on behalf of Hays County, Texas in connection with the Hays County Precinct 2 Office Building. The project is generally understood to be the design and construction of an approximately 15,000 SF Precinct 2 office building in the Plum Creek master-planned community in Kyle, Texas per the specifications set forth in the County's RFP 2011-P10-B. Lott Brothers has commenced design efforts pertaining to the Pre-Construction Phase of the Project. Lott Brothers is willing to commence the work pursuant to the following terms: (1) This agreement confirms that the Parties intend to enter into a final agreement between the County and Contractor in connection with the project, the terms of which shall be negotiated upon court approval of the work (2) While the terms of a final agreement as referenced are being negotiated and until such is executed by the parties, the County agrees to pay contractor $223,626.00 for the Pre-Construction Work (3) Contractor agrees to invoice the County, and the County will make payment to contractor within 30 days of the County's receipt of contractor's invoice. (4) Contractor will provide the County with certificates of insurance evidencing the amounts and types of insurance the Parties agree upon in writing as the Pre-Construction Work progresses. The County shall be named as an additional insured on Contractor's General Liability, Automobile and Umbrella/ Excess Liability insurance policies. Contractor agrees that its subcontractors engaged in this Project will have liability and worker's compensation coverage (5) In consideration of the County's agreements herein, Contractor agrees to commence the Pre-construction work on the Work based on the County's execution of this agreement. (6) Finally, to provide for mutual waiver of subrogation, it is agreed that the County and Contractors waive all rights against (a) each other and any of their subcontractors, sub-subcontractors, agents and employees, each of the other, and (b) the designers for the Project for claims and damages to the extent such are covered by insurance obtained by County, Contractor, Designers or other insurance. This wavier of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification , contractual or otherwise, did not pay the insurance premium directly or indirectly , and whether or not the person or entity had an insurable interest in the property damaged. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute a Letter of Intent with Lott Brothers Construction Company for construction of the Precinct 2 building in amount not to exceed $223,626.00. All present voting "Aye". MOTION PASSED**

28402 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A GRANT AWARD CONTRACT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE FY11 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR EQUIPMENT FOR THE DISTRICT CLERK'S OFFICE, DISTRICT ATTORNEY'S OFFICE AND COUNTY COURT-AT-LAW IN THE AMOUNT OF $12,165.00

On June 21, 2011 Commissioners Court authorized submission of a grant application to the U.S. Department of Justice, Office of Justice Programs, under the FY11 Edward Byrne Memorial Justice assistance Grant (JAG) program for equipment (scanners, laptops, monitor and computer) for the District Clerk's Office, District Attorney's Office and County Court-at-Law in the amount of $12,165. The equipment will allow and enhance both input and retrieval of digital information and facilitate the rapid sharing of data between parties involved in court cases. The equipment purchases will be placed in the FY12 budget. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to accept and execute a grant award contract from the U.S. Department of Justice, Office of Justice Programs, under the FY11 Edward Byrne Memorial Justice Assistance Grant (JAG) program for equipment for the District Clerk's Office, District Attorney's Office and County Court-at-Law in the amount of $12,165.00. All present voting "Aye". MOTION PASSED**

28403 AUTHORIZE A COMMERCIAL OSSF PERMIT AT 312 GRANDE, DRIFTWOOD, TX IN PRECINCT 4-ITEM WAS TABLED

Greg Boyce – Driftwood resident made public comment. Clint Garza Director of Development Services gave staff recommendation. Larry Spector is replacing his existing on-site sewage facility on an existing house which has been changed in use to a weekend rental/vacation home. This permit will grant authorization to construct a low pressure dosed on-site sewage facility that is designed for 360 gallons per day. The property is 2.0151 acres in size. This permit issuance is contingent on approval of the final plat approval of this lot (Los Ranchos, 20C), which is also on the Court agenda on this date. The water will be supplied by private water well. No variances to the Hays County OSSF Rules were required/granted. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to table until Commissioner Whisenant and staff can coordinate to bring back at a later date. All present voting "Aye". MOTION PASSED**

28404 APPROVE FORMATION AND GENERAL REPRESENTATION OF A STAKEHOLDERS GROUP TO PROVIDE INPUT AND FEEDBACK ON THE JACOB'S WELL DEVELOPMENT PROJECT

Jimmy Skipton – Dripping Springs resident made public comment. On August 23, 2011 the Commissioner Court approved the selection of a consultant to prepare a development Master Plan for the 81-acre Jacob's Well property. Contract negotiations currently are underway and expected to be completed in the next few weeks. With the various interests involved in this project and the importance of the Jacob's Well property, it would be beneficial for the County to form a Citizen Stakeholders Group representative of those interests to provide input and feedback on the planning and development of the project area. Suggested representation in the Stakeholders group is as follows: Appointments by Commissioner Court members (5), Wimberley Valley Watershed Association (2), Hays Trinity Groundwater Conservation District (2), City of Wimberley (1), Woodcreek (1), Woodcreek North (1), TSU/RSI (1), The Nature Conservancy (1), Hays County Parks and Open Space Advisory Board (1). **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve formation and general representation of a stakeholders group to provide input and feedback on the Jacob's Well development project. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #34 RE: *10:00 A.M. PROGRESS REPORT BY THE GREATER SAN MARCOS PARTNERSHIP*-**was pulled**

EXECUTIVE SESSION PURSUANT TO §551.087 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS INCLUDING PROJECT DEMETER AND PROJECT SKY BLUE

Court convened into executive session at 10:50 am and reconvened into open meeting at 11:35 am. In attendance were Commissioner Jones, Commissioner Conley, Judge Cobb, Lon Shell Executive Administrative Assistant, Special Counsel Mark Kennedy, and Amy Madison- No Action Taken

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Burn Ban will remain in effect.

Clerk's Note Agenda Item #37 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #38 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #39 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Conley 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 September 6, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF SEPTEMBER 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:

Associate Pastor Fred Pratt, Solid Rock Church gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

Abel Velasquez Safety Specialist introduced new Hays County employees James Blankenship, Brandon Boyd, Priscilla Cortez-Lopez, Justin Franks, Holly Hallman, Bradley Henry, Joseph Medrano, Rebecca Mullen, Jason Rogers, Mallory Slattery, Michael Stuckey, Karly Watson, Kyri Wright.

PRESENTATION BY LULAC COUNCIL 4876 "THE NEW GENERATION" TO HAYS COUNTY

Danny Crooks, Richard Anzaldua, Peter Ramirez members of LULAC presented the Court with a plaque in gratitude for the County's participation in the Los Lonely Boys concert.

PRESENTATION ON THE CAPITAL AREA FOOD BANK

Kathy Golson Sr. Director Advocacy and Public Policy of the Capital Area Food Bank of Texas presented an update on the food bank, its programs, and how it serves the citizens in Hays County. The Capital Area Food Bank serves a 21 county area. The counties served are: Bastrop, Bell, Blanco, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Gillespie, Hays, Lampasas, Lee, Limestone, Llano, McLennan, Milam, Mills, San Saba, Travis, and Williamson.

28405 PROCLAMATION DECLARING SEPTEMBER 18 THROUGH SEPTEMBER 24, 2011 AS CHILD PASSENGER SAFETY WEEK

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to declare September 18 through September 24, 2011, as Child Passenger Safety Week. All voting "Aye". MOTION PASSED

28406 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of $695,748.44 and add an invoice in the amount of $1,320.00 to Jack Austin, as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28407 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 6, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court minutes of September 6, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28408 AMEND THE GOVERNMENT CENTER SECURITY BUDGET FOR UNIFORM ALLOWANCE AND HOLIDAY OVERTIME EXPENSE

Funds for the monthly uniform stipend and holiday overtime are needed for the remainder of FY2011 for the additional staff that has been hired. Funds from the uniform expense line item & staff salaries will be used to cover this amendment. Amount Required is $3,210.00 (001-613-00.5192- Increase uniform allowance $2,400.00; 001-613-00.5036- Increase Holiday Overtime $810.00). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Government Center Security budget for uniform allowance and holiday overtime expense. All voting "Aye". MOTION PASSED**

28409 APPROVE AWARD OF IFB #2011-B07 ROAD IMPROVEMENTS/HOT-MIX OVERLAY TO ASPHALT PAVING COMPANY

Purchasing received the five bids with Asphalt Paving Company providing the lowest and best bid for the project. The six road improvements are (1) Winters Mill Parkway (Drive) Pct 3 (2) Skyline Drive (part) Pct 3 (3) Elder Hill Road, CR 179 (La Ventana-RR12) Pct 4 (4) Riverhills Subdivision (Dedeke Place, Picasso Dr, Riverhills, Ruiz St) Pct 1 (5) Copper Hills Subdivision (Cooper Hills Dr, Copperleaf Trail, Copper Place, Hawk Dr) Pct 2 (6) Kyle Crossing Connector Pct 2. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve award of IFB #2011-B07 Road Improvements/Hot-Mix Overlay to Asphalt Paving Company. All voting "Aye". MOTION PASSED**

28410 AMEND THE BUDGET OF CONSTABLE PRECINCT 2 FOR FUEL EXPENSES

Constable James Kohler Pct 2 office requires additional fuel, funds after transferring all available funds within with his budget. Amount required is $1,100 to 001-636-00.5271 fuel from 001-645-00.5441 Countywide Legal. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of Constable Precinct 2 for fuel expenses. All voting "Aye". MOTION PASSED**

28411 AMEND THE BUDGET OF JUVENILE CENTER FOR FOOD SUPPLIES FROM PERSONNEL SAVINGS

The Juvenile Center will require additional food supplies, and will need to transfer from personnel savings. Amount required $6,500.00 to 070-685-99-017.5232 Food Supplies from 070-685-00.5160_400 Medical Insurance. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of Juvenile Center for Food Supplies from Personnel savings. All voting "Aye". MOTION PASSED**

28412 ACCEPT DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received several donations for the Historical Jail Restoration Project from various entities. These funds will be used for contract services along with funds that were previously donated. Amount required $420.00 (144-676-00.4610 contributions). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept donations for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project All voting "Aye". MOTION PASSED**

28413 APPROVE THE JULY 2011 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the July 2011 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

28414 AMEND JUVENILE PROBATION BUDGET IN ORDER TO REFLECT TJPC CONTRACT CHANGES EFFECTIVE SEPTEMBER 1, 2011 AND TO USE SAVINGS IN TRAVEL FOR CONTINUING EDUCATION

The Juvenile Probation Department has received Grants A, F, H, O, X, Y, and Z as individual awards from the Texas Juvenile Probation Commission. On September 1, 2011 these grants collapsed into one award referred to as A- State Financial Assistance. This budget amendment is required in order to properly capture the grant activity for the month of September. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend Juvenile Probation budget in order to reflect TJPC contract changes effective September 1, 2011 and to use savings in travel for continuing education. All voting "Aye". MOTION PASSED**

28415 ACCEPT DISTRICT CLERK FEE COLLECTION REPORT FOR MAY – JULY 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept District Clerk Fee Collection Report for May – July 2011. All voting "Aye". MOTION PASSED

28416 AMEND SHERIFF OPERATING & JAIL DIVISION BUDGETS FOR REGULAR AND HOLIDAY OVERTIME PAY

Due to staffing shortages and coverage over the holidays, the Sheriff's Office and Jail will require additional overtime funds to complete this fiscal year. Funds from the Sheriff's Office salary savings and the Jail Division insurance savings will be use to cover this amendment. Amount required $45,000.00 ($20,000-Sheriff Operating regular overtime; $8,000-Jail Division regular overtime, $17,000- Jail Division holiday overtime). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend Sheriff Operating & Jail Division budgets for regular and holiday overtime pay. All voting "Aye". MOTION PASSED**

28417 AMEND THE BUDGET OF CONSTABLE PCT 1 FOR PURCHASE OF REPLACEMENT COMPUTER AND SUPPLIES

Constable David Peterson would like to transfer $3,350 to Information Technology for replacement computer, monitor, and scanner and $860 to his Law Enforcement Supplies for car seat, charger, and cones, all from personnel savings. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the Budget of Constable Pct 1 for purchase of replacement computer and supplies. All voting "Aye". MOTION PASSED**

28418 ADOPT THE COMPREHENSIVE FUND BALANCE POLICY FOR HAYS COUNTY AS REQUIRED UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) 54

The Governmental Accounting Standards Board released Statement 54 "Fund Balance Reporting and Governmental Fund Type Definitions, which is effective for the fiscal year ending September 30, 2011. The new Statement is intended to improve the usefulness of the amount reported in fund balance by providing more structured classifications. Under GASB 54, the County needs to formally adopt a policy for the new fund balance classification. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt the Comprehensive Fund Balance Policy For Hays County As Required Under Governmental Accounting Standards Board (GASB) 54. All voting "Aye". MOTION PASSED**

28419 APPROVE UTILITY PERMIT(S)

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve permit #836 on Woodacre Dr. Deer Ridge Dr., Acacia Dr. and Persimmon Dr. to Aqua Texas and one on Creek Road no permit # to Dripping Springs Water Supply Corporation. All voting "Aye". MOTION PASSED

28420 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON CYPRESS RD, CR 225

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. The request is to establish a stop sign on Cypress Rd at Old Stagecoach Rd and a speed limit of 30 MPH on Cypress Rd, off of Old Stagecoach Rd near Kyle. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to establish traffic regulations a stop sign on Cypress Rd, CR 225 at Stagecoach Rd and a speed limit of 30 MPH on Cypress Rd off of Old Stagecoach Rd near Kyle. All voting "Aye". MOTION PASSED**

28421 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON INDIAN CREEK ROAD

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. The request is to establish a speed limit of 25 MPH on Indian Creek Rd near Mountain City. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish traffic regulations a speed limit of 25 MPH on Indian Creek Road. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #20 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN HAYS COUNTY AND TYLER TECHNOLOGY FOR SOFTWARE LICENSING AND PROFESSIONAL SERVICES PERTAINING TO THE PROCUREMENT OF 5 ELECTRONIC TICKET WRITERS FOR THE HAYS COUNTY SHERIFF'S OFFICE* **– was pulled**

28422 SET PETIT AND GRAND JUROR REIMBURSEMENT AMOUNT FOR JURY DUTY SERVICE

Beverly Crumley District Clerk explained the new legislation that reduces the amount the State will reimburse the County. Government Code requires the Commissioners Court to determine the daily reimbursement for jury service. SB1 Article 40 provides that jurors receive reimbursements for jury service to the level, or amount provided for in the General Appropriations Act, as opposed to the current guaranteed $ 40 a day reimbursement after the first day. Currently, Hays County pays its petit jurors at the rate of $6.00 per day for voir dior and $40.00 per day for service as a member of the jury. Grand jurors are paid $10.00 for the first day and $40.00 for each day of service thereafter. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to set Petit and Grand Juror reimbursement amount for jury duty service; the amount paid on the first day is $6 for Petit Jury and $ 10 for the first day on Grand Juror and paid an additional $34 after the first day for both Petit and Grand Jury. All voting "Aye". MOTION PASSED**

28423 AUTHORIZE THE COUNTY JUDGE TO ADOPT A STANDARD PROJECT CONSTRUCTION MANUAL FOR FUTURE USE ON PROJECTS LET BY HAYS COUNTY WITHIN THE PASS THROUGH PROGRAM

Jeff Watson gave an overview of the Manual. Special Counsel Mark Kennedy spoke of a couple of minor changes – 1)under Chapter 12 – Certificate of Insurance will be per person per accident, 2)under Chapter 13 – Williamson County needs to be changed to Hays County. Adoption of the proposed Project Construction Manual will set forth a statute for all contractors to abide by when submitting bid packages; the Construction Manual will include but is not limited to 1)addenda 2)invitation for bids 3) Bid instruction/requirements 4) Bid Forms/Schedule of rate and prices/conflict of interest statements/ etc. 5) standard forms of contract 6) contractors assurance 7) wage rates 8) performance/payment/retainage bonds 9) certificates of insurance 10)general/special conditions 11) technical specifications. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to adopt a Standard Project Construction Manual with edits made by Special Counsel for future use on projects let by Hays County within the Pass Through Program. All voting "Aye". MOTION PASSED**

28424 ADOPT A RESOLUTION ENDORSING AND SUPPORTING TXDOT APPROVAL OF FUNDING FOR THE FM 2439 (HUNTER ROAD) PROJECT AND THE IH 35 PROJECT AS DESCRIBED ON THE TXDOT AUSTIN DISTRICT CANDIDATE LIST OF PROPOSITION 12 PROJECTS DATED AUGUST 9, 2011

Mike Aulick of Aulick and Associates gave a Summary of CAMPO & TxDOT Projects. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a resolution endorsing and supporting TxDOT approval of funding for the FM 2439 (Hunter Road) project and the IH 35 project as described on the TxDOT Austin District Candidate List of Proposition 12 Projects dated August 9, 2011. All voting "Aye". MOTION PASSED**

28425 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

The Law Librarian provides assistance to patrons, controls inventory and purchasing, performs clerical, office and reception duties. The work involves filing, daily customer relations, and computer applications. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize Commissioner Ingalsbe and Special Counsel Mark Kennedy to be empowered to bring back a recommendation to court regarding the Librarian position. All voting "Aye". MOTION PASSED**

28426 INCREASE NOT-TO-EXCEED FEE FOR MICHAEL AULICK TO $50,000 AND AMEND THE BUDGET ACCORDINGLY

Existing funds allocated for submission and monitoring of CAMPO and TxDot funding opportunities have been exhausted. Program changes published after the initial Call-For-Projects required additional time to research and apply to Hays County submissions, causing an increase in preparation expense. There is an immediate need for continuing assistance with monitoring the funding programs and activity promoting Hays County projects through Campo and TxDot staff. The approval process continues to be extremely complicated and warrants the continued use of Michael Aulick Associates. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to increase Not-to-Exceed fee for Michael Aulick to $50,000 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28427 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) RELATED TO THE INSPECTION OF UTILITY IMPROVEMENTS IN AND NEAR THE WOOD CREEK NORTH SUBDIVISION

Aqua Texas is in the process of repairing some water lines in and near the Woodcreek North Subdivision. The Memorandum of Understanding will grant Hays County the responsibility and right to inspect the work for utility repairs in the ROW of both, Hays County roads and Woodcreek North Roads. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Memorandum of Understanding (MOU) related to the inspection of utility improvements in and near the Wood Creek North Subdivision. All voting "Aye". MOTION PASSED**

28428 AUTHORIZE DEVELOPMENT SERVICES TO NEGOTIATE A CONTRACT WITH CAPCOG FOR AIR PHOTOS

Steve Floyd, Program Manager, GIS/911 Addressing spoke of the air photos and the 12 in. resolution. In May of 2011 CAPCOG began soliciting its member organizations to submit any areas of interest for the GEOMAP Project. Due to other local participants and CAPCOG's interest in this project, the County participation has been reduced by 40%. Air photos would be flown, and Geo Map's economy of scale could help us get a image resolution of twelve inches. Our current air photos were flown in March 2010, and the image resolution is twenty four inches. Amount required $15,000-001-657-00.5448. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Development Services to negotiate a contract with CAPCOG for air photos as presented by staff and amend the budget accordingly. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO §551.087 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS INCLUDING PROJECT DEMETER AND PROJECT SKY BLUE

Court convened into closed executive session at 10:18 am and reconvened into open court meeting at 10:35 am In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Amy Madison. No action taken.

28429 EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO JEREMIAH VENTURE

Court convened into closed executive session at 10:35 am and reconvened into open court meeting at 10:50 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Legal Counsel to negotiate and execute a Settlement Agreement in the Jeremiah Ventures case, conditioned upon approval of the Pct. 2 Commissioner. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed executive session at 10:50 am and reconvened into open court meeting at 11:49 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, and Special Counsel Mark Kennedy. No action taken.

28430 ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Fire Marshal Mark Chambers explained that the Burn Ban will expire at midnight tonight and is requesting the Court reinstate it. The Court must make a "finding that circumstances present in all or part of the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to place a new 90 day Burn Ban in effect. All voting Aye". MOTION PASSED**

Clerk's Note Agenda Item 32 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda item #33 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – was pulled*

Clerk's Note Agenda item #34 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court

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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 September 13, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF SEPTEMBER 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:

Pastor Dominic Encinias, Bay Area Fellowship San Marcos 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
Kate Johnson President of the Hays County Historical Commission spoke of fundraiser being held this weekend at the Old Hays County Jail from 7:00 pm to 10:00 pm on Saturday September 24th located on Fredericksburg Street in San Marcos and thanked Jerry Borcherding Director of Transportation Services for all their help.

28431 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 $2,757.353.83 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28432 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 13, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of September 13, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28433 APPROVAL TO CONTRACT WITH OFFICE DEPOT FOR PURCHASE OF OFFICE SUPPLIES USING THE TCPN COOPERATIVE PURCHASING NETWORK

Hays County currently has an interlocal agreement with TCPN for purchasing. TCPN is a purchasing co-op that allows County Government to utilize their contracts that have been competitively bid and awarded in compliance with bid laws for the County. Office Depot was awarded the contract for office supplies through the TCPN. Office Depot offers a 30-50% off list price and some items are up to 80% off list price. Hays County will also receive a 1% rebate on annual amount spent on office supplies. There is also a local store in San Marcos that can serve our immediate needs. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to contract with Office Depot for purchase of office supplies using the TCPN Cooperative Purchasing Network. All voting "Aye". MOTION PASSED**

28434 APPROVE RENEWAL OF CONTRACT FOR MR. JOHN CARSON, R.PH TO PROVIDE PHARMACY SERVICES TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT

This is an annual contract for Mr. John Carson, R. PH to provide pharmacy consultation services and monthly audits to the Hays County Personal Health Department. Retention of a professional Pharmacist-in-charge is required due to the Health Department's designation as a Class D Pharmacy. The Texas State Board of Pharmacy requires a monthly inspection and an annual in service. These services will be provided from October 1, 2011 through September 30, 2012. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve renewal of contract for Mr. John Carson, R.Ph to provide Pharmacy services to Hays County Personal Health Department. All voting "Aye". MOTION PASSED**

28435 ACCEPT DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received several donations for the Historical Jail Restoration Project from various entitles. These funds will be used for contract services. Amount required $650.00 to 144-676-00.4610 contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept donations for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**

28436 AMEND THE BUDGET OF ROAD & BRIDGE GENERAL FUND FOR FUEL FROM PERSONNEL ACCEPT DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Road Department requires additional fuel to help cover emergency wildfires use which will be documented for reimbursement. Amount required $20,000 to 020-710-00.5271 Fuel from 020-710-00.5021 Staff. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept donations for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**

28437 AMEND THE BUDGET OF THE TRANSFER STATION FOR TRASH HAULING FROM COUNTYWIDE

Trash hauling will require additional budget in Transfer Station. Amount required $30,000 to 001-716-00.5452 Trash Hauling from 001-645-00.5441 Legal Services. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Budget of the Transfer Station for trash hauling from Countywide. All voting "Aye". MOTION PASSED**

28438 AMEND THE BUDGET OF CONSTABLE PCT. 1 FOR CONTRACT SERVICES FROM PERSONNEL SAVINGS

Constable David Peterson would like to transfer $2,750 for NCIC-TCIC service from DPS, $1500 for initial service and $250 per computer. This allows needed criminal/civil background information to be available. Amount required is $2,750.00 to 001-635-00.5448 Contract Services from 001-635-00.5021 Staff. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Budget of Constable Pct. 1 for contract services from personnel savings. All voting "Aye". MOTION PASSED**

28439 APPROVE NAMING A PRIVATE DRIVE IN VINEYARD RIDGE SUBDIVISION TO VINEYARD RIDGE PATH

Transportation Director Jerry Borcherding gave staff recommendation. This action would officially name a private drive that intersects Elder Hill Road in the Vineyard Ridge Subdivision. There are currently 5 lots that access Elder Hill Road via the shared access driveway. All owners of the aforementioned lots have signed the attached letter requesting the name designation of Vineyard Ridge Path. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve naming a private drive in Vineyard Ridge Subdivision to Vineyard Ridge Path. All voting "Aye". MOTION PASSED**

28440 BLACKSTONE SUBDIVISION, SECTION ONE [11-4-27 – 5 LOTS] **APPROVE FINAL PLAT**

Roxie Botkin Subdivision Coordinator explained that the original plat name has changed from Blackstone Vineyard to Blackstone Subdivision and gave staff recommendation. Chad Nemec Manager of Blackstone Vineyard spoke. The Blackstone Subdivision is a multi-section division located near the intersection of Trail Driver and Fitzhugh Road in Precinct 4. The proposed 5 lots in section one will be the first to be platted after the preliminary approval of 160 lots on June 16, 2009. The lot size are as follows; Lot 18, 2.50 acres, Lot 19, 2.50 acres, Lot 20, 2.50 acres, Lot 21, 5.00 acres, Lot 22, 5.00 acres. All lots will be served by private wells and on-site sewage facilities at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Blackstone Subdivision, Section One (5 Lots). All voting "Aye". MOTION PASSED**

28441 ROADRUNNER RIDGE SUBDIVISION [11-4-25 – 2 LOTS] **APPROVE FINAL PLAT**

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Roadrunner Ridge Subdivision is a proposed subdivision of 12.10 acres of land off Twin Oaks Trail in Precinct 4. The division will consist of two lots- Lot 1, 6.10 acres, Lot 2, 6.00 acres. Water and wastewater services will be provided by private wells and on-site sewage facilities for each lot at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat of Roadrunner Ridge Subdivision. All voting "Aye". MOTION PASSED**

28442 ALLOW A PLATTING EXCEPTION PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE FOR OWNER(S) OF PORTIONS OF LOT D15, DOUGLAS ESTATES SUBDIVISION

Curtis Wilson Surveyor/Engineer represented the owner of a portion of Lot D15 who requested a variance from platting requirements in accordance with Chapter 232.010 of the Texas Local Government Code. Lot D15 was divided, by metes and bounds instead of the requisite plat revision, in 1996. The owner of the front portion of the lot is unwilling to plat his portion, therefore the owner of the back portion is requesting a variance. **A motion was made by Commissioner Whisenant and seconded by Commissioner Ingalsbe to table this item until staff recommends placing on the agenda. All voting "Aye". MOTION PASSED**

28443 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Captain Mark Cumberland with the Sheriff's Office spoke of vacancies. The Sheriff's Office would like fill the following positions 1 full time Deputy and 2 full time Correction Officers. Deputy Brad Doring was promoted to Detective leaving his Deputy position to be filled. The 2 Correction Officers position vacancies are for the Jail which one of these vacancies is for the female inmates. All three positions are existing position and budgeted. Deputy Slot 55 was mentioned but it should be Deputy Slot 12. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hire positions in the Sheriff's Office. All voting "Aye". MOTION PASSED**

Justice of the Peace 1-1, JoAnn Prado would like to hire a part time Justice Clerk. This position is primarily responsible for distributing all magistration paperwork to the District Attorney, County Court and District Clerk on a daily basis. This position does a lot of work at the window and assists other clerks with Customer Service. This is an existing position and budgeted. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve hiring of part-time Justice Clerk JP 1-1. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

Brett Littlejohn, Juvenile Detention Director, would like to hire 2 full time Juvenile Supervision Officers these positions are line position officer positions and is essential to meet staffing ratios for direct and indirect supervision. These are existing positions and budgeted. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the hiring of positions at the Juvenile Detention Center. All voting "Aye". MOTION PASSED**

28444 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN HAYS COUNTY AND TYLER TECHNOLOGY FOR SOFTWARE LICENSING AND PROFESSIONAL SERVICES PERTAINING TO THE PROCUREMENT OF 5 ELECTRONIC TICKET WRITERS FOR THE HAYS COUNTY SHERIFF'S OFFICE

Justice of the Peace Pct 3 Andrew Cable spoke and Captain Mike Davenport with the Sheriff's Office spoke of how this agreement will amend the current Maintenance and Service Agreement between Hays County and Tyler Technology; adding licensing and additional services for the software required to operate the electronic ticket writers purchased from Brazos Technology. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute an agreement between Hays County and Tyler Technology for software licensing and professional services pertaining to the procurement of 5 electronic ticket writers for the Hays County Sheriff's Office being paid out of JP Budget Software Line Item. All voting "Aye". MOTION PASSED**

28445 APPROVE THE APPOINTMENTS OF ANN IKELS AND LEE IKELS TO THE HAYS COUNTY CHILD PROTECTIVE BOARD

Ann Ikels will be replacing Patsy Ward and Lee Ikels will be replacing Gary Smith. The current Hays County Child Protective Board members are Karen Brown - Chair, June Hankins - Sec., Mary Cauble - Treasure, Anna Ve Farr - Vice Chair, Jody Doss, Cornelia Cheatham, Jennifer Anderson, Renee' Lehmann, Gene Martin, Julia Ramsey New and Gina Terrell. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to approve the appointments of Ann Ikels and Lee Ikels to the Hays County Child Protective Board. All voting "Aye". MOTION PASSED**

28446 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE HAYS COUNTY SHERIFF'S OFFICE AUTOMATIC VEHICLE LOCATOR (AVL) PROJECT IN THE AMOUNT OF $47,265.00

Jeff Hauff Grants Director and Capitan Mike Davenport with the Sheriff's Office spoke. On February 22, 2011 the Commissioners Court authorized submission of a grant application to the Governor's Office, Criminal Justice Division for the Sheriff's Office AVL project. The AVL system will enhance dispatch communication functions with the Emergency Communication Center. The AVL uses the Global Positioning System to monitor the patrol vehicles and can pinpoint the longitude, latitude, and the course of direction of the vehicle in operation at any given time. The current grant award includes an annual support fee of $6,615.00. The annual support fee is a cost that the County will have to budget in future years. No Matching funds are required for this grant program. The term for the award is September 1, 2011 through March 31, 2012. The equipment purchases will be placed in FY12 budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Grant Award from the Office of the Governor, Criminal Justice Division for the Hays County Sheriff's Office Automatic Vehicle Locator (AVL) project in the amount of $47,265.00. All voting "Aye". MOTION PASSED**

28447 APPROVE THE EXECUTION OF AN ADVANCED FUNDING AGREEMENT (AFA) AMENDMENT 1 WITH TXDOT FOR THE RM 967 AT RUBY RANCH PROJECT

On February 22, 2011, the Commissioners Court authorized the County Judge to execute and Advanced Funding Agreement with TxDOT for RM 967 at Ruby Ranch. The intersection of RM 967 and Ruby Ranch Road was identified as an intersection which warranted safety improvements. This project was identified as one that would only be authorized as funding became available. In September of 2010, the Court approved funding for services rendered in the design phase only. This permitted design is to move forward as the Court monitored the bond program budget. At this time, the design has advanced such that the plans and environmental documents will soon be ready for review by TxDOT. The adoption of an advance funding agreement will advance the design phase, provide the opportunity to obtain TxDOT reviews, and identify the anticipated source of the construction funding. However, the AFA does not lock the local entity into letting the project. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the execution of an Advanced Funding Agreement (AFA) Amendment 1 with TxDot for the RM 967 at Ruby Ranch project. All voting "Aye". MOTION PASSED**

28448 AUTHORIZE COMMERCIAL OSSF PERMIT AT 14401 FM 1826, AUSTIN, TX IN PRECINCT 4

Clint Garza Development Services Director gave staff recommendation. AZS Enterprises Inc. is proposing a convenience store with Cafe at the intersection of Nutty Brown Rd and 1826. This permit will grant authorization to construct a non standard treatment and drip irrigation dispersal on-site sewage facility designed for 1484 gallons per day. The property is 5 acres in size. TCEQ has approved this. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Commercial OSSF Permit at 14401 FM 1826, Austin, TX in Precinct 4. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF UHLAND REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF UHLAND, PURSUANT TO HB1445 (2001)* **– was pulled**

28449 APPROVE THE ADJUSTMENT OF THE COUNTY ELECTION PRECINCT AND JP/CONSTABLE BOUNDARIES PURSUANT TO SECTION 42 OF THE TEXAS ELECTION CODE

Joyce Cowen Elections Administrator spoke of the election precinct and JP/Constable boundaries and requested combing certain precincts. Ms. Cowen is requesting the merging of Precincts 348 & 333; 222 & 228; 331 & 336. The Congressional, Senatorial and JP precincts boundary lines have been followed and a number of new county election precincts have been created. Slight changes with the JP/Constable boundaries have been proposed. Upon court approval the changes in the JP/Constable boundaries would allow us to take some of the small precincts into existing ones. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the adjustment of the county election precinct and JP/Constable boundaries pursuant to Section 42 of the Texas Election Code as presented and recommended by staff with merges. All voting "Aye". MOTION PASSED**

28450 AUTHORIZE LEGAL COUNSEL TO SEND A NOTICE OF DEFAULT AND TERMINATION NOTICE TO AMERIGROUP COMMUNITY CARE RELATED TO ITS CONTRACT WITH THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PROVIDER)

Glenda Walton from the Personal Health Department spoke. After review of the contract and accompanying contract materials, it appears that Amerigroup has failed to pay the Hays County Personal Health Department in full for the services it has provided to indigent citizens. The contract between Hays County and Amerigroup provides that a notice of default must be provided in advance of contract termination. The requested Notice of Default would mark an opportunity for the Parties to confer and remedy any contractual issues that exist. If issues are resolved within a reasonable period of time, then the contract will not need to be terminated. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize legal counsel to send a notice of default and termination notice to Amerigroup Community Care related to its contract with the Hays County Personal Health Department (provider). All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CAPITAL IMPROVEMENTS AGREEMENT WITH THE CITY OF SAN MARCOS AND COTTONWOOD CREEK JDR, LTD* **– was pulled**

HOLD A PUBLIC HEARING AT 1:30 PM ON THE PROPOSED FY 2012 HAYS COUNTY BUDGET

Judge Cobb opened the public hearing. Lisa M. Coppoletta – San Marcos resident, Daniel Scales – San Marcos resident, J Karen Brown – San Marcos resident, June Chase Hankins – San Marcos resident, Mary Cauble – San Marcos resident, Sharri Boyett – San Marcos resident and Prevent a Litter (PALS), Kathy Carriker – Dripping Springs resident and with Meals on Wheels, Bobbi Ryder – Buda resident and with National Center for Farmworker Health and Healthy Communities Collaborative, David Crowell – Kyle resident, and Julie Hollar – San Marcos resident and with San Marcos Youth Services Bureau made public comments. County Judge closed the public hearing. This budget will raise more total property taxes that last's year's budget by $763,497 (1.5%). And of that amount, $1,463,431.00 is tax revenue to be raised from new property added to the tax roll this year. Prior to the adoption and thereafter, a copy of the budget will be on file in the offices of the Hays County Clerk and Hays County Auditor, as well as the County's website @ www.co.hays.tx.us for public inspection.

28451 SET THE SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY 2012

County Auditor spoke of increases in Elected Officials Salaries, namely longevity increases $60 per year. This was advertised in the local newspapers. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to set the salaries and allowances for Hays County elected officials for FY 2012 with the only increases being longevity. All voting "Aye". MOTION PASSED**

28452 ADOPT THE FY 2012 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES

District Court Reporters – $25,310 – 3 shared will increase from 47% to 52% due to census.
Treasurer – Budget temp help $2,287
Veteran's – Asst Veteran's Admin to Admin I - $0.00 (Title Change only)
Const Pct 1 – LCRA Radio $3,427 (Roll FY11 funds)
Const Pct 3 – LCRA Radio $3,377 (Roll FY11 funds)
Historical Comm – Documentaries $10,000 (Roll Contributions)
Information Tech – Reduce IT Data Supplies <$7,320> Supplies for eqpt that was cut
Increase for replacement equipment $7,320
Nova Timekeeping System $48,500 (Roll FY11 funds)
Time Clocks $5,400 -- 2 Addtl time clocks for backups (contingencies)
Software License $4,788 – Addtl timekeeping license for S.O (contingencies)
Countywide – Transportation Plan - $50,000 (Roll FY11 funds)
Transportation Plan - $25,000 Addtl funds needed for transportation plan
Increase Rent - $24,000 for Bldg Maint
LBJ Museum renovations - $5,000 (Roll FY11 funds)
Jail Immediate needs project - $1,800,000 (Roll FY11 funds)
Reclass capital outlay – All capital equipment will be moved to an indentifying sub account for GASB reporting
Reduce Personal Health transfer in General Fund - <$3,200> (grant re-class-reduced Op phone exp)
General Fund Grant Budgets – Edward Byrne Grant – Budget expense-no County match $12,165 (Eqpt grant for DA, District Court, CCL2)
Budget revenue <$12,165>

Auto Theft Task Force – Increase revenue ($2,744)
Victim's Coordinator Grant – Budget expense $44,194
Budget revenue <$42,000>
CJD AVL Equipment Grant – Budget expense-no County match $47,265
Budget revenue <$47,265>
TJPC-A Grant – Reduce Misc expense <$100>
Increase Computer Equipment $100
TJPC-E Grant – Increase expense $24,000 (Addtl funds collected)
CAPCOG Tire Recycle Grant – Remove revenue & expense $0 ($6k rev & exp-no net effect)
Jacob's Well Grant – Budget expense $53,223 (Roll FY11 funds)
TP&W SM Springs – Decrease Revenue $117,500
Decrease Expense <$235,000> project ended – no Co funds needed
Total General Fund - (less FY11 rollover) $117,519
Election Fee Fund - Decrease Hava revenue $2,489
Decrease Cont Ed ($2,489)
Govt Ctr Fund – Construction $15,000,000 (Roll budget)
Equipment $300,000 (Roll budget)
Road & Bridge – Reduce FY12 Road Materials <$200,000>
Reduce FY12 Fuel <$221,732>
RPTP – Hot mix contract $365,000 (Roll FY11 Funds)
E. McCarthy project (Rattler Road) $1,101,000 (Roll FY11 funds)
Total RPTP Fund - $1,044,268
Personal Health Fund: Decrease Operating Telephone <$3,200>
DSHS Immunization Grant – Increase Office Supplies $3,000
Increase Postage $270
Decrease Medical Supplies <$3,000>
Decrease Printing Srvcs <$1,270>
Increase Telephone $1,000
DSHS RLSS LPHS Grant – Increase Telephone $200
Decrease Cont Ed <$200>
DSHS Bioterrorism – Increase Telephone $2,000
Decrease Cont Ed <$2,000>
Total Personal Health Fund – ($3,200)
DC Technology Fund – Budget data supplies - $2,700 (Budget Data Supplies with reduction in general supplies
Tobacco Stlmnt Fund – Small Business Insurance $18,620 (Budget Insurance with reduction in Misc Capital Improvements)
Park Fund – Trash Hauling $2,400 (Jacob's Well)
Utilities $3,500 (Jacob's Well)
Historical Jail Fund – Increase General Supplies $ 8,962
Increase Contract Services $7,404
Decrease Capital Improvements <$23,229>
Total Historical Jail Fund - ($6,863)
Mail Room Attendant - $25,000 – general fund

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to change the re-evaluation for the dispatchers in the Sheriff's Office and add an additional $ 56,604 to what was already funded during budget workshop to the FY2012 budget. Sheriff's Office – addtl funds for ECO's to 109 $19,752 (14 positions - addtl salary increases plus fica/ret, S.O –re-grade Lead ECO to 111 $28,847 (4 positions - addtl salary increases plus fica/ret (H/R recom grade 110), S.O – addtl funds for ECO Sprvsr to 113 $8,005 (1 position - addtl salary increase plus fica/ret, COM – UPS System - $27,676 (Roll FY11 funds). All voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to increase the overtime pay in the jail in the amount of $18,158 for FY2012 in the Sheriff's Office. Jail Operations – Increase Overtime Pay $18,158, Fence work –TCI $68,062. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to re-establish the Hays County Child Welfare Board funding in the amount of $3,281 for the FY2012 budget. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner to add the General Fund Savings of $20,200 to contingencies for the FY2012 budget. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt the FY 2012 Hays County budget after making any final changes. All voting "Aye". MOTION PASSED

28453 RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY 2012 HAYS COUNTY BUDGET

Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the Commissioners Court to ratify the property tax increase reflected in the budget. This budget will raise more total property taxes that last's year's budget by $763,497 (1.5%). And of that amount, $1,463,431.00 is tax revenue to be raised from new property added to the tax roll this year. Prior to the adoption and thereafter, a copy of the budget will be on file in the offices of the Hays County Clerk and Hays County Auditor, as well as the County's website @ www.co.hays.tx.us for public inspection. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to ratify the property tax increase reflected in the FY 2012 Hays County budget. All voting "Aye". MOTION PASSED**

28454 APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY 2012 AND LEVY THE TAXES

General Maintenance and Operations 29.99 cents estimated tax collected 32,444,202.00, General Debt 12.52 cents estimated tax collection 13,544,561.00, Road and Bridge M&O 4.40 cents estimated tax collection 4,743,952.00, total ad valorem tax rate for fiscal year 2012 46.91 cents estimated tax collection $50,732,715.00, Assessed Taxes $52,601,768.00 (Effective Tax Rate 46.91 cents, Proposed Tax Rate 46.91 cents, Rollback Tax Rate 50.59 cents). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve an order adopting the tax rate of 29.99 cents for General Maintenance and Operations and 12.52 cents for General Debt and 4.40 cents for Road & Bridge M&O for a total of 46.91 cents for FY 2012 and levy the taxes. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

On September 13, 2011 Commissioners Court re-instated the 90 day burn for Hays County and looking at the issue week by week, some areas in the county got over 2 ½ inches over the weekend but the majority of the county did not. At this the Burn Ban will remain in effect.

Clerk's Note Agenda Item #29 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

The LCRA Board will meet at the Hays County Commissioners Court Room on September 21, 2011 at 9:00 am

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant 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 September 20, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF SEPTEMBER 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:

Pastor John McComb with San Marcos Community Church 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
Lucy Johnson City of Kyle Mayor made public comments.

28455 ADOPT A PROCLAMATION DECLARING OCTOBER 4, 2011 AS NATIONAL NIGHT OUT IN HAYS COUNTY

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring October 4, 2011 as National Night Out in Hays County. All voting "Aye". MOTION PASSED

PRESENTATION OF A BUS FROM TRAVIS COUNTY'S SHERIFF'S OFFICE TO HAYS COUNTY

The bus is a 1991, DT 466 (International) Diesel Turbo with the mileage of 74,152. The bus is equip with 24 seats, can hold up to 48 inmates, 1 driver seat and 2 officer seats, 2 inside cameras, 2 shotgun racks, storage for inmate property, and 3 AC units. Hays County purchased the bus from Travis County for $1,500.

28456 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of $312,311.84 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28457 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 20, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of September 20, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28458 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RESOLUTION CERTIFYING THAT THE COUNTY HAS MADE A GRANT TO THE COMBINED COMMUNITY ACTION FOR $13,000 IN FISCAL YEAR 2012 TO PROVIDE HOME DELIVERED MEALS TO HOMEBOUND PERSONS IN THE COUNTY THAT ARE ELDERLY OR HAVE A DISABILITY

Amount required $13,000 (001-895-98-323.5800 already budgeted for FY2012). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a resolution certifying that the County has made a grant to the Combined Community Action for $13,000 in fiscal year 2012 to provide home delivered meals to homebound persons in the County that are elderly or have a disability. All voting "Aye". MOTION PASSED**

28459 ACCEPT AND RECORD DONATED LAND FOR JACOBS WELL, IN-KIND IMMUNIZATIONS FROM THE DEPARTMENT OF STATE HEALTH SERVICES, ADDITIONAL GRANT FUNDS FROM THE TASK FORCE ON INDIGENT DEFENSE, GRANT FUNDS FROM THE ORGANIZED CRIME DRUG ENFORCEMENT GRANT, DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT, AND APPROVE VARIOUS BUDGET AMENDMENTS IN PREPARATION FOR THE COUNTY'S FY 2011 YEAR END PROCESS

Donations for Historical Jail Restoration project total of $2,710, Grant funds from the Organized Crime Drug Enforcement grant total of $2,697, additional grant funds from the Task Force on Indigent Defense total of $12,423, in-kind Immunization supplies from DSHS total of $438,449, and donated property from WVWA for Jacobs Well project total is $ 2,260,309. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept and record donated land for Jacobs Well, In-kind Immunizations from the Department of State Health Services, Additional grant funds from the Task Force on Indigent Defense, Grant funds from the Organized Crime Drug Enforcement grant, Donations for the Historical Jail Restoration project, and approve various budget amendments in preparation for the County's FY 2011 year end process. All voting "Aye". MOTION PASSED**

28460 APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND A HOMELAND SECURITY TRAINING EXERCISE: URBAN SHIELD 2011, IN ALAMEDA COUNTY CALIFORNIA, OCTOBER 14TH – 18TH, 2011

The Urban Shield 2011 exercise is designed to strengthen each agency's preparedness to respond to threats and domestic terrorist attacks, major disasters, and other emergencies. This year exercise will incorporate Law Enforcement, Fire EMS, and Explosive Ordinance Disposal (EOD) teams geared toward developing mechanisms for improved delivery of service. Hays County agencies will come together in late 2012 to participate in a similar exercise within the Central Texas Region. Hays County will be hosting a full scale exercise as part of Urban Shield Texas 2012. Attendance will improve the overall vision and capabilities to plan and develop Hays County's participation in this acclaimed event. Amount required $1247.00 (includes airfare, room, per diem) 001-656-00.5551 Continuing Education. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Out of State Travel for Jeff Turner, Emergency Management Coordinator, to attend a Homeland Security Training Exercise: Urban Shield 2011, in Alameda County California, October 14th – 18th, 2011. All voting "Aye". MOTION PASSED**

28461 APPROVE OUT OF STATE TRAVEL FOR CHUCK CHAPMAN, EMERGENCY PREPAREDNESS COORDINATOR FOR THE PERSONAL HEALTH DEPARTMENT. TRAVEL IS TO ATTEND URBAN SHIELD, HOMELAND SECURITY TRAINING EXERCISE IN ALAMEDA COUNTY, CALIFORNIA, OCTOBER 14, 15, 16 AND 17, 2011

The Urban Shield 2011 exercise, conducted in affiliation with the San Francisco/ Bay Area UASI, is designed to strengthen each agency's preparedness to respond to threats of foreign or domestic terror attack, major disaster, and other emergencies. This year's exercise will incorporate law enforcement, fire, EMS, EOD, and other public agency teams, geared toward developing mechanisms for improved delivery of response. Hays County agencies will come together in late 212 to participate in a similar exercise with the CAPCOG region. Hays County will host a full scale exercise as part of the Urban Shield Texas 2012. Attendance at the Alameda exercise will provide our participation to this acclaimed event. Amount required $533.44(room and per-diem) 120-675-99-058.5501. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Out of State Travel for Chuck Chapman, Emergency Preparedness Coordinator for the Personal Health Department. Travel is to attend Urban Shield, Homeland Security Training Exercise in Alameda County, California, October 14, 15, 16 and 17, 2011. All voting "Aye". MOTION PASSED**

28462 CALL FOR A PUBLIC HEARING ON NOVEMBER 1, 2011, TO CONSIDER 1) THE PROPOSED IMPROVEMENTS TO MYSTIC CREEK DRIVE AND MYSTIC OVERLOOK IN HAYS COUNTY TO BRING THE ROADWAYS UP HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY ON MYSTIC CREEK DRIVE AND MYSTIC OVERLOOK

Mystic Creek Drive and Mystic Overlook is located within the Mystic Creek Subdivision in Hays County and has approximately 26 property owners. It is estimated by our Road Department that the cost to bring these roads up to county standards is approximately $192,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to call for a public hearing on November 1, 2011, to consider 1) the proposed improvements to Mystic Creek Drive and Mystic Overlook in Hays County to bring the roadways up Hays County road standards, and 2) the assessment of all or part of the costs of the improvement, pro rata, against the record owners of the real property on Mystic Creek Drive and Mystic Overlook. All voting "Aye". MOTION PASSED**

28463 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Captain Mark Cumberland of the Sheriff's Office spoke of transfers to from patrol deputies to the new Government Center. The Sheriff's Office is asking to fill the following positions: Deputy, Slot 80GC, grade 250, salary range 42,719, date vacant 10/01/2011 – Deputy, Slot 85GC, grade 250, salary range 42,719, never been filled – Deputy, Slot 86GC, grade 250, salary range 42,719, never been filled – Corrections Officer, slot 43GC, grade 210, salary range 31879, date vacant 10/01/2011 – Corrections Officer, slot 90, grade 210, salary range 32,196, date vacant 10/01/2011 – Deputy, Slot 63, grade 250, salary range 42,719, date vacant 07/01/2011 – Deputy, Slot 27, grade 250, salary range 42,719, date vacant 07/01/2011 – Deputy, Slot 23, grade 250, salary range 42,719, date vacant 10/02/2011 – Deputy, Slot 30, grade 30, salary range 42,719, date vacant 09/19/2011 – Deputy, Slot 15, grade 250, salary range 42,719, date vacant 09/19/2011 – Deputy, Slot 22, grade 250, salary range 42,719, date vacant 07/01/2011 – Corrections Officer, slot 7, grade 210, salary range 33918, date vacant 10/06/2011 – ECO, Slot 20, grade 109, salary range 29,204, never been filled – ECO, Slot 17, grade 109, salary range 29,204, date vacant 06/30/2011 – ECO, Slot 10, grade 109, salary range 29,204, date vacant 11/14/2010. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to fill vacant positions in the Hays County Sheriff's Office. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #11 RE: *AUTHORIZE THE COUNTY JUDGE OR DESIGNEE TO EXECUTE SUPPLEMENTAL CONTRACTS FOR THE PROGRAM MANAGEMENT SERVICES TO WORK AUTHORIZATIONS NO. 16, 17, 18, 19, 20, 21, & 22 WITH PRIME STRATEGIES, INC* **– was pulled**

Clerk's Note Agenda Item #12 RE: *AUTHORIZE THE COUNTY JUDGE OR DESIGNEE TO EXECUTE FY2012 WORK AUTHORIZATIONS NO. 23, 24, 25, 26, 27, 28 & 29 UNDER THE PROGRAM MANAGEMENT SERVICES CONTRACT FOR THE PASS-THROUGH PROGRAM WITH PRIME STRATEGIES, INC* **– was pulled**

28464 AUTHORIZE THE HAYS COUNTY COMMISSIONERS COURT TO EXECUTE A RESOLUTION OF SUPPORT FOR REMOVAL OF STATE HIGHWAY 45 BETWEEN LOOP 1 AND FARM-TO-MARKET ROAD 1626 AND CONSTRUCTION OF A COUNTY ROAD BETWEEN LOOP 1 AND FARM-TO-MARKET ROAD 1626

Gerald Daugherty – Austin resident, Pam Baggett – Austin resident, Janice Culp – Austin resident, Warren Ketteman – Buda resident, John McNabb – Austin resident, Howard Falkenberg – Austin resident, Don Inbody – Buda resident, Melissa Frensley – Buda resident, John Fowler – Austin resident, Brad Hagen – Buda resident made public comments. The Hays County resolution of support for removal of State Highway 45 between Loop 1 and Farm-to-Market Road 1626 and Construction of a 2-3 lane County Road between Loop1 and Farm-to-Market Road 1626. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the Hays County Commissioners Court to execute a Resolution of Support for Removal of State Highway 45 between Loop 1 and Farm-to-Market Road 1626 and Construction of a County Road between Loop 1 and Farm-to-Market Road 1626 and requesting a response from Travis County within 60-days. All voting "Aye". MOTION PASSED**

AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTER-LOCAL AGREEMENT WITH THE CITY OF KYLE FOR CONSTRUCTION OF DACY LANE PHASE I ADJACENT TO SETON HOSPITAL

Discussion but no action taken.

DISCUSSION AND POSSIVLE RESOLUTION REGARDING A COUNTYWIDE POLICY FOR PROJECTS PERFORMED UNDER CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE

Chapter 253 of the Texas Transportation Code allows Commissioners Court to determine whether improvements to a road are necessary for the public health, safety and /or welfare of the residents of the county. Upon this determination, Commissioners Court may purpose to (1) improve the road to comply with county standards for roads; and (2) assess all or part of the costs of the improvements pro rata against the record owners of the real property of the subdivision. A countywide policy would set the parameters for what percentage of materials, labor and/ or equipment property owners would reimburse the county for bringing their road up to standard. In our current Ch. 253 project, the county will be reimbursed 50% of the total project cost. Court did not take any action.

28465 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF UHLAND REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF UHLAND, PURSUANT TO HB1445 (2001)

The City of Uhland and Hays County have never executed a 1455/interlocal agreement for plat approvals in the ETJ. The City has approved agreement which will get both entities in compliance with state law. This interlocal agreement will streamline the platting process by utilizing Hays County as the "one-stop" shop for plat review and approvals. Development Services staff will still coordinate with the City and require compliance with regulations identified by the City at the time of review. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with the City of Uhland regarding subdivision and development regulation in the extraterritorial jurisdiction of Uhland, pursuant to HB1445 (2001). All voting "Aye". MOTION PASSED**

28466 APPOINT THE CITIZEN COMMITTEE FOR THE HAYS COUNTY TRANSPORTATION PLAN

Each Commissioner will make their respective appointments to the County's transportation plan. There will be a 15 member board. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to appoint the citizen committee for the Hays County Transportation Plan and instruct Jerry Borcherding and our consultants to begin a process to contact these citizens and start to organize the kick off of the Hays County Transportation plan. Judge Cobb is appointing Winton Porterfield, Dwain Lee York and one to be determined. Commissioner Ingalsbe is appointing Susan Narvaiz, Diane Hervol, and David Salazar. Commissioner Jones is appointing Joe Hernandez, Brad Hagen and Daniel Heideman. Commissioner Conley is appointing Glen Straube, Michael Moeller and Jeffrey Jewett. Commissioner Whisenant is appointing Ben Sorrell, Roy O'Dell and one to be determined. All voting "Aye". MOTION PASSED**

28467 AUTHORIZE THE COUNTY JUDGE TO APPROVE EXPENSES INCURRED FOR THE EMERGENCY OPERATION OF THE COUNTY'S CALL CENTER

The County Auditor is receiving request for reimbursement for expenses relating to the operation of the Call Center. At this point it is less than $700.00. There may be other invoices that the County is not aware of. It would be more efficient to all the County Judge to determine what expenses should be reimbursed. I would recommend that the county pay for the expenses out of contingencies 001-645-00.5399. No amount has been determined. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to approve expenses incurred for the emergency operation of the County's Call Center and authorize the County Judge to approve any additional costs incurred. All voting "Aye". MOTION PASSED**

28468 RECEIVE APPOINTEES FOR JACOB'S WELL NATURAL AREA STAKEHOLDERS GROUP

On September 6, 2011 Commissioners Court voted to approve the formation of the Jacob's Well Natural Area Stakeholders Group to provide input and feedback on the planning and development of the project area. Each Commissioners Court member will announce who they have appointed to sit on the board. Judge Cobb will appoint Winton Porterfield. Commissioner Ingalsbe will appoint Naomi Narvaiz. Commissioner Jones Jim Camp. Commissioner Conley will appoint Sara Dishman. Commissioner Whisenant will bring back appointment. DuAnne Redus will be one the appointees to the Wimberley Watershed Association. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to move and improve the formation of the Jacob's Well Natural Area Stakeholders Group to provide input and feedback on planning and development of the project area. The Jacob's Well Natural Area Stakeholders Group which is a 15-member board which is made up of 5 appointees from the court 1 from each member of the court, 1 from the City of Wimberley, 1 from the City of Woodcreek, 2 from the Wimberley Valley Watershed Association, 2 from the Trinity District, 1 from the Northwood Creek which will be Commissioner Conley Pct 3, Parks, Advisory Committee who appoint Gary Amen, Natural Conversancy will send a representative in TSU. All voting "Aye". MOTION PASSED**

28469 CREATION OF A REGIONAL WATER AND WASTEWATER AGENCY VIA COLLABORATION WITH GOVERNMENTAL AND QUASI-GOVERNMENTAL ENTITIES IN HAYS AND TRAVIS COUNTIES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones for the Hays County Commissioners Court to post notice of its propose intention to consider a resolution to participate in the west Travis County Public Utility Agency. All voting "Aye". MOTION PASSED

CHANGE EXISTING JUSTICE OF THE PEACE PRECINCT 4, JUSTICE CLERK FROM A PART TIME TO A FULL TIME POSITION

Justice of the Peace Terry Kyle would like to change existing 70% position to a full time 40 hour position. A full time position at entry level requested $39,269.40 a present part time 70% cost $ 25,743.54 additional funds required is $13,525.86. This request is being made due to the fact the current clerk is retiring. **A motion was made by Commissioner Whisenant to change existing Justice of the Peace Precinct 4, Justice Clerk from a part time to a full time position with the money to come out of contingencies and amend the budget accordingly. Motion Died for lack of second. MOTION FAILED**

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 HAYS COUNTY PRECINCT 2 BUILDING

Court convened into closed executive session at 11:58 am and reconvened into open meeting at 12:12 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. No action taken.

NO ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the burn ban will remain in effect. The Judge asked the citizens of Hays County to be aware of their surroundings and Hays County has been declared the number one county in Texas at risk for burning.

Clerk's Note Agenda item #24 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda item #25 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda item #26 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 September 27, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4TH DAY OF OCTOBER 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**
MARK JONES	**COMMISSIONER, PCT. 2**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE & COMMISSIONER PCT. 3 WILL CONLEY ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Dennis Koger from the Immanuel Baptist Church in Kyle gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

28470 ADOPT A PROCLAMATION FOR THE HAYS COUNTY FOOD BANK RECOGNIZING OCTOBER AS TURKEYS TACKLING HUNGER MONTH

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt a Proclamation for the Hays County Food Bank recognizing October as Turkeys Tackling Hunger month. All present voting "Aye". MOTION PASSED

28471 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 $3,961,909.93 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28472 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 27, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of September 27, 2011. All present voting "Aye". MOTION PASSED

28473 APPROVE RE-APPOINTMENT OF SCOTT BROWN TO THE ESD #7 BOARD

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve re-appointment of Scott Brown to the ESD #7 Board. All present voting "Aye". MOTION PASSED

28474 APPROVE CORRECTION OF A DEPUTY SLOT POSITION THAT WAS APPROVED FOR HIRE ON SEPTEMBER 20, 2011 FROM SLOT 12 TO SLOT 55

Human Resource Department would like a correction on the approve hiring in the Sheriff's Department. Deputy slot 12 was approved September 20, 2011 which was incorrect. The slot that should have been approved is Deputy slot 55. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve correction of a deputy slot position that was approved for hire on September 20, 2011 from slot 12 to slot 55. All present voting "Aye". MOTION PASSED**

28475 ACCEPT A $200 DONATION TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation in the amount of $200.00 from the Trattoria Lisina, LLC and request to deposit into line item 052-618-00.5222. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a $200 donation to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28476 AUTHORIZE COUNTY JUDGE TO EXECUTE RENEWAL OF THE AGREEMENT FOR ALTERNATIVE DISPUTE RESOLUTION SERVICES (DRC)

The contract expired on September 30, 2011 and will renew for a term of one year. Amount required is $15,000.00 to 001-895-98-381.5800. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize County Judge to execute renewal of the Agreement for Alternative Dispute Resolution Services (DRC). All present voting "Aye". MOTION PASSED**

28477 APPROVE UTILITY PERMITS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve utility permit # 837 issued to LCRA, on Cross Creek Drive in Pct #4 by the Hays County Road Department. All present voting "Aye". MOTION PASSED

28478 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 1601 BELL SPRINGS ROAD, DRIPPING SPRINGS, TEXAS IN PRECINCT 4

David and Jennifer Young are planning an on-site sewage facility to serve a therapeutic riding camp/arena. This on-site sewage facility is designed for 240 gallons per day. The property is 20.515 acres in size. A 500 gallon equalization tank followed by a standard septic tank and drainfield is proposed. A wastewater meter will be installed so that the system can be monitored. The property is served by a public water supply. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit at 1601 Bell Springs Road, Dripping Springs, Texas in Precinct 4. All present voting "Aye". MOTION PASSED**

28479 CALL FOR A PUBLIC HEARING ON OCTOBER 18, 2011 TO ESTABLISH TRAFFIC REGULATIONS (3-WAY STOP) AT THE INTERSECTION OF GOFORTH AND BEBEE ROAD

Transportation Director Jerry Borcherding gave staff recommendation. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to hold a Public Hearing on October 18, 2011 to establish traffic regulations (3-way stop) at the intersection of Goforth and Bebee Road. All present voting "Aye". MOTION PASSED**

28480 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND RELEASE OF THE CONSTRUCTION BOND FOR HIGHPOINTE SUBDIVISION, PHASE 4, SECTION 2

Transportation Director Jerry Borcherding gave staff recommendation. Staff recommends acceptance of the construction of roads and drainage improvements within Phase 4, Section 2. The RPTP Department has inspected and approved the improvements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept of road construction and drainage improvements, and release of the construction bond for Highpointe subdivision, Phase 4, Section 2. All present voting "Aye". MOTION PASSED**

28481 ACCEPT THE BOND FOR FISCAL SURETY FOR THE RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS IN HIGHPOINTE SUBDIVISION, PHASE 4, SECTION 2

Transportation Director Jerry Borcherding gave staff recommendation. Highpointe Subdivision has issued a revegetation bond for $11,936.00. The Road Department has inspected and recommends acceptance. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept the bond for fiscal surety for the re-vegetation of the street and drainage improvements in Highpointe subdivision, Phase 4, Section 2. All present voting "Aye". MOTION PASSED**

28482 SUNRISE ACRES REPLAT OF LOTS 20 & 21 [11-2-5 – 3 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING NOVEMBER 1, 2011**

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Sunrise Acres subdivision is a recorded subdivision located off of Bebee Road in Precinct 2. Sunrise Acres was originally divided in 1983 as a 93 lot subdivision. There are 131 taxable parcels on the CAD records. The newly configured lots will be sized as follows: Lot 20A- 1.118 acres, Lot 21A-3.429 acres, Lot 21B-14.27 acres, Lot 21A and 21B are currently developed and are served by Goforth Water and on-site sewage facilities. Lot 20A will also utilize Goforth Water and OSSF at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve preliminary plan of Sunrise Acres replat of Lots 20 & 21 and call for a public hearing November 1, 2011. All present voting "Aye". MOTION PASSED**

28483 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S) FOR JUSTICE OF THE PEACE 1-1

Justice of the Peace Pct. 1 Pl 1 Joanne Prado would like to hire a Court Administrator to fill a slot of a clerk who recently retired. Promoting Angela Hernandez to Justice Court Administrator and Lisa DeLeon to Justice Clerk, slot 1. Justice Court Administrator, slot 1, grade 110 salary range $32,125 date vacant 09/30/2011. Justice Clerk, slot 1, grade 107 salary range $24,136, date vacant 10/4/2011. Justice Clerk, slot 2, part-time, grade 107, salary range $11.60 per hour, date vacant 10/4/2011. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to hire and promote for the vacant positions in the JP 1-1 effective immediately. All present voting "Aye". MOTION PASSED**

28484 AUTHORIZE THE COUNTY JUDGE OR DESIGNEE TO EXECUTE FY2012 WORK AUTHORIZATIONS NO. 23, 24, 25, 26, 27, 28 & 29 UNDER THE PROGRAM MANAGEMENT SERVICES CONTRACT FOR THE PASS-THROUGH PROGRAM WITH PRIME STRATEGIES, INC

Work Authorizations No. 23,24,25,26,27,28 & 29 will allow for the continuation of pass-through program management services including but not limited to: (1) Agency Coordination (2) Management of Design Activities (3) Project Administration . **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge or designee to execute FY2012 Work Authorizations No. 23, 24, 25, 26, 27, 28 & 29 under the Program Management Services contract for the Pass-Through Program with Prime Strategies, Inc. All present voting "Aye". MOTION PASSED**

28485 AWARD THE BID FOR WAYFINDING AND SIGNAGE TO LEWIS SIGNS OF BUDA, TEXAS AND AUTHORIZE THE BUILDING COMMITTEE AND BROADDUS TO NEGOTIATE A CONTRACT

Lewis Signs was the sole bidder for the Signage at the Government Center. One other company showed interest but failed to submit a bid. Although only one bid was received, we are confident in their ability to provide us with quality work and product. Lewis Signs provided the signs at the Development Services Department. This bid is well below the estimated cost and meets all local state and federal requirements including ADA and Braille requirements. Amount required is $95,214.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to award the bid for Wayfinding and Signage to Lewis Signs of Buda, Texas and authorize the Building Committee and Broaddus to negotiate a contract. All present voting "Aye". MOTION PASSED**

28486 HIRE A TEMPORARY REGISTERED NURSE FOR THE WELL CHILD CLINIC IN THE PERSONAL HEALTH DEPARTMENT

Priscilla Hargraves Personal Health Director is requesting approval to hire a temporary Registered Nurse to work in the Well Child Clinic while a current employee is on medical leave. The current position salary will be used to pay the temporary employee, as the current employee has no accrued leave to be paid from. It is imperative this position is filled due to scheduled well child appointments, on-going immunizations, and scheduled outreach clinics for flu season. This has been through the process with the Human Resources Department. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to hire a temporary Registered Nurse for the Well Child Clinic in the Personal Health Department. All present voting "Aye". MOTION PASSED**

28487 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND RVI PLANNING AND LANDSCAPE ARCHITECTURE, RELATED TO MASTER PLAN CONSULTING ON THE JACOB'S WELL PROJECT

Jeff Hauff Grants Administrator gave staff recommendation. Staff members considered responses to RFQs for a Master Planner last month. Two finalists were selected for interviews resulted in the staff's selection for interviews, and those interviews resulted in the staff's section of RVi and recommendation that this contract be accepted and executed by the Commissioners Court. Legal Counsel has consulted with Bonds Counsel and confirms that the use of Bond Funds for this purpose is legitimate and legal. Amount required $93,000 (already budgeted). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Professional Services Agreement between Hays County and RVi Planning and Landscape Architecture, related to Master Plan consulting on the Jacob's Well Project. All present voting "Aye". MOTION PASSED**

DISCUSSION WITH STAFF REGARDING PROPOSED CHANGES TO THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES

Clint Garza Development Services Director spoke of changes. A items to take into consideration are Pg. 154 – Qualified OSSF Inspector definition; Pg. 165 – non-residential OSSF hydraulic flow equalization Pg.167 – protective base around sprinkler head Pg. 170 – inspections; Pg. 171 Research fund fee paid to TCEQ. Item was discussion only; no action taken.

28488 APPROVE HIRING AND DOUBLE FILLING THE POSITION OF JUSTICE CLERK 70%, OF JUSTICE OF THE PEACE, PRECINCT 4 FOR 1 MONTH

The savings that is generated by the position change will be more than the one month expense; to double fill savings and expense will be in the same line item. Savings generated are significantly more than the expense needed. Budget Amendment is not required 001-629-00.5201 Staff Salaries. 70% replacement is at entry level: 12 months @ entry level= $24,136x70%= $16,895.20; 12 months entry level Fica/mdcr= $1,292.50; 12 months entry level Retirement 10.69%= $1,806.10; Total for new person at entry level 70%= $19,993.80. Refer to previous, the 70% current positions at $25,743.54 annually, if works one month-1/12=$2,145.30; Then total for 1 month present position + 12 months new position, both at 70%=$22,139.10; And the present position cost for 12 months that would be replaced $25,743.54; Savings due to reduced amount to be paid after one month $3,604.44. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the hiring and double filling of the position of Justice Clerk 70%, of Justice of the Peace, Precinct 4 for 1 month. All present voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time Hays County Burn Ban will remain in effect.

Clerk's Note Agenda item #22 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda item #23 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke of a meeting was held yesterday.

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones 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 October 4, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF OCTOBER 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:

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

Dee Dee Baen Human Resources Department introduced new hires Lisa M. DeLeon, Preston E Dodson, Garrett S. Dominguez, Cheryl Evans, Adrienne Evans-Stark, Justine Franks, Bradley Henry, Michael J Kirkwood, Juan Martinez, Joseph Medrano, Amanda R. Oliver, Fernando Pimentel, Mallory Slattery, Michael Stuckey, Eddie Villalpando and Britney Watson.

28489 PROCLAMATION DECLARING OCTOBER 2011 AS BREAST CANCER AWARENESS MONTH

Carole Belver with Community Action, Inc. of Hays, Caldwell and Blanco Counties spoke of the Breast Cancer Awareness. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to declare October 2011 as Breast Cancer Awareness Month. All voting "Aye". MOTION PASSED**

28490 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $391,319.51 submitted by the County Auditor. All voting "Aye". MOTION PASSED

28491 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 4, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of October 4, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28492 ACCEPT A DONATION FROM THE WIMBERLEY VFW POST 6441 TO THE HAYS COUNTY CONSTABLE OFFICE, PRECINCT 3 IN THE AMOUNT OF $1,000 AND AMEND THE BUDGET ACCORDINGLY

The donation was received from the VFW Post 6441 in Wimberley for assisting that organization through various community projects. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a donation from the Wimberley VFW Post 6441 to the Hays County Constable Office, Precinct 3 in the amount of $1,000 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28493 ACCEPT DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE FY2012 BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received several donations for the Historical Jail Restoration Project from various entities. These funds will be used for miscellaneous capital improvements. Amount required $2,170.00 144-676-00.5741 Misc.Capital Improvements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept donations for the Historical Jail Restoration Project and amend the FY2012 budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**

28494 APPROVE RENEWAL OF BID #2010-B18 CONCRETE CONTRACTOR WITH MYERS CONCRETE CONSTRUCTION FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

All terms and conditions remain unchanged and in full and effect as provided in the original contract. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to Approve renewal of Bid #2010-B18 Concrete Contractor with Myers Concrete Construction for one (1) additional year as provided for in the original bid. All voting "Aye". MOTION PASSED**

28495 REVISED PLAT OF LOT 3 MADRONE RANCH SECTION 1 AND LOT 4 MADRONE RANCH SECTION II-A [11-4-33 – 2 Lots] **AND CANCEL A PORTION OF LOT 4 MADRONE RANCH SECTION II-A AND ESTABLISHING LOT 3-A MADRONE RANCH SECTION 1 AND LOT 4-A MADRONE RANCH SECTION II-A; APPROVE PRELIMINARY PLAN OF REVISED PLAT OF LOT 3 MADRONE RANCH SECTION 1 AND LOT 4 MADRONE RANCH SECTION II-A AND CALL FOR PUBLIC HEARING NOVEMBER 8, 2011**

Madrone Ranch is a multiple-section located off of McGregor Lane in Precinct 4. There are currently is currently combined 17 parcels between Sections I and II-A. The property owners is proposing to reconfigure Lot 3 (Section 1) and Lot 4 (Section II-A). The two lots are located in different sections, the portion of Lot 4 which is to be moved to Section 1 must be cancelled. The resulting lots will be configured as follows: Lot 3-A, 32.24 acres, Lot 4-A, 13.29 acres. Both lots are currently developed and are served by private wells and individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve revised plat of Lot 3 Madrone Ranch Section 1 and Lot 4 Madrone Ranch Section II-A and cancel a portion of Lot 4 Madrone Ranch Section II-A and establishing Lot 3-A Madrone Ranch Section 1 and Lot 4-A Madrone Ranch Section II-A; approve preliminary plan of revised plat of Lot 3 Madrone Ranch Section 1 and Lot 4 Madrone Ranch Section II-A and call for public hearing November 8, 2011. All voting "Aye". MOTION PASSED**

28496 RESUBDIVISION OF LOTS 19 AND 20, LOS RANCHOS [11-4-9 – 5 Lots] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING NOVEMBER 8, 2011**

Los Ranchos is a recorded subdivision located off of FM 150 in Precinct 4. The subdivision was originally platted in 1978 as a 28 lot subdivision. Today there are 35 taxable parcels on the CAD records. The current configuration of the two lots consists of seven unplatted parcels, three of which are currently developed. The purpose of this resubdivision is to plat five new lots, thereby allowing the existing parcels to be further developed. A plat for lots 19 and 20 was approved on September 6, 2011 and was not recorded. This plat shows newly configured lots reflect an exchange of property agreed upon by the owners. The proposed lots sizes are as follows: Lot 20A - 4.5017 acres; Lot 20B - 2.3868; Lot 20C – 2.005; Lot 19A – 7.0502; Lot 19B – 4.6118, Lots 20A ,20B,19A and 19B are currently served by private wells and individual on-site sewage facilities. Water and wastewater service will be provided to Lot 20C by individual water wells and on-site sewage facilities at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve preliminary plan for resubdivision of Lots 19 & 20 Los Ranchos and call for a public hearing November 8, 2011. All voting "Aye". MOTION PASSED**

28497 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN, THE CITY OF SAN MARCOS POLICE DEPARTMENT (SMPD) AND HAYS COUNTY FOR FORENSIC LAB SERVICES

Gary Cutler Hays County Sheriff spoke of the need for this position and the Interlocal Agreement between all entities involved. Representatives from SMPD, the Hays County Criminal District Attorney's Office and the Hays County Sheriff's Office have discussed the possibility of enhancing their lab testing protocol allowing for a faster turn-around time in lab results for criminal cases with the Austin Police Department. A faster turn-around time will enable agencies associated with criminal justice to accelerate case loads through the system which should translate into cost savings across the county. Amount required $107,000.00 (Various Forfeiture Funds) **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Agreement between the City of Austin, Hays County District Attorney's Office, the City of San Marcos Police Department (SMPD) and Hays County for Forensic Lab Services. All voting "Aye". MOTION PASSED**

28498 ADOPT A RESOLUTION NOMINATING LUANNE CARAWAY AS A CANDIDATE FOR THE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a resolution nominating Luanne Caraway as a candidate for the Central Appraisal District Board of Directors. All voting "Aye". MOTION PASSED

28499 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF DRIPPING SPRINGS REGARDING PARTICIPATION IN A WATERSHED STUDY ASSOCIATED WITH THE HAYS COUNTY LOWER COLORADO RIVER BASIN STUDY

On November 3, 2009 the Commissioners Court approved a grant contract with the Texas Water Development Board to initiate a flood protection planning study on waterways in northern Hays County that are part of the Lower Colorado River Drainage Basin. On May 4, 2010 Commissioners Court approved agreements with the Lower Colorado River Authority and the U.S Army Corps of Engineers to partner in funding and conduction the study, with cost sharing of 50% by the USACE. On August 10, 2010 the Commissioners Court accepted a grant award amendment that increased funding from the TWDB (total awarded $389,225) necessary to complete investigations of the drainage basin. There are small portions of the study area for which the USACE cannot participate in funding, although these were accounted for in the TWDB grant. Several communities have agreed to partner with Hays County to complete studies of these small drainage areas. The purpose of the agreement with the City of Dripping Springs is to conduct detailed studies of drainage segments within their jurisdiction under the overall northern Hays County study. The City of Dripping Springs will contribute funding of $10,521.50 over a two year period to match funding provided under the TWDB grant to investigate the drainages in this area. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement with the City of Dripping Springs regarding participation in a watershed study associated with the Hays County Lower Colorado River Basin study. All voting "Aye". MOTION PASSED**

28500 ACCEPT A GRANT AWARD FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY (TXDPS), TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) FOR THE FY2011 EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF $25,300.00

On January 25, 2011 the Commissioners Court authorized submission of a grant application to the Texas Department of Public Safety, Texas Division of Emergency Management for funding to support a portion of the salary and benefits for the Emergency Management Coordinator. The award amount increased from $2,000.00 last year to $25,300 this year, an increase of $3,300 which will be budgeted for FY201. Amount required $3,300.00 grant – 001-656-00.4301. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a grant award from the Texas Department of Public Safety (TXDPS), Texas Division of Emergency Management (TDEM) for the FY2011 Emergency Management Performance Grant in the amount of $25,300.00. All voting "Aye". MOTION PASSED**

28501 ACTION REGARDING ADDITIONAL SUPERVISOR'S LICENSES AND TIME CLOCKS FOR THE ELECTRONIC TIMEKEEPING SYSTEM, AND PROVIDE AN UPDATE ON IMPLEMENTATION OF THE SYSTEM

Michele Tuttle Hays County Treasurer and Britney Richey spoke of the time clocks and the implementation. This is to update phase 1 of the electronic timekeeping system and give the tentative timeline for phase II an phase III. Possible addition of 31 supervisor's licenses and additional time clocks as back up for the Sheriff's Office for a total of 50 license's. Amount required $12,468.00 (set aside in contingencies 001-645-00.5399 and the IT budget for the Sheriff). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize to move money from contingencies for the 2 time clocks and to approve 21 additional supervisor's licenses for the Sheriff's Office. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28502 AUTHORIZE A COMMERCIAL OSSF PERMIT AT 2560 S LOOP 4, IN PRECINCT 2; CONSIDER A VARIANCE FROM SECTION 10-M1(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES

Namasco is replacing and existing (failing) on-site sewage facility for their steel warehouse in Buda, Texas. This on-site sewage facility is designed for 256 gallons per day. The property is 10.1 acres in size. The on-site sewage facility consists of a standard septic tank and a low pressure dosed drainfield. A wastewater meter will be installed so that the system can be monitored. The designer of the system, Stan Burrier, PE., is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities, which requires a hydraulic equalization tank prior to the treatment tank on non-residential on-site sewage facilities. His justification for variance is that the flows are expected to be at a uniform rate throughout the day/week with no peak surges and the treatment tank is 50% larger than required which will provided more retention time. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize a commercial OSSF Permit at 2560 S Loop 4, in Precinct 2; grant a variance from section 10-M1(B) of the Hays County Rules for On-Site Sewage Facilities. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28503 APPROVE THE EXECUTION OF WORK AUTHORIZATION 13 TO THE AGREEMENT DATED SEPTEMBER 2, 2008 BETWEEN HAYS COUNTY, TEXAS AND KLOTZ ASSOCIATES, INC. FOR DRAINAGE STUDY AND DESIGN WORK AROUND THE LEISUREWOODS, SHADY GROVE AND OXBOW TRAILS SUBDIVISIONS IN HAYS COUNTY PRECINCT 2

Previous Work Authorizations have been executed with Klotz Associates, Inc. for the study and design of various drainage improvements around the Leisurewoods, Shady Grove and Oxbow Trails Subdivisions in Hays County Precinct 2. During the course of that work, the need for additional services was identified to modify previously completed study and design work to avoid impacts to a septic system located within one of the drainage easements need for construction of a grass lined channel previously designed. Plans will be modified to include a narrower concrete lined channel in the vicinity of that septic system. Amount required $ 9,300.00 – 020-710-00.5448_008. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the execution of Work Authorization 13 to the Agreement dated September 2, 2008 between Hays County, Texas and Klotz Associates, Inc. for drainage study and design work around the Leisurewoods, Shady Grove and OxBow Trails Subdivisions in Hays County Precinct 2. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28504 APPROVE APPOINTMENTS TO THE CITIZEN'S COMMITTEE FOR THE HAYS COUNTY TRANSPORTATION PLAN

Each Commissioner will make their respective appointments to the County's transportation plan. There will be a 15 member board by instructing Jerry Borcherding, Transportation Director and our consultants to begin a process to contact these citizens and start to organize the kick off of the Hays County Transportation plan. Judge Cobb is appointing Winton Porterfield, Dwain Lee York and Warren Ketteman. Commissioner Ingalsbe is appointing Susan Narvaiz, Diane Hervol, and David Salazar. Commissioner Jones is appointing Joe Hernandez, Brad Hagen and Daniel Heideman. Commissioner Conley is appointing Glen Straube, Michael Moeller and Jeffrey Jewett. Commissioner Whisenant is appointing Ben Sorrell, Roy O'Dell and Don B. Meador.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve appointments to the Citizen's Committee for the Hays County Transportation Plan. All voting "Aye". MOTION PASSED

28505 COUNTY-WIDE FREEZE ON HIRING, PROMOTIONS, AND/OR TRANSFERS INTO VACANT POSITIONS WITHOUT COMMISSIONERS COURT APPROVAL

The county-wide freeze on hiring, promotions, and/or transfers into vacant positions has been in place since March 8, 2011. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to lift the county-wide freeze on hiring, promotions, and/or transfers into vacant positions without Commissioners Court approval with the exception any new hire that is hired above the minimum grade Commissioners Court will need to approve. All voting "Aye". MOTION PASSED**

28506 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATING TO TAX INCREMENT REINVESTMENT ZONE NO. 4

Walter Elias of Brookfield Development spoke. This Interlocal Agreement represents the culmination of a variety of negotiations associated with the Carma Paso Robles Subdivision. This court has considered the possibility of a TIRZ associated with this Subdivision before, and this ILA finalizes that arrangement between the City of San Marcos, Hays County, and Carma. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute this Interlocal Agreement between the City of San Marcos and Hays County Relating to Tax Increment Reinvestment Zone No. 4, contingent on 2 actions: (1) The Interlocal Agreement is modified to reflect a 10% contribution from the increment by the County, not 20%, as it currently reads; and (2) The City of San Marcos adopts a resolution regarding its willingness and intention to enter into Development Agreements with subdivisions neighboring the Paso Robles development (to be identified by the County), such Agreements to include a 10-year deferral of annexation by the City; and (3) The Interlocal Agreement is modified to state the following: If the PDD for Paso Robles is modified from in relation to roadways into and out of the subdivision without prior county consent, then the Interlocal Agreement shall be null and void and the County shall have no obligation to contribute 10% of the increment. All 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 RANCH ROAD 12

Court convened into closed executive session at 11:40 a.m. and reconvened into open meeting at 11:42 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy, Elly Dietz and George L. Schlemeyer with Contract Land Staff. No Action Taken.

28507 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON OR NEAR MCGREGOR LANE IN PRECINCT 4

Court convened into closed executive session at 11:42 a.m. and reconvened into open meeting at 11:45 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy, and Elly Dietz. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Letter Agreement between Hays County and Sarah Ann Hales related to fence relocation on newly acquired Right of Way along FM 1826 in an amount not to exceed $7,770.00. All voting "Aye". MOTION PASSED**

28508 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 RM 1826

Court convened into closed executive session at 11:34 a.m. and reconvened into open meeting at 11:45 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy, Elly Dietz and George L. Schlemeyer with Contract Land Staff. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Letter Agreement between Hays County and Toro Cattle Company related to fence relocation along newly acquired Right of Way on McGregor Lane in an amount not to exceed $8.00 per liter foot. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Hays County will remain under a Burn Ban.

Clerk's Note Agenda Item # 23 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*- **was pulled**

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

Jeff Curren spoke of all updates on the Road Bond Projects. Pct. 1 Old Bastrop Hwy – project is complete. Construction contract to be awarded in late November. Pct 2 SH 21 at High Road (CR 127) – project is complete. SH 21 at FM 2001 – construction contract awarded to Hunter Industries in June of 2011, scheduled for completion in spring 2012. SH 21 at Rohde Road (CR 126) – project placed on hold pending possible future realignment of FM 2001, county forces to make improvements at Rohde Road/SH 21 intersection. Lakewood Dr. FM 1626 – design is 90% complete, scheduled to let in conjunction with the northern segment of the FM 1626 pass-through finance project in 2012. RM 967 at Ruby Ranch Rd. - design is 60% complete, scheduled to let for construction in April 2012, scheduled construction completion date Spring 2013. Pct 3 RM 2325 Fischer Store Rd to Carney Lane – construction contract awarded to Angel Brothers in April 2011, scheduled construction completion date Winter 2012. RM 12 at RM 32 – construction contract awarded to Hunter Industries, scheduled construction completion date Spring 2012. RM 12 at Hugo Rd – construction contract awarded to Hunter Industries, scheduled construction completion date Spring 2012. RM 12 at Sink Creek – construction contract awarded to Hunter Industries, scheduled construction completion date Spring 2012. RM 12 Parkway Development – project to preserve ROW and prepare environmental documents for a 4-lane divided parkway from San Marcos to the Junction, project is 30% complete. RM 12 at Old Kyle Rd – project to improve safety and mobility within Wimberley business District, project design is nearing completion, on-going coordination with the City. Pct 4 RM 1826 at Nutty Brown Rd – project is 90% complete, construction letting date is Spring 2012, construction completion date is Spring 2013. RM 18626 at Crystal Hill Dr – project is 90% complete, construction letting date is Spring 2012, construction completion date is Winter 2012. RM 1826 at Darden Hill Rd – project is 30% complete, construction letting date is Summer 2012, construction completion date is Spring 2013. RM 1826 at RM 967 – construction contract awarded to Asphalt Paving Company of Austin, construction completion date is Summer 2012. Lime Kiln Rd at Sind Creek – preliminary study to determine feasibility of replacing low water crossing with a bridge at Sink Creek, study is complete. Post Road at Blanco River – preliminary study to determine feasibility of realignment of Post Rd and the replacement of a low water crossing at the Blanco River with a bridge, study is complete.

Clerk's Note Agenda Item # 25 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones 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 October 11, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF OCTOBER 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chris Smith with Fellowship at Plum Creek, Kyle Texas 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

Constable Pct 2 James Kohler made a public comment.

28509 ADOPT A PROCLAMATION DECLARING OCTOBER 19, 2011 AS HAYS COUNTY CRIME STOPPERS DAY IN CELEBRATION OF ITS 30TH ANNIVERSARY

Sgt. Mike Wood, Hays County Crime Stoppers Law Enforcement Coordinator spoke of the 30th Anniversary celebration on October 19, 2011 from 6-8p.m at Dick's Classic Garage on Hunter Road . **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Proclamation declaring October 19, 2011 as Hays County Crime Stoppers Day in celebration of its 30th Anniversary. All voting "Aye". MOTION PASSED**

28510 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of County Invoices in the amount of $7,045,916.66 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28511 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 11, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of October 11, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28512 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/WAREHOUSE LOCATED AT 31884 RR 12, DRIPPING SPRINGS, TX 78620, IN PRECINCT 4

Gary McGee is proposing an OSSF to serve an office/warehouse. This property is located at 31884 RR 12, Dripping Springs, Texas in Precinct 4. The property is .99 acres. It is an Aerobic Treatment Unit using drip irrigation dispersal designed by Don Perry, R.S. The ATU is preceeded by a 500 gallon flow equalization tank. A flow meter will be installed on the line following the flow equalization tank. The On Site Sewage Facility is designed for a maximum wastewater flow of 160 gpd for a maximum of 20 employees. Water is supplied by rainwater collection. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Institutional OSSF Permit for an office/warehouse located at 31884 RR 12, Dripping Springs, TX 78620, in Precinct 4. All voting "Aye". MOTION PASSED**

28513 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/WAREHOUSE LOCATED AT 31872 RR 12, DRIPPING SPRINGS, TX 78620, IN PRECINCT 4

BPX Venture A LLC (James Bailey) is proposing an OSSF to serve an office/warehouse. This property is located at 31872 RR 12, Dripping Springs, Texas in Precinct 4. This property is .47 acres. It is an Aerobic treatment using drip irrigation dispersal designed by Don Perry, R.S. The ATU is preceeded by a 500 gallon flow equalization tank. The On Site Sewage Facility is designed for a maximum wastewater flow of 140 gpd for a maximum of 17 employees. Water is supplied by rainwater collection. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Institutional OSSF Permit for an office/warehouse located at 31872 RR 12, Dripping Springs, TX 78620, in Precinct 4. All voting "Aye". MOTION PASSED**

28514 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ROGERS DESIGN SERVICES FOR MOUNT GAINOR ROAD

The scope of services is being expanded and will require no additional funding. The scope of work to be performed by the engineer under this work authorization will consist of developing construction plans for improvements Mount Gainor Road. Improvements will be constructed by Hays County forces as a maintenance type project. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Contract for Engineering Services Supplemental Agreement No. 1 to the Professional Services Agreement with Rogers Design Services for Mount Gainor Road. All voting "Aye". MOTION PASSED**

28515 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (3-WAY STOP) AT THE INTERSECTION OF GOFORTH ROAD AND BEBEE ROAD

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcherding gave staff recommendation. This intersection is very dangerous and needs to be designated as a 3-way stop. Many concerned residents have called regarding accidents at this intersection and the safety of the public. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to hold a Public Hearing and establish traffic regulations (3-way stop) at the intersection of Goforth Road and Bebee Road. All voting "Aye". MOTION PASSED**

28516 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW IN MOUNT OLIVE RANCH SUBDIVISION

Transportation Director Jerry Borcherding gave staff recommendation for the acceptance for maintenance. The road segments include: Red Sky Road (3,456 Ft). **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to release the maintenance bond and accept for maintenance all road and drainage improvements within County ROW in Mount Olive Ranch Subdivision. All voting "Aye". MOTION PASSED**

28517 ALLOW PLATTING EXCEPTION PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE FOR ALL OWNER(S) OF PORTIONS OF LOT 21, LOS RANCHOS SUBDIVISION

Clint Garza Development Services Director, Special Counsel Mark Kennedy and Dale Campbell made a public comment. Lot 21 Los Ranchos Subdivision was divided illegally in 1979. In 2001 the buyer of a portion of the lot (aka 21B) was unaware of any platting requirements and proceeded to apply for an OSSF permit with the Hays County Environmental Health Department. In 2001 the owner was granted an OSSF permit and was instructed, by Hays County staff, to apply for a 10 year platting variance. The owners of the lots request that the Commissioners Court allow a 232.010 exception to plat requirement which will put their properties in compliance with Hays County regulations. Clint Garza gave no staff recommendation. **A motion was made by County Judge, seconded by Commissioner Whisenant to grant a exception to platting pursuant to Section 232.010 of the Texas Local Government Code for all owner(s) of portions of Lot 21, Los Ranchos Subdivision. All voting "Aye". MOTION PASSED**

28518 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUBAWARD AGREEMENT WITH TEXAS STATE UNIVERSITY FOR GRANT FUNDS FOR THE COUNTY'S PARTICIPATION IN THE ADVANCE LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAM IN THE AMOUNT OF $38,000

Jeff Hauff Director of Grants spoke on June 28, 2011 the Commissioners Court executed two Subaward Agreements with Texas State University for the ALERRT program. This Subawared Agreement is the third and final agreement to fund the salary of an officer (Sergeant-Director of Training) in the Sheriff's Office involved in training and support of the ALERRT program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Subaward Agreement with Texas State University for grant funds for the County's participation in the Advance Law Enforcement Rapid Response Training (ALERRT) program in the amount of $38,000. All voting "Aye". MOTION PASSED**

28519 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DRIPPING SPRINGS AND HAYS COUNTY FOR THE HIRING OF A CONSULTANT TO ASSIST IN THE NOMINATION OF DOWNTOWN DRIPPING SPRINGS TO THE NATIONAL REGISTER OF HISTORIC PLACES

Kate Johnson President of the Hays County Historical Commission and Michelle Fischer from the City of Dripping Springs spoke of the unique historic attributes of Downtown Dripping Springs, representatives from the City of Dripping Springs and Hays County Historic Commissioner have discussed the possibility of hiring Terry Myers out of Austin, Texas as the consultant to assist in the nomination of Downtown Dripping Springs to the National Register of Historic Place. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement between the City of Dripping Springs and Hays County for the hiring of a consultant to assist in the nomination of Downtown Dripping Springs to the National Register of Historic Places not to exceed $10,000. All voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Whisenant, seconded by Commissioner Conley with $5,000 coming from the City of Dripping Springs and $5,000 from the Historic Commission. All voting "Aye". MOTION PASSED

28520 SELECT A CONTRACTOR AND AUTHORIZE CONCRETE REPAIRS AT THE PERSONAL HEALTH DEPARTMENT AT 401 BROADWAY STREET IN SAN MARCOS, TEXAS

Ron Knott, Building Maintenance and Transportation Director Jerry Borcherding spoke of the Personal Health Department Building approximately 260 sq ft of concrete along the back sidewalk is failing because of dry conditions. The electrical service to the building is routed through the concrete. Electrical equipment and siding has been pulled away from the building. The concrete needs to be removed, re-poured and stabilization to correct the issue. There were three quotes from 1) Urrutia Concrete (2) Meyers Concrete Construction (3) Quintero Construction. The Quintero Construction proposal will correct the problem and provide for the best long term solution. Amount required $3,800.00 – 001-695-00.5451 Bldg Repair & Maintenance. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to select Quintero Construction and authorize concrete repairs at the Personal Health Department at 401 Broadway Street in San Marcos, Texas not to exceed $3,800 with an initial $1,200 draw to Quintero Construction. All voting "Aye". MOTION PASSED**

28521 CANCEL COMMISSIONERS COURT ON NOVEMBER 29, DECEMBER 13, AND DECEMBER 27, 2011

In past years, the cancellation of Commissioners Court the Tuesdays after the holidays, in part, since time is limited to prepare the agenda. On December 8-11, 2011 the County Clerk's Office will be closed because of moving to the new location at the Government Center and will not have time to prepare for the meeting because of the move. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to cancel Commissioners Court on November 29, December 13, and December 27, 2011. All voting "Aye". MOTION PASSED**

28522 RESOLUTION OF THE COMMISSIONERS COURT, ADOPTING A "CONCURRENT ORDINANCE" PURSUANT TO CHAPTER 572 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH CREATES A REGIONAL PUBLIC UTILITY AGENCY ("PUA") IN COLLABORATION WITH THE CITY OF BEE CAVE AND WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5; AND APPROVING THE BYLAWS AND DIRECTORS OF SAID PUA

Commissioner Whisenant Precinct 4, Special Counsel Mark Kennedy and Michelle Fisher, City of Dripping Springs spoke of the City of Bee Caves, Hays County, and MUD No.5 are public entities whose citizens are currently serve with water service, wastewater service, or both by the portion of the LCRA Water and Wastewater System known as the West Travis Water and Water System. The PUA can serve as vehicle and instrument to acquire the West Travis County System and can acquire on behalf of some of all the sponsoring local governments, and local communities that participate by contract of inter-local agreement to preserve local control of the West Travis County System. Hays County has published notice as required by Sections 572.054 of the Texas Local Government Code and counsel has provided the County Clerk with tear sheets. The PUA will be governed by a board of directors appointed by each entity. The Public Utility Agency will not have authority to create any debt of financial obligation for or on behalf of any of the members and of any sponsoring local government unless an entity voluntarily enters into a separate agreement of approval for that purpose. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to consider a resolution of the Commissioners Court, adopting a "concurrent ordinance" pursuant to Chapter 572 of the Texas Local Government Code which creates a regional Public Utility Agency ("PUA") in collaboration with the City of Bee Cave and West Travis County Municipal Utility District No. 5; and approve the Bylaws and Directors of said PUA. All voting "Aye". MOTION PASSED**

PRIORITIZE PROJECTS SUBMITTED FOR FUNDING THROUGH CAMPO

Commissioner Conley Precinct 3 and Michelle Fisher, City of Dripping Springs spoke of projects on State Highway System for Joint Application with TXDOT: (1) IH 35 – Buda (Main St) to Kyle (FM 1626) add freeway ramps and turnarounds (2) US 290 - Dripping Springs, Mercer St to Mighty Tiger Trail-sidewalk north side (3) SH 21 @ FM 150 - intersection improvements (4) SH 21 @ Cottonwood Gin Road – intersection improvements (5) SH 80 @ Old Bastrop Highway – intersection improvements (6) RR 12- RR 32 to FM 3407 purchase ROW for future parkway (7) RR 12- RR 32 to FM 3407 - hike and bike trail on north side (8) RR 12 Winters Mill Parkway to Joe Wimberley Blvd – hike and bike trail (9) RM 1826 @ Crystal Hill Drive – intersection improvements, new bridges (10) RM 1826 @ Darden Hill Road – intersection improvements. Projects on County Roadways: (1) Dacey Lane – Bebee Rd. to Windy Hill Rd – widen lanes, add shoulders (2) Elder Hill Road – RR 12 to FM 150 – safety improvements, new bridge(s) (3) Lakewood Dr. @ Fm 1626 – new bridges (4) Old Bastrop Highway –Centerpoint Road to Francis Harris Lane – widen lanes, add shoulders (5) add sidewalks near schools in Precinct 1 (a) Bunton Creek Rd – IH 35 to Goforth Rd, (Lehman HS and Fuentes Elem (b) FM 150 – Heidenreich Lane to SH 21 (Simon High School) (c) Old Bastrop Hwy from SH 123 to San Marcos High School (d) Old Bastrop Hwy from E. McCarty Lane to Centerpoint Rd (San Marcos HS) (e) E. McCarty Lane from Loop 110 to Old Bastrop Hwy. (San Marcos HS).

Clerk's Note Agenda Item # 16 Re: *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 HAYS COUNTY PRECINCT 2 BUILDING* **– was pulled**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn ban will remain in effect.

Clerk's Note Agenda Item #18 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

Clerk's Note Agenda Item #19 Re: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

This item was open together with #28522. See #28522 for the motion.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 October 18, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF OCTOBER 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**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH RAY O. WHISENANT, JR., COMMISSIONER PCT. 4 ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor James Jacobs of New Life Church in Kyle 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

Constable Pct. 2 James Kohler made public comment.

PRESENTATION OF RETIREMENT AND SERVICE AWARD GIFTS

Justice of the Peace Pct. 4 Terry Kyle gave a brief history of Ora Richardson's work and dedication to Hays County. JP 4 Justice Clerk, Ora Richardson has served 15 years, 4 months of service with Hays County.

28523 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 24TH TO THE 28TH JUVENILE DIABETES AWARENESS WEEK IN HAYS COUNTY

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the week of October 24th to the 28th Juvenile Diabetes Awareness Week in Hays County. All present voting "Aye". MOTION PASSED

28524 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,334,842.43 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28525 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 18, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of October 18, 2011 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28526 ACCEPT A CASH DONATION OF $37.52 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a cash donation in the amount of $37.52 and request to deposit into line item 052-618-00.5222. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a cash donation of $37.52 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28527 ACCEPT A GRANT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE BULLETPROOF VEST PARTNERSHIP (BVP) IN THE AMOUNT OF $12,600.00

On June 28, 2011 the Commissioners Court authorized submission of a grant application to the Bureau of Justice Assistance in the amount of $25,200 for 28 bulletproof vests. The Bulletproof Vest partnership program reimburses one-half (50%) of the cost of the vests. Notice of award was received via-e-mail, and acceptance is done electronically. County's portion - $12,600 FY2012 & FY2013 Budget 001-6158-99-.4301. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a grant award from the Bureau of Justice Assistance (BJA) for the Bulletproof Vest Partnership (BVP) in the amount of $12,600.00. All present voting "Aye". MOTION PASSED**

28528 AUTHORIZE COUNTY JUDGE TO RENEW AGREEMENT BETWEEN CENTRAL TEXAS MEDICAL CENTER (CTMC) AND THE PERSONAL HEALTH DEPARTMENT (PHD) FOR CTMC TO PERFORM CHEST X-RAYS REFERRED BY THE PHD TUBERCULOSIS (TB) CONTROL DEPARTMENT

This is a two year renewal of the agreement between CTMC and the PHD so that CTMC will perform chest x-rays for the TB Department at the rate of $30.00 for a one-view and $35.00 for a two-view x-ray. The agreement is effective October 1, 2011 through September 30, 2013, unless terminated by either party. (120.675.99.022-5448). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize County Judge to renew agreement between Central Texas Medical Center (CTMC) and the Personal Health Department (PHD) for CTMC to perform chest x-rays referred by the PHD Tuberculosis (TB) Control Department. All present voting "Aye". MOTION PASSED**

28529 AUTHORIZE COUNTY JUDGE TO APPROVE AMENDMENT TO CURRENT CONTRACT BETWEEN AMEP AND THE PERSONAL HEALTH DEPARTMENT (PHD)

The current contract between the PHD and the Kyle OB/GYN group for physician services is with AMEP. The OB/GYN group is currently being contracted under Tri-County Clinical doing business as Kyle Parkway OB/GYN Associates. This amendment changes the assignment from AMEP to Tri-County Clinical effective September 1, 2011. This is just an amendment to the current contract. There is no change in our reimbursement rate or the doctors. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize County Judge to approve amendment to current contract between AMEP and the Personal Health Department (PHD). All present voting "Aye". MOTION PASSED**

28530 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-DOCUMENTARIES AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT AND AMEND BUDGET ACCORDINGLY

The Historical Commission has received donations for the Parks Johnson documentary. These funds will be used for the production and distribution of the Parks Johnson DVD's. No matching county funds needed. Increase Revenue: 001-676-00-055.4610 ($12,020.00) Budget Expense 001-676-00-055.5201-general supplies $2,020.000, Budget Expense: 001-676-00-055.5448 $10,000.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept contributions for the Historical Commission-documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly. All present voting "Aye". MOTION PASSED**

28531 ALLOW OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR AND LAUREEN CHERNOW, HAYS COUNTY COMMUNICATION SPECIALIST, TO ATTEND DEPARTMENT OF HOMELAND SECURITY-UNITED STATES FIRE ADMINISTRATION'S NATIONAL EMERGENCY TRAINING CENTER (NETC) NATIONAL FIRE ACADEMY AND EMERGENCY MANAGEMENT INSTITUTE COURSES E388: ADVANCE PUBLIC INFORMATION OFFICER COURSE, DECEMBER 5, 2011 TO DECEMBER 8, 2011

Jeff Turner and Laureen Chernow have been accepted into a training program at the Department of Homeland Security-United States Fire Administration's National Emergency Training Center (NETC) National Fire Academy and Emergency Management Institute in Emmittsburg Maryland. The course will cover topics in Homeland Security Preparedness, Response, Recovery and Mitigation to Emergencies which are necessary for continued education requirements. This program has a zero cost to travel and board with only cost for meals. Travel costs will be paid up front with travel reimbursed once the course is completed; zero room costs. Amount required is $234.28 each 001-656-00.5551 (Turner) 001-677-00.5551 (Chernow). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to allow out of state travel for Jeff Turner, Emergency Management Coordinator and Laureen Chernow, Hays County Communication Specialist, to attend Department of Homeland Security-United States Fire Administration's National Emergency Training Center (NETC) National Fire Academy and Emergency Management Institute courses E388: Advance Public Information Officer Course, December 5, 2011 to December 8, 2011. All present voting "Aye". MOTION PASSED**

28532 ACCEPT THE BOND FOR FISCAL SURETY FOR THE REVEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS IN HIGHPOINTE SUBDIVISION, PHASE 3, SECTION 2-B, PHASE B

Clint Garza Development Services Director gave staff recommendation. HighPointe Subdivision has issued a revegetation bond for $9,023.67. The Transportation Department has inspected and recommends acceptance. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to accept the bond for fiscal surety for the revegetation of the street and drainage improvements in HighPointe subdivision, Phase 3, Section 2-B, Phase B. All present voting "Aye". MOTION PASSED**

28533 CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND RELEASE OF THE CONSTRUCTION BOND FOR HIGHPOINTE SUBDIVISION, PHASE 3, SECTION 2-B, PHASE B

Clint Garza Development Services Director gave staff recommendation for the acceptance of the construction of roads and drainage improvements within Phase 3, Section 2-B, Phase B. The Transportation Department has inspected and approved the improvements. These private roads shall not be maintained by Hays County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to consider the acceptance of road construction and drainage improvements, and release of the construction bond for HighPointe subdivision, Phase 3, Section 2-B, Phase B. All present voting "Aye". MOTION PASSED**

28534 RESUBDIVISION OF A PORTION OF LOT D-15, DOUGLAS ESTATES [11-4-36 – 1 LOT] **AND APPROVE PRELIMINARY PLAN; CALL FOR PUBLIC HEARING NOVEMBER 22, 2011**

Clint Garza Development Services Director gave staff recommendation. Douglas Estates is a, 40 lot, recorded subdivision located off of Bell Springs Road in Precinct 4. One of the original lots, Lot D-15, was divided by metes and bounds rather than the requisite plat revision in 1996 and is thus considered a non-compliant parcel. The owner of a portion of the lot has listed his property for sale and has begun the process of replatting the parcel to ensure future owners do not have difficulty obtaining permits from the Development Services Department. The resubdivision of a portion of Lot D-15 will create lot D-15 (6.01 acres) and will allow that portion of the lot to be developed. The owner of the remaining portion (4.050 acres) of the lot has been notified and declined to be involved in the replat. Judge Cobb wanted voiced concern about the remaining portion of the lot and wanted to be certain that the owner of that portion of Lot D-15 follow the platting process as the owner platting his portion currently. Clint Garza assured the court, no development authorizations will be issued on the remaining portion unless all platting requirements have been met. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve preliminary plat of Resubdivision of a portion of Lot D-15, Douglas Estates 1 Lot and call for public hearing November 22, 2011. All present voting "Aye". MOTION PASSED**

28535 AUTHORIZE PAYMENT OF $398.00 TO AVATT SERVICES, INC. FOR SERVICES PERFORMED AT THE HAYS COUNTY ANNEX AND REQUESTED BY THE BUILDING MAINTENANCE DEPARTMENT

Ron Knott Building Maintenance spoke. A purchase order must be issued for invoices totaling $300 or more. Therefore, the invoice cannot be paid until approved by Commissioners Court. This invoice was submitted to the Auditor's office for payment without the issuance of a purchase order. Once approval is granted by the Court this invoice will be resubmitted for payment. Amount required $398.00 (001-695-00.5411). **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize payment of $398.00 to Avatt Services, Inc. for services performed at the Hays County Annex and requested by the Building Maintenance Department. All present voting "Aye". MOTION PASSED**

28536 AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO MODIFY THE JOB DESCRIPTION AND TITLE OF THE CURRENT DISTRICT ATTORNEY'S OFFICE "ADMINISTRATIVE ASSISTANT III – LEGAL OFFICE ADMINISTRATOR" POSITION, MAKING IT AN "ADMINISTRATIVE ASSISTANT IV – EXECUTIVE ADMINISTRATOR" AND PLACING IT AT A GRADE 112

Sherri Tibbe Hays County District Attorney gave an overview of the duties that will be preformed. The job description for the position in question has not been updated since 2009. In 2009, the District Attorney Office's instituted a Divisional structure and named "Division Leads" who were graded as "Admin III" positions. The grade for this position is a 110. Administration from the D.A.'s Office feels that the Administrator that manages those Grade 110 positions and the positions under the Division Leads should be at a higher grade than 110. There are not currently and "Admin IV" position, but conversations with HR staff have lead counsel to conclude that the present case in perhaps a good basis for creating and "Admin IV" position. Amount required none due to Salary Savings. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Department of Human Resources to modify the job description and title of the current District Attorney's Office "Administrative Assistant III – Legal Office Administrator" position, making it an "Administrative Assistant IV – Executive Administrator" and placing it at a Grade 112. All present voting "Aye". MOTION PASSED. An amended motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to clarify this position will be exempt and declaring an effective date of November 16, 2011. All present voting "Aye". MOTION PASSED**

28537 APPROVE APPOINTMENT OF PAMELA MCAFEE TO THE JACOBS WELL NATURAL AREA STAKEHOLDERS GROUP

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve appointment of Pamela McAfee to the Jacobs Well Natural Area Stakeholders Group. All present voting "Aye". MOTION PASSED

28538 DESIGNATE THE SOUTH DOOR OF THE HAYS COUNTY GOVERNMENT CENTER AT 712 SOUTH STAGECOACH TRAIL, AS THE LOCATION FOR POSTING PUBLIC NOTICES AND HOLDING PUBLIC SALES OF REAL PROPERTY; EFFECTIVE DATE JANUARY 3, 2012

This is Pursuant to Texas Property Code 51.002(a), the court needs to take action to move postings of public notices and sales. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to designate the south door of the Hays County Government Center at 712 South Stagecoach Trail, as the location for posting public notices and holding public sales of real property; effective date January 3, 2012. All present voting "Aye". MOTION PASSED**

28539 ACTION TO HAVE COUNSEL EXECUTE A LETTER OF TERMINATION TO LYNX PROPERTY SERVICES FOR THE LEASE OF PROPERTY LOCATED AT 700 N. LBJ, SAN MARCOS, TX 78666 (ADULT PROBATION)

Adult Probation is moving to the new Government Center in December and will no longer require the lease space. The current lease required expired on April 1, 2011 and Hays County utilized its option to go month to month. The agreement requires a 60 day notice of termination. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe action to have counsel execute a letter of termination to Lynx Property Services for the lease of property located at 700 N. LBJ, San Marcos, TX 78666 (Adult probation). All present voting "Aye". MOTION PASSED**

28540 AUTHORIZE THE COUNTY JUDGE SIGN THE AGREEMENTS FOR THE LAW ENFORCEMENT CENTER FIRE ALARM SYSTEM AND THE SECURITY SYSTEM

The new CCTV Security System and Fire Alarm System (both installed by separate divisions of MCS) at the LEC will be complete by the end of October. Both systems will be under warranty for the 1st year after completion; however a service/maintenance agreement for both would be advantageous to the County and take burden off the maintenance department for the future. In addition, City Fire Marshal, Kenneth Bell recommended a service agreement for the fire alarm system be put in place. Fire Alarm System: Total cost of $22,900 ($5,725.00 annually after year 1) over the course of the first years which include testing/inspection and service maintenance. Service Agreement: 1st year: 100% warranty; included with installation; 2nd-5th years ($5,725 annually). **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge sign the agreements for the Law Enforcement Center Fire Alarm System and the Security System. All present voting "Aye". MOTION PASSED**

28541 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF BUDA REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF BUDA, PURSUANT TO HB1445 (2001)

To date, the City of Buda and Hays County do not have an executed 1445/interlocal agreement for plat approvals in the ETJ. The City has approved the agreement which will get both entities in compliance with state law. This interlocal agreement will streamline the platting process by utilizing the City of Uhland as the "one-stop" shop for plat review and approvals. Development Services staff will still coordinate with the City and require compliance with regulations identified by the City at the time of review. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with the City of Buda regarding subdivision and development regulation in the extraterritorial jurisdiction of Buda, pursuant to HB1445 (2001). All present voting "Aye". MOTION PASSED**

28542 AMEND THE LCRA SERVICE FEE FUND FOR COSTS ASSOCIATED WITH THE HAYS COUNTY WATER QUALITY MONITORING PROGRAM

Development Services Director Clint Garza gave a brief explanation on testing being conducted. County Judge requested that all surrounding Water Districts and Bioterrorism staff be given these test results in addition to the entities that we currently send them to. On October 26, 2010, the Commissioners Court approved the Hays County Water Quality Monitoring Program to join TCEQ's Texas Clean Rivers Program. Hays County was written into both LCRA and GBRA's Quality Assurance Protection to monitor a total of 10 sites located in various watersheds throughout Hays County. Development Services staff is ready to begin the official monitoring for FY 2012. During annual budget processing funds were not requested from the LCRA service fee fund for FY2012 lab fees and supplies which will be necessary to continue moving forward with county-wide program. Amount $5438.00 171-691-00-5391 ($5,438), 171-691-00.5391 $5,438. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to amend the LCRA Service Fee Fund for costs associated with the Hays County Water Quality Monitoring Program. All present voting "Aye". MOTION PASSED**

10:00 AM WORKSHOP REGARDING MARKETING, SELLING, AND/OR LEASING HAYS COUNTY PROPERTIES INCLUDING A PRESENTATION FROM CBRE REPRESENTATIVES

CBRE Representatives Scott Senese, Walter Saad, and Cathy Nabours gave a powerpoint presentation. Currently, Hays County has 4 locations they are considering for sale. 1) Hays County Annex – 102 N. LBJ Dr.; 2) Hays County Records Bldg. – 137 N. Guadalupe St.; 3) Hays County Justice Center – 110 W. MLK Dr.; 4) Max C. Smith Bldg. – 302 W. San Antonio St. all located in San Marcos. CBRE was selected as a provider of real estate services for Hays County during the June 19th Commissioners Court.

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 HAYS COUNTY PRECINCT 2 BUILDING

Court convened into closed executive session at 10:52 am and reconvened into open meeting at 11:30 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy, County Auditor Bill Herzog, and consultants from CBRE. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Burn Ban will remain in effect. There is a possible chance for rain this week according to local forecasts. Where in the County would consider a temporary lift of the ban at that time. Notice will be posted if/when this occurs.

Clerk's Note Agenda Item #25 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #26 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #27 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 October 25, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF NOVEMBER 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THT IS:

Constable Darrell Ayers Precinct 3 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

Constable James Kohler Pct 2 made a public comment.

28543 ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS "PANCREATIC CANCER AWARENESS MONTH" IN HAYS COUNTY

Natalie Dailey an advocate for the Pancreatic Cancer Action Network in the in the Austin/San Marcos Area and a resident of Dripping Springs spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Proclamation declaring the month of November as "Pancreatic Cancer Awareness Month" in Hays County. All voting "Aye". MOTION PASSED**

28544 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $1,104,666.55 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Jones, seconded by Commissioner Whisenant to add a check to the batch for the State of Texas in the amount of $12,081.74 for unclaimed funds that are due. All voting "Aye". MOTION PASSED

28545 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 25, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of October 25, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28546 APPROVE SPECIFICATION FOR IFB #2012-B01 LEISUREWOODS CHANNEL B DRAINAGE IMPROVEMENTS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specification for IFB #2012-B01 Leisurewoods Channel B Drainage Improvements and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

28547 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT AND SEND TO GOODWILL FOR RECYCLING

Goodwill has expressed an interest in receiving the computer equipment from the County. Information Technology has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment and send to Goodwill for recycling (pursuant to LGC 263.152- Disposition). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Information Technology to dispose of Computer Equipment and send to Goodwill for recycling. All voting "Aye". MOTION PASSED**

28548 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CIVIC CENTER

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's office performed an internal examination of the Hays County Civic Center's financial records for the period of May 1, 2010 to May 31, 2011. The internal examination consisted of reviewing receipts, deposits, leases, fixed assets, and other supporting documentation. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Report for the Hays County Civic Center. All voting "Aye". MOTION PASSED**

28549 ACCEPT A DONATION OF $100.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation in the amount of $100.00 and request to deposit into line item 001-618-4610 Contributions. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a donation of $100.00 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28550 AMEND THE FY2012 BUDGET OF THE TRANSFER STATION FOR EQUIPMENT

The Transfer Station needs to replace a heat pump. Amount required $540.00 to 001-716-00.5719_400 Misc Eqpt from 001-716-00.5301 Operating. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the FY2012 Budget of the Transfer Station for equipment. All voting "Aye". MOTION PASSED**

28551 AMEND THE FY2012 BUDGET OF THE HISTORICAL COMMISSION FOR CONTRACT SERVICES TO ADD DOWNTOWN DRIPPING SPRINGS TO THE NATIONAL REGISTER OF HISTORIC PLACES

Court authorized on October 18, 2011 an interlocal agreement with Dripping Springs for sharing Historical Commission expense for consultant, for nomination of the city to the Nation Register, not to exceed $10,000. This action budgets $5,000 from the city and $5,000 from the Commission. Amount required $10,000 to 001-676-00.5448 Contract Services from 001-676-00.4301 Intergovernmental. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the FY2012 Budget of the Historical Commission for contract services to add Downtown Dripping Springs to the national register of historic places. All voting "Aye". MOTION PASSED**

28552 APPROVE THE RE-APPOINTMENT OF MARILYN G. MILLER TO SERVE AS COMMISSIONER ON THE BOARD OF EMERGENCY SERVICES DISTRICT #6

This is a reappointment to re-appoint Marilyn G. Miller to server as Commissioner on the Board of Emergency Services District #6. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the re-appointment of Marilyn G. Miller to serve as Commissioner on the Board of Emergency Services District #6. All voting "Aye". MOTION PASSED**

28553 AMEND THE BUDGET OF CONSTABLE PCT. 1 FOR EQUIPMENT COST FROM SUPPLIES

Constable David Peterson in Pct 1 needs to increase his Law Enforcement equipment line to allow for the shipping costs totaling $43.17. Amount required $ 43.00 to 001-635-00.5717_400 Law Enforcement Eqpt from 001-635-00.5206 Law Enforcement Supplies**. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Budget of Constable Pct. 1 for equipment cost from supplies. All voting "Aye". MOTION PASSED**

28554 AMEND THE BUDGET OF JAIL OPERATIONS FOR REPLACEMENT EQUIPMENT

Jail medical needs to purchase a replacement scanner for medical facility, and requires transfer from office eqpt. Amount required $1,080.00 to 001-618-036.5711 Office Eqpt from 001-618-03.5211 Office Supply. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Budget of Jail Operations for replacement equipment. All voting "Aye". MOTION PASSED**

28555 AMEND THE BUDGET OF THE DISTRICT ATTORNEY DRUG FORFEITURE FUND FOR CLERICAL PERSONNEL

Special Counsel Mark Kennedy spoke. The Hays County Criminal District Attorney's Office has a serious back log in file management due to the heavy work load already placed on current employees. In an effort to remedy this back log, the DA's office would like to hire 2 part-time 20 hour clerical personnel utilizing their Asset Forfeiture Fund. Amount required $15,000 081-607-00.5021 Staff $13,934; 081-607-00.5101_100 FICA $864; 081-607-00.5101_200 Medicare $202; 081-607-00.5211 Office Supplies ($15,000). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Budget of the District Attorney Drug Forfeiture Fund for clerical personnel. All voting "Aye". MOTION PASSED**

28556 PUBLIC HEARING TO AUTHORIZE DISTRIBUTION OF BALLOTS FOR THE PROPOSED IMPROVEMENTS TO MYSTIC CREEK DRIVE AND MYSTIC OVERLOOK IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY ON MYSTIC CREEK DRIVE AND MYSTIC OVERLOOK

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Special Counsel Mark Kennedy, Commissioner Whisenant and Hays County Tax Assessor Luanne Caraway spoke. Transportation Director Jerry Borcherding provided the estimated. This Hearing is guided by Chapter 253 of the Texas Transportation Code, which dictates that the Commissioners Court may, after finding that the proposal improvements are necessary for the public health, safety, or welfare of the residents of Hays County, Order a "mailed ballot" election of the property owners in the above-named subdivision, said mail-outs to occur no later than the 10th day after this Public Hearing. If this Court orders an election, then not later than the 30th day after Public Hearing all returned votes shall be tallied and results shall be declared. Granted that a majority of lot owners on Mystic Creek Drive and Mystic Overlook vote in favor of the improvements and the long term pay back of costs, then construction of those improvements will begin according to scheduling priorities set by RPTP. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize distribution of ballots for the proposed improvements to Mystic Creek Drive and Mystic Overlook in Hays County to cause the roadway to comply with Hays County road standards, and the assessment of all or part of the costs of the improvement, pro rata, against the record owners of the real property on Mystic Creek Drive and Mystic Overlook; and, being that this project is necessary for the health, safety and welfare of Hays County citizens, authorizing these improvements should a majority of the subdivision residents vote for the improvements and assessment. All voting "Aye". MOTION PASSED**

28557 SUNRISE ACRES REPLAT OF LOTS 20 & 21 [11-2-5--3 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie Botkin Subdivision Coordinator gave staff recommendation. The Sunrise Acres Subdivision is a recorded subdivision located off of BeBee Road in Precinct 2. Sunrise Acres was originally divided in 1983 as a 93 lot subdivision. Today there are 131 taxable parcels on the CAD records. The newly configured lots will be sized as follows; Lot 20A 1.118 acres, Lot 21A 3.429 acres, Lot 21B 14.276 acres. Lots 21A and 21B are currently developed and are served by Goforth Water and on-site sewage facilities. Lot 20A will also utilize Goforth Water and OSSF at the time development. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of Sunrise Acres Replat of Lots 20 & 21. All voting "Aye". MOTION PASSED**

28558 ADOPT A RESOLUTION TO CAST HAYS COUNTY'S 1586 VOTES FOR LUANNE CARAWAY, CANDIDATE FOR THE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

Luanne Caraway was nominated by the Hays County Commissioners Court on October 11, 2011. The cast of 1586 votes for Luanne Caraway as candidate for the Hays Central Appraisal District Board of Directors for a term of two years beginning January 1, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a resolution to cast Hays County's 1586 votes for Luanne Caraway, candidate for the Central Appraisal District Board of Directors. All voting "Aye". MOTION PASSED**

28559 ACCEPT DONATION OF A 0.839 ACRE TRACT OF LAND ADJACENT TO THE JACOB'S WELL NATURAL AREA PROJECT

Wimberley Springs Partners Limited, a Texas limited partnership, has agreed to donate what is commonly known as the "triangle tract", which is located near the A.D.A trail entrance to the Jacob's Well Natural Area. The' triangle tract" currently features a tennis court, which will likely be removed as part of the Master Plan for this project. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept donation of a 0.839 acre tract of land adjacent to the Jacob's Well Natural Area project. All voting "Aye". MOTION PASSED**

28560 WAIVE THE FEES ASSOCIATED WITH THE RENTAL OF THE HAYS COUNTY CIVIC CENTER FOR THE SAN MARCOS ROTARY CLUBS EVENT NAMED THE EARLY ACT FIRST KNIGHT TOURNAMENT

This event will take place on November 17th from 1pm -3pm. The San Marcos Rotary Club has held this event at the Civic Center in past years. The Early Act First Knight (EAFK) program was developed by Rotarian Chris Boyd and Founder and Executive Director of Knights of the Guild, Randall Parr. EAFK has developed into a character education program that puts Rotary ideals into the daily academics of mainstream K-8th grade Education. The EAFK approach to teaching character education creatively integrates the instruction of noble character traits with the theme of gallant knights and chivalry. Each new school year, the orientation is integrated with the Tournament of Champions, a medieval tournament complete with Knights, costumed warhorses, and musical soundtracks. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to waive the fees associated with the rental of the Hays County Civic Center for the San Marcos Rotary Clubs event named the Early Act First Knight Tournament. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING PROJECTS SUBMITTED TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) FOR SURFACE TRANSPORTATION PROGRAM METROPOLITAN MOBILITY (STP MM) FUNDS

Commissioner Conley Pct 3 spoke of projects submitted to the Capital Area Metropolitan Planning Organization. Michael Aulick of Aulick and Associates, Kenneth Williams, City Manager of Buda, City Manager of Kyle Texas, Dolf Burrus, City of Dripping Springs, Lanny Lambert City Manager of Kyle, Jim Nuse City Manager of City of San Marcos, Linda Huff Director of Engineering from the City of San Marcos, Michelle Fisher City of Dripping Springs, Jon Thompson City of Dripping Springs spoke. CAMPO Phase 1 Hays County Projects- STP MM Eligible Projects-Submitted June 30: (1) IH 35 – Buda (Main St) to Kyle (FM 1626) add freeway ramps and turnarounds (2) US 290 - Dripping Springs, Mercer St to Mighty Tiger Trail-sidewalk north side (3) SH 21 @ FM 150 - intersection improvements (4) SH 21 @ Cottonwood Gin Road – intersection improvements (5) SH 80 @ Old Bastrop Highway – intersection improvements (6) RR 12- RR 32 to FM 3407 purchase ROW for future parkway (7) RR 12- RR 32 to FM 3407 - hike and bike trail on north side (8) RR 12 Winters Mill Parkway to Joe Wimberley Blvd – hike and bike trail (9) RM 1826 @ Crystal Hill Drive – intersection improvements, new bridges (10) RM 1826 @ Darden Hill Road – intersection improvements. Projects on County Roadways: (1) Dacey Lane – Bebee Rd. to Windy Hill Rd – widen lanes, add shoulders (2) Elder Hill Road – RR 12 to FM 150 – safety improvements, new bridge(s) (3) Lakewood Dr. @ Fm 1626 – new bridges (4) Old Bastrop Highway – Centerpoint Road to Francis Harris Lane – widen lanes, add shoulders (5) add sidewalks near schools in Precinct 1 (a) Bunton Creek Rd – IH 35 to Goforth Rd, (Lehman HS and Fuentes Elem (b) FM 150 – Heidenreich Lane to SH 21 (Simon High School) (c) Old Bastrop Hwy from SH 123 to San Marcos High School (d) Old Bastrop Hwy from E. McCarty Lane to Centerpoint Rd (San Marcos HS) (e) E. McCarty Lane from Loop 110 to Old Bastrop Hwy. (San Marcos HS). CAMPO Phase 2 Hays County Projects-Submitted August 5 Precinct 1 (1) Old Bastrop Hwy (CR 266 San Marcos River Bridge) (2) Yarrington Rd. overpass over IH 35-Kyle/SM loop. Precinct 2 (3) FM 150-RM 3237 to RM 2770-add shoulders, SETs (4) FM 967-Onion Creek to west of FM 1636-shoulders, turn lanes. Precinct 3 (5) RM 12-Oakwood Loop to CR 346-add 5'shoulders, SETs (6) FM 2439/Hunter Rd. Centerpoint to Posey, median, Sho. (7) RM12 @ Old Kyle Rd-Wimberley CBD improvements. Precinct 4 (8) RM 1826-SH 45 to FM 150, add shoulders, SETs (9) RM 1826 @ Nutty Brown Rd-intersection imp. (10) RM 1826 @ FM 150-intersection improvements (11) FM 150-Rm 1826 to RM12-add shoulders, SETs,(12) RM12 @ Fitzhugh Rd- intersection improvements (13) RM 12- Fitzhugh Rd to FM 150-shoulders, SETs.

28561 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE TB CONTRACT BETWEEN TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD)

Priscilla Hargraves Personal Health Director introduced Lisa Cornelius, M.D, M.P.H. Regional Medical Director and Jon Huss Deputy Regional Director of the Texas Department of State Health Services. This amendment is an agreement between DSHS Region 7 and the PHD so that the TB-RN will provide TB case management services to three Tuberculosis patients in Caldwell County. There is currently no DSHS nurse in Caldwell County. Without the assistance of Hays County and the PHD Region 7 would be required to send an RN from Region 7 office in Temple to perform this service. DSHS Region 7 to reimburse Hays County for the mileage incurred for the PHD TB-RN to perform this service. Region 7 estimates this service will be required approximately two months. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an amendment to the TB contract between Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD) and have the County Judge to sign All voting "Aye". MOTION PASSED**

28562 SET A PUBLIC HEARING ON DECEMBER 6, 2011 TO CONSIDER CHANGES TO THE HAYS COUNTY FOOD SANITATION REGULATIONS

Clint Garza Development Services Director spoke. Hays County last amended regulations for food service establishments in 2001. Since that time additional authorities have been granted to Counties under chapter 437, Texas Health and Safety Code. Changes are minimal but updated definitions the new regulations will require each food establishment to have a single Food Manager certification. Additionally, the 2007 legislative session resulted in greater enforcement authority for Counties operating under Chapter 437. Staff doesn't anticipate action on the proposal changes and Commissioners Court cannot make changes until a public hearing is held pursuant to chapter 437.005 of the H&SC. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to have a public hearing on December 6, 2011 to consider changes to the Hays County Food Sanitation Regulations. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28563 ADOPT POLICIES REGARDING THE USE AND/OR ISSUANCE OF AIR CARDS, CABLE TV, FAX MACHINES, LANDLINE AND CELL PHONES, SOCIAL MEDIA, AND EMAIL

Laureen Chernow Public Information spoke of the policies of Landlines and Cell Phones which are a large expense for the County. Rafael Marquez Information Technology Web Master and Yvette Johnson of the Sheriff's spoke. This purpose of the Landline and Cell Phone Policy is to reduce expenses that each device is being used to its best advantage and in the most cost-effective way. Elected Officials and department heads are responsible for ensuring that each employee is trained on proper phone use. This policy is in effect immediately upon adoption by the Commissioners Court. Elected officials and department heads who have already authorized the uses of any type of County-paid cell phone or stipend for employees have 60 days from the adoption of this policy to complete and submit request forms for those employees to the Auditor's Office. The Air Card Policy is to reduce unnecessary, wasteful costs to the County by providing rules for all County-paid personnel who acquire and/or use County-paid Air Cards and to delineate who is authorized to use an Air Card and how Air Cards will be activated, deactivated and paid for. This policy also applies to any individual who is not a County-paid employee but because of a contractual agreement with Hays County is authorized to use a County-paid Air Card. Cable/TV Line Policy is to reduce unnecessary, wasteful costs to the County by providing rules for all County office/department requests for and use of Cable/TV Lines and to ensure that a business need exists for each Cable/TV Line authorized. The policy on Fax Machine is to provide guidelines for all County Office/department requests for and use of Fax Machines. Fewer Fax Machines equal fewer phone line costs and fewer equipment rental/purchases costs. All Fax Machines must be regularly reviewed at least quarterly by elected officials and department heads to determine if a specific fax machine is required for County business for outgoing and/or incoming Fax's. The Social Media Policy is for use and monitoring of social media sites requires employee time that directly impacts productivity and results in costs to taxpayers. The purpose of the Hays County social media policy is to provide rules and set public expectations for conduct by and content developed/published by elected officials, department heads and employees who; (A) use social media for Hays County business (B) access social media venues while on duty, and/or (C) use Hays County equipment (i.e., computers, internet access) to connect to social media sites. **A motion was made by Commissioner Conley,seconded by Commissioner Ingalsbe to adopt policies regarding the use and/or issuance of air cards, cable TV, fax machines, landline and cell phones, social media, and email effectively . All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Court decided to leave the burn ban in effect.

County Clerk Note Item #24 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

County Clerk Note Item #25 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

The Hays County Water and Sewer Authority continue to meet. There will be a discussion made November 16, 2011 of the LCRA Divestiture.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 November 1, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF NOVEMBER 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:

Pastor Tom Glasoe from the First Lutheran Church of San Marcos gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

Dee Dee Baen Human Resources Director introduced Hays County New Hires. They are introduced the second Tuesday of every month. The new employees are Tomas Cardoso, Patrick J Chasse, David Gamble, Jonathan Lopez, Kevin Salazar, Debra R. Sample, Brandon R. Stark.

PUBLIC COMMENTS

James Kohler Constable Pct. 2 made public comment.

28564 ADOPT A PROCLAMATION DECLARING NOVEMBER 2011 AS NATIONAL HOSPICE CARE MONTH

Lisa Adams and Linda Lopez with Central Texas Medical Center Hospice Center spoke of what the center offers to the patients and family caregivers facing serious and life-limiting illness. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a proclamation declaring November 2011 as National Hospice Care Month. All voting "Aye". MOTION PASSED**

28565 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $4,500,312.86 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28566 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 1, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of November 1, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28567 AUTHORIZE COMMERCIAL OSSF PERMIT AT 1905 ELDER HILL ROAD, DRIFTWOOD, TX IN PRECINCT 4

Robin Garrison is proposing an event center that will include 5 bed and breakfast rooms. The on-site sewage facility is designed so that the peak weekend flows are equalized throughout the week at 900 gallons per day. The property is 84.83 acres in size. The water supply will be supplied by on-site well. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 1905 Elder Hill Road, Driftwood, TX in Precinct 4. All voting "Aye". MOTION PASSED**

28568 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE TEXAS INDIGENT DEFENSE COMMISSION FOR $71,325.00

This is a formula grant available annually to the County to assist in the implementation of the provisions of the Fair Defense Act (FDA) and improve indigent defense system. These funds can be used for attorney fees, investigator expenses, and expert witness expense incurred by the County on criminal indigent cases. The grant application submission is through on-line electronic process, with the Resolution e-mailed for verification authorization. The grant amount is an estimate at this time based upon previous award and will be finalized upon grant award. The funding period for this grant is October 1, 2011 through September 30, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute the Resolution and submit a grant application to the Texas Indigent Defense Commission for $71,325.00. All voting "Aye". MOTION PASSED**

28569 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SUBAWARD AGREEMENT WITH TEXAS STATE UNIVERSITY FOR GRANT FUNDS FOR THE COUNTY'S PARTICIPATION IN THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAM

The subaward agreement is a renewal of annual grant the County receives through Texas State University to fund the salary/benefits of an officer (Sergeant-Director of Training) in the Sheriff's Office involved in training and support for the ALERRT program. The Subaward Agreement in the amount of $57,088.00. The application term is October 1, 2011 through August 30, 2013. No matching funds required 001-618-99-003.4301. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute the Subaward Agreement with Texas State University for grant funds for the County's participation in the Advanced Law Enforcement Rapid Response Training (ALERRT) program. All voting "Aye". MOTION PASSED**

28570 AMEND THE JAIL OPERATIONS BUDGET TO PURCHASE REPLACEMENT EQUIPMENT

The Sherriff's Office needs to purchase a replacement small air conditioner unit in building 1303. The amount required $2,450.00 from 001-618-03.5451 Bldg Maint to 001-618-03.5719 Misc Eqpt. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Jail Operations Budget to purchase replacement equipment. All voting "Aye". MOTION PASSED**

28571 AUTHORIZE A COMMERCIAL OSSF PERMIT AT 1235 SOUTH LOOP 4, BUILDING #1, BUDA, TX

Clint Garza Director of Development Services spoke. Bridgeport Properties has applied for an on-site sewage facility permit for an existing commercial building. This on-site sewage facility is designed for 1200 gallons per day. The property is 22.479 acres in size. This is a modification to an existing on-site sewage facility that will authorize installation of 3 new tanks that will accommodate a proposed art supply business that will operate in the building. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize a commercial OSSF permit at 1235 South Loop 4, Building #1, Buda, TX. All voting "Aye". MOTION PASSED**

28572 AMEND THE BUDGET OF THE DEVELOPMENT SERVICES DEPARTMENT TO PROVIDE A CELL PHONE ALLOWANCE FOR AN EMPLOYEE WITH AN EFFECTIVE DATE OF NOVEMBER 15, 2011

Clint Garza Director of Development Services spoke. The Development Services Department would like to provide a cell phone allowance for an employee in their office. Amount required $385.00 001-710-08.5194 telephone allowance. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the budget of the Development Services Department to provide a cell phone allowance for an employee with an effective date of November 15, 2011. All voting "Aye". MOTION PASSED**

28573 APPROVE UTILITY PERMIT FOR AN ELECTRICAL LINE ON YARRINGTON ROAD WITH PEDERNALES ELECTRIC COOPERATIVE (PEC) WITH A VARIANCE

Jerry Borcherding Transportation Director spoke. The Hays County Transportation Dept has received a request for a utility permit regarding: (1) upgrading existing power lines and installing additional poles. (2) variance requested to install poles closer than 10 ft from travel way. (County provisions state poles are to be placed 10 ft from travel way). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve utility permit #839 for an electrical line on Yarrington Road with Pedernales Electric Cooperative (PEC) with a variance. All voting "Aye". MOTION PASSED**

28574 RESUBDIVISION OF LOTS 19 AND 20, LOS RANCHOS [11-4-9 – 5 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie Botkin Subdivision Coordinator gave staff recommendation. Los Ranchos is a recorded subdivision located off of F.M 150 in Precinct 4. The subdivision was originally platted in 1978 as a 28 lot subdivision. Today there are 35 taxable parcels on the CAD records. The current configuration of the two lots consists of seven unplatted parcels, three of which are currently developed. This purpose of this resubdivision is to plat five new lots, thereby allowing the existing parcels to be further developed. A plat for lots 19 and 20 was approved on September 6, 2011 and was not recorded. This plat shows newly configured lots which reflect an exchange of property agreed upon by the owners. The proposed lot sizes are as follows: Lot 20A, 4.5017 acres, Lot 20B, 2.3868 acres, Lot 20C, 2.0005 acres, Lot 19A, 7.0502 acres, Lot 9B, 4.6118 acres, Lot 20A, 20B,19A and 19B are currently served by private wells and individual on-site sewage facilities. Water and wastewater service will be provided to lot 20C by individual water wells and on-site sewage facilities at the time of development. **A motion was made by commissioner Whisenant, seconded by Commissioner Jones to approve final plat of Resubdivision of Lots 19 and 20, Los Ranchos 5 Lots. All voting "Aye". MOTION PASSED**

28575 REVISED PLAT OF LOT 3 MADRONE RANCH SECTION 1 AND LOT 4 MADRONE RANCH SECTION II-A (1-4-33 – 2 LOTS) HOLD PUBLIC HEARING AND CONSIDER CANCELLING A PORTION OF LOT 4 MADRONE RANCH SECTION II-A AND ESTABLISHING LOT 3-A MADRONE RANCH SECTION 1 AND LOT 4-A MADRONE RANCH SECTION II-A; APPROVE FINAL PLAT OF REVISED PLAT OF LOT 3 MADRONE RANCH SECTION 1 AND LOT 4 MADRONE RANCH SECTION II-A

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie Botkin Subdivision Coordinator gave staff recommendation. Madrone Ranch is a multiple-section subdivision located off of McGregor Lane in Precinct 4. There are currently a combined 17 parcels between Sections I and II-A. The property owner is proposing to reconfigure Lot 3 (Section 1) and Lot 4 (Section II-A). Because the two lots are located in different sections, portion of Lot 4 which is to be moved to Section 1 must be cancelled. The resulting lots will be configured as follows: Lot 3-A, 32.24 acres, Lot 4-A, 13.29 acres. Both lots are currently developed and are served by private wells and individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to Revised Plat of Lot 3 Madrone Ranch Section 1 and Lot 4 Madrone Ranch Section II-A (2 lots). Hold public hearing; discussion and possible action to consider cancelling a portion of Lot 4 Madrone Ranch Section II-A and establishing lot 3-A Madrone Ranch Section 1 and lot 4-A Madrone Ranch Section II-A; approve final plat of Revised Plat of Lot 3 Madrone Ranch Section 1 and Lot 4 Madrone Ranch Section II-A. All voting "Aye". MOTION PASSED**

28576 AUTHORIZE PAYMENT OF EXCESS COMP TIME FOR DEPUTY CONSTABLE, PRECINCT 2 AND AMEND THE BUDGET ACCORDINGLY WITH THE MONEY COMING OUT OF CONTINUING ED AND REQUESTING CONSTABLE KOHLER TO FIND RESOLUTION TO THIS PROBLEM

Constable James Kohler Precinct 2 spoke. Deputy Constable Precinct 2 Mark Hanna has accumulated 480 hours of comp time. Any comp time over 480 must be paid. Amount required $54. The money will be coming out of Continuing Education. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment of excess comp time for Deputy Constable, Precinct 2 and amend the budget accordingly with the money coming out of Continuing Education and requesting Constable Kohler to find a resolution to this problem. All voting "Aye". MOTION PASSED**

28577 WAIVE DEVELOPMENT FEES FOR ANTIOCH COMMUNITY CHURCH LOCATED AT 113 OLD BLACK COLONY ROAD, BUDA, TX

Antioch Community Church is requesting a waiver of the on-site sewage facility permit and design review fees in the amount of $550.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to waive development fees for Antioch Community Church located at 113 Old Black Colony Road, Buda, TX. All voting "Aye". MOTION PASSED**

28578 AUTHORIZE THE PURCHASE OF THREE MULTIMEDIA PRESENTATION SYSTEMS FOR THE GOVERNMENT CENTER

Bob Hinkle of Broaddus & Associates spoke. These mobile multipurpose units will cost-effectively transform any room into a place where every type of multimedia presentation can be delivered for meetings, training, courtroom presentations, and video conferencing and will be shared within the courts and with any departments needing them for such. This eliminates the design cost for expensive permanent installations of audiovisual equipment. They will be purchased from Nomad Technologies using the TXMAS state contract government pricing. Amount required $74,859 for 3 units (line item number Government Center Funds). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the purchase of three Multimedia Presentation Systems for the Government Center in the amount of $74,859. All voting "Aye". MOTION PASSED**

28579 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTER-LOCAL AGREEMENT WITH THE CITY OF KYLE FOR CONSTRUCTION OF DACY LANE PHASE I ADJACENT TO SETON HOSPITAL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an inter-local agreement with the City of Kyle for construction of Dacy Lane Phase I adjacent to Seton Hospital. All voting "Aye". MOTION PASSED

28580 RATIFY THE PUBLICATIONS OF NOTICE AND RELATED EXPENDITURES ASSOCIATED WITH THE FORMATION OF A REGIONAL PUBLIC UTILITY AGENCY TO BE CALLED THE WEST TRAVIS PUA WITH MONEY COMING OUT OF LCRA FUNDS LINE ITEM

Due to time constraints associated with publication of notice, counsel moved forward with publication in advance of Court consideration. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to ratify the publications of notice and related expenditures associated with the formation of a Regional Public Utility Agency to be called the West Travis PUA with the money coming from the LCRA Funds line item. All voting "Aye". MOTION PASSED**

28581 AUTHORIZE A COMMERCIAL OSSF PERMIT AT 1235 SOUTH LOOP 4, BUILDING #2, BUDA, TX; CONSIDER VARIANCE FROM SECTION 10-M(B) OF THE HAYS COUNTY ON-SITE SEWAGE FACILITIES ORDER

Clint Garza Development Services Director explained the variance request. Bridgeport Properties has applied for on on-site sewage facility permit for an existing commercial building. This on-site sewage facility is designated for 120 gallons per day. The property is 22.479 acres in size. The on-site sewage facility consists of a standard septic tank and low pressure dosed drainfield. A wastewater meter will be installed so that the system can be monitored. The designer of the system, Stan Burrier, P.E. is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities, which requires a hydraulic equalization tank prior to the treatment tank on non-residential on-site sewage facilities. His justification for variance: The flows are expected to be at a uniform rate throughout the day and week with no peak surges and the treatment tank is 33% larger than required, which will provide more retention time. This permit will authorize disconnecting this building from the on-site sewage facility that serves the building next door (to the north) and installing a new on-site facility. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize a commercial OSSF permit at 1235 South Loop 4, Building #2, Buda, TX; consider variance from Section 10-M(B) of the Hays County On-Site Sewage Facilities order. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.72OF THE GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF REAL PROPERTY RELATED TO HAYS COUNTY PRECINCT 2 BUILDING

Court convened into closed executive session at 10:50 am and reconvened into open meeting at 12:00 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Lon Shell and Special Counsel Mark Kennedy. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF WATER AND WASTEWATER SYSTEMS CURRENTLY OWNED BY THE LOWER COLORADO RIVER AUTHORITY

Court convened into closed executive session at 12:00 pm and reconvened into open meeting at 12:30 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Lon Shell and Special Counsel Mark Kennedy. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Fire Marshal Mark Chambers spoke of the dry conditions and requesting the County keep the burn ban in place. The Burn Ban will expire on December 1, 2011.

Clerk's Note Agenda Item # 22 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

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

Alan Crozier of HDR explained the Road Bond Projects.

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

This item was opened together with Resolution #28580.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 November 8, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF NOVEMBER A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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**

WITH ALBERT H. COBB JR., COUNTY JUDGE ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

JOINT OPEN MEETING AND DISCUSSION WITH THE CITY OF KYLE COUNCIL REGARDING PROPOSED IMPROVEMENTS TO AND REALIGNMENT OF RM 150

Lori Bible of LAN and Mike Weaver of Prime Strategies spoke. This was a joint open meeting between the Kyle City Council and the Hays County Commissioners of any and all issues relating to the FM150 Project and related matters. The County has entered into a Pass-Through Financing Agreement with the Texas Department of Transportation to construct a southbound frontage road between Fm 1626 (Kyle Parkway) and RM 150, including the construction of new ramps and a realignment of RM 150 and the City of Kyle would like to participate with the County in the funding of the RM 150 Project.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 November 8, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF NOVEMBER 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:

Commissioner Conley 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

Constable Pct 2 James Kohler, Dorothy Knight – Wimberley resident, and Jack Hollon – Wimberley resident made public comments.

28582 ADOPT A PROCLAMATION DECLARING NOVEMBER 2011 AS NATIONAL HOME CARE MONTH

Carol Trafford Central Texas Medical Center Hospice Care Director spoke of the National Home Care Proclamation and how the home services provide high quality and compassionate health care services for the disabled, elderly, and chronically ill individuals eager to live independently in their own homes. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a proclamation declaring November 2011 as National Home Care Month. All voting "Aye". MOTION PASSED**

28583 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,411,805.07 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28584 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 8, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of November 8, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28585 ADOPT A RESOLUTION TO RE-APPOINT JEFF BARTON TO THE BOARD OF DIRECTORS OF THE CAPITAL AREA HOUSING FINANCE CORPORATION

The Articles of Incorporation of the Capital Area Housing Finance Corporation authorize the Commissioners Court of Hays County to appoint one director of the Corporation and the term of the current director from this county, Jeff Barton, expires October 21, 2011. Jeff Barton will be re-appointed Director of the Corporation to serve for the four-year term beginning October 22, 2011 and ending October 21, 2015, or until his successor is duly appointed and qualifies. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Resolution to re-appoint Jeff Barton to the Board of Directors of the Capital Area Housing Finance Corporation. All voting "Aye". MOTION PASSED**

28586 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AN AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR FY2011 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) IN THE AMOUNT OF $64,723.00

This is a renewal grant that the County has been receiving for jail operation expenses which include correctional facilities that incarcerate or detain undocumented criminal aliens for a minimum of four consecutive days are eligible to apply for SCAAP payments are calculated using a formula that provides a share of funding to jurisdictions that apply and are based on the number of eligible criminal aliens, as determined by the Department of Homeland Security. Once SCAAP data has been validated and analyzed, applicants receive an e-mail notification that awards are ready for on-line acceptance and drawdown. No matching funds required. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to accept an award from the Bureau of Justice Assistance (BJA) for FY2011 State Criminal Alien Assistance Program (SCAAP) in the amount of $64,723.00. All voting "Aye". MOTION PASSED**

28587 APPROVE MOVING OF FUNDS FROM MISCELLANEOUS EQUIPMENT TO SUPPLIES IN THE EMERGENCY MANAGEMENT BUDGET TO PURCHASE WHITE BOARDS FOR THE EOC AND AMEND THE BUDGET ACCORDINGLY

Through reduced costs there has been a cost savings which would allow for an additional two white boards to be purchased through already budget funds of $900. Two boards were approved during the FY12 budget process; however, the actual costs are less than $300 each and therefore do not need to be charged to equipment. Two boards have been ordered and with the remaining funds, two additional boards will be purchased to allow information to be displayed during EOC operations. Amount required $900.00 decrease equipment 001-656-00.5719_400 ($900) increase supplies 001-656-00.5201 $900. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve moving of funds from miscellaneous equipment to supplies in the Emergency Management budget to purchase white boards for the EOC and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28588 AMEND FY2011 BUDGET TO BALANCE END OF YEAR PERSONNEL AND OTHER LINE ITEMS

General Fund and other funds-personal items will transfer from within departments. Other than personnel-District Court and County Courts at Law require transfer from Countywide. This will come out General funds and other funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend FY2011 Budget to balance end of year personnel and other line items. All voting "Aye". MOTION PASSED**

28589 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL OF THE INTERLOCAL AGREEMENT (ILA) BETWEEN THE CITY OF WOODCREEK AND HAYS COUNTY REGARDING ROAD REPAIR AND MAINTENANCE

The ILA between the City of Woodcreek and Hays County expired on September 30, 2011 and the renewal would be retroactive to October 1, 2011. The City of Woodcreek has increased their budget for roads from $50k to $60k. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a renewal of the Interlocal Agreement (ILA) between the City of Woodcreek and Hays County regarding road repair and maintenance. All voting "Aye". MOTION PASSED**

28590 AMEND THE BUDGET CLASSIFICATION FOR THE SMITH ROBERTSON CONTRACT RELATED TO THE FM1626B PROJECT

On August 30th Commissioner's Court authorized to extend and increase the Smith Robertson contract in the amount of $10,000 for environmental and legal issues related to the FM 1626B project. The additional funds were identified as coming from the PTF Program Management team budget. However, due to an oversight in PSI budget documentation, the savings is actually in the FM1626B allocated funds from the '01 bond issue. There is a request for the court to allow reclassification of payments made to Smith Robertson from the PTF Fund 023 to the '01 Bond Fund 022. Amount required $10,000 line item number 022-802-96-629.5448. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the budget classification for the Smith Robertson contract related to the FM1626B project. All voting "Aye". MOTION PASSED**

28591 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 1 TO AGREEMENT FOR THE USE OF STATE OF TEXAS AUTOMATION EQUIPMENT, RELATED TO REGISTRATION TITLE SYSTEM WORKSTATIONS IN THE HAYS COUNTY TAX OFFICE

Originally, the Tax Assessor Collectors Office believed 3 new RTS Workstations would be used. Since there are only 2 additional Workstations being used, annual rental will be $3,000 instead of $4,500. Amount required $3,000 (budgeted $4,500) from 001-619-00.5473. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Amendment 1 to Agreement for the use of State of Texas automation equipment, related to Registration Title System Workstations in the Hays County Tax Office. All voting "Aye". MOTION PASSED**

28592 ADOPT NIMS TRAINING AND NIMSCAST POLICY FOR HAYS COUNTY-NO ACTION

Jeff Turner Director of Office of Emergency Management spoke. The NIMS (National Management System) was adopted by Hays County in 2006 as the standard by which all county departments will operate on day to day responses as well as emergency incidents. The NIMS provides a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment. With the adoption of the NIMS Training and NIMSCAST Policy, Hays County will continue to remain in compliance with the standards set forth in the NIMS Program. **A motion was made by County Judge, seconded by Commissioner Jones for no action today. All voting "Aye". MOTION PASSED**

28593 AUTHORIZE THE PURCHASE OF ADDITIONAL EQUIPMENT IN THE JAIL OPERATIONS BUDGET

Captain Brad Robinson of the Sheriff's Department spoke. During the FY12 budget process, the Jail was approved 4 riot or extraction suits at $500 each. The Sheriff's Office was able to locate these suits for considerably less and therefore ordered a total of 6 suits. The Sheriff's Office would also like authorization from the Court allowing us this purchase and authorizing the Auditor's Office to process payment for a total of 6 suits. The total amount approved for the four suits is $2,000, no additional funds are needed. Amount required $2,000 001-618-03.5717. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the purchase of additional equipment in the Jail Operations budget. All voting "Aye". MOTION PASSED**

28594 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE NATIONAL RIFLE ASSOCIATION (NRA) FOR UP TO $7,000 FOR THE PURCHASE OF 870 REMINGTON WINGMASTER SHOTGUNS

Deputy Constable Mitch Johnson, Constable David Peterson Pct 1, and Grants Director Jeff Hauff spoke. The office of Constable James Kohler Precinct 2 is requesting to submit an application for this grant from the National Rifle Association to purchase (20) 870 Remington Wingmaster Shotguns for each of the Hays County Constables offices. The shotguns are $350 each. The application requires no matching funds. In addition, the application is to be submitted electronically. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to submit a grant application to the National Rifle Association (NRA) for up to $7,000 for the purchase of 870 Remington Wingmaster Shotguns. All voting "Aye". MOTION PASSED**

28595 AUTHORIZE LEGAL COUNSEL TO RETAIN OUTSIDE COUNSEL FOR ASSISTANCE WITH MATTERS RELATING TO LCRA DIVESTITURE NOT TO EXCEED $15,000 WITH FUNDS COMING FROM LCRA FUNDS

Legal Counsel has agreed to propose retention of outside counsel due to complex matters associated with LCRA. Amount required $ 15,000 001-645-00.5441. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize legal counsel to retain outside counsel for assistance with matters relating to LCRA divestiture not to exceed $15,000 with funds coming from LCRA funds. All voting "Aye". MOTION PASSED**

28596 ALLOW THE DIRECTOR OF TRANSPORTATION IN CONSULTATION WITH THE RESPECTIVE COMMISSIONER TO ADD, DELETE, OR SUBSTITUTE HOT MIX PROJECTS AS NECESSARY

Jerry Borcherding Director of Transportation explained the contract. A clause was left out of the current, active Hot Mix contract that allowed projects to be "added or deleted as determined by the Hays County representative". This Court action will reinstate this clause and allow the usual flexibility needed to properly administer the Hot Mix contract. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to allow the Director of Transportation in consultation with the respective Commissioner to add, delete, or substitute hot mix projects as necessary. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

10:00 AM WORKSHOP AND PRESENTATION REGARDING A PROPOSED TAX INCREMENT FINANCING (TIF) ZONE IN OR NEAR DOWNTOWN SAN MARCOS

Matthew Willis Director of Planning for the City of San Marcos spoke of the proposed Tax Increment Financing (TIF) Zone. The proposed City of San Marcos, TX Tax Increment Reinvestment Zone No. 5 consists of approximately 244 acres in the downtown core. The Downtown Master Plan, adopted in 2008, identified a number of challenges facing this area. The City has addressed one challenge, zoning standards that are inconsistent and contrary to creating a downtown environment, with the adoption of the San Marcos SmartCode in 2011, putting in place a zoning that is predictable and focused on preserving downtown character while enabling pedestrian-oriented mixed-use development. Some of the other downtown challenges remain: a shortage of Class A office space, the upcoming relocation of three county facilities including the Hays County Justice Center, financing a future commuter rail stop, and the condition of the streescape in parts of downtown. One of the financial tools identified in the plan to help address these challenges is the creation of a tax increment reinvestment zone. Under this proposed plan, the City and Hays County would participate equally in a five-year tax increment reinvestment zone projected to generate approximately $475,418 over the life of the proposed zone no. 5. It is currently proposed that zone no. 5 increment revenues will be allocated for redevelopment of the hays County "Justice Center" property as a part of public-private partnership as allowed by Section 311.010(h) of the Texas Tax Code. In order to be eligible for zone no. 5 tax increment revenues for the "Justice Center" property, projects shall facilitate the following: (1) Jobs that are sustainable and provide economic benefit to the San Marcos community (2) Development that supports the commercialization of technology and research (3) Development that maximizes potential under the SmartCode (4) Walkable mixed use development that provides opportunities for professional office and urban residential and/or civic institutional components (5) Infrastructure improvements that facilitate place-centric contexts and/or place-based linkages to the future rail station and/or to the square (6) Development that leverages and supports additional adjacent development in terms of design under the SmartCode, pedestrian contexts and market potential. Because of the site's location on three frontages in the geographic center of the downtown area, streetscape improvements will be part of any development. However, the true value of this approach is that it powerfully leverages tax increment revenues for economic development beyond streescape or maintenance improvements on a given block. The potential increase in tax base can help in supporting possible future passenger rail through primary job creation along with associated secondary and tertiary jobs. This approach also will encourage the engagement of higher education and other potential research partners through the focus on technology and research, ultimately ensuring that the site will be developed to its highest and best use. If the disposition of the "Justice Center" property is not facilitated within the terms of zone no. 5 or will not result in the policy outcomes delineated above, alterative projects will be delineated for the use of zone no. 5 tax increment revenues using the same six criteria outline above.

28597 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: DISCUSSION OF ISSUES RELATED TO A RIGHT OF WAY ACQUISITION ON LAKEWOOD DR. AT FM 1626 TO ALLOW EXPENDITURE OF MORE THAN $25,000 OVER BUDGETED AMOUNT FOR ROAD REGARDING LAKEWOOD PARCEL 1 ON FM 1626

Court convened into closed executive session at 9:45 am and reconvened into open court meeting at 10:00 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy, and Allen Crozier. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to allow expenditure of more than $25,000 over budgeted amount for road bond regarding Lakewood Parcel 1 on FM 1626. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF WATER AND WASTEWATER SYSTEMS CURRENTLY OWNED BY THE LOWER COLORADO RIVER AUTHORITY

Court convened into closed executive session at 10:45 am and reconvened into open court meeting at 11:48 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, and Special Counsel Mark Kennedy. No action taken at this time.

28598 LIFT BURN BAN

Mark Chambers Hays County Fire Marshal spoke of 80% chance of rain until 11:00 am today. The Burn Ban will be lifted immediately on a temporary basis and County Judge will place Burn Ban in effect when necessary. The rain is expected to be a temporary relief. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to lift the burn ban on a temporary basis. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #20 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda item #21 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda item #22 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 November 15, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF NOVEMBER A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT. 3 WILL CONLEY AND COMMISSIONER PCT.4 RAY O. WHISENANT JR ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

CANVASS ELECTION RESULTS FOR CONSTITUTIONAL AMENDMENT ELECTION HELD ON NOVEMBER 8, 2011

Elections Administrator, Joyce Cowan gave a brief over view of the results of the Constitutional Amendment Election. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept Canvass Election results for Constitutional Amendment Election held November 8, 2011. All present voting "Aye". MOTION PASSED**

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 November 21, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF NOVEMBER 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:

Commissioner Will Conley Precinct 3 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
Conrad Fjetland – Kyle resident made public comment.

PRESENTATION OF RETIREMENT GIFT TO CAROLYN HALE

Carolyn Hale received a Service Award for her 19 years, 2 months of service with the Hays County District Attorney's Office.

28599 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $1,939,390.97 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28600 APPROVE COMMISSIONERS COURT MINUTES OF THE NOVEMBER 8 SPECIAL MEETING IN KYLE AND NOVEMBER 15, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court minutes of November 8 Special Meeting in Kyle and November 15, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28601 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CONSTABLE PRECINCT 4 OFFICE

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's office, performed an internal examination of the Hays County Constable Precinct 4 financial records for the period of January 1, 2010 through July 31, 2011. The internal examination consisted of reviewing disbursements, receipts, deposit, fixed assets, and other supporting documentation. Based on the internal examination, expect for the following findings and recommendations, cash receipts and disbursements appear to be adequately accounted for and related records appear to be accurately maintained in accordance with statutory requirements under subsection 112.001 of the Texas Local Government Code. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Report for the Hays County Constable Precinct 4 Office. All voting "Aye". MOTION PASSED**

28602 ACCEPT DISTRICT CLERK FEE COLLECTION REPORT FOR AUGUST - OCTOBER 2011

Article 103.005, Code of Criminal Procedure, required report of an officer listed in Article 103.003 who collects money other than taxes for a county shall report to the Commissioners Court of the County for which the money was collected during each term of the court. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept District Clerk Fee Collection Report for August - October 2011. All voting "Aye". MOTION PASSED**

28603 APPROVE RENEWAL FOR BID #2009-B01 "ROAD BUILDING MATERIALS" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

All terms and conditions remain unchanged and in full force and effect as provided in original bid. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve renewal for Bid #2009-B01 "Road Building Materials" for one (1) additional year as provided for in original bid. All voting "Aye". MOTION PASSED**

28604 ACCEPT A DONATION OF $200.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM

The Sheriff's Office received a donation in the amount of $200.00 and request to deposit into line item 001-618-00.4610. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a donation of $200.00 to the Sheriff's Office Community Outreach Program. All voting "Aye". MOTION PASSED**

28605 AUTHORIZE THE PURCHASE OF ADDITIONAL SOFTWARE LICENSES FOR THE AUTOMATIC VEHICLE LOCATOR (AVL) PROJECT AND AMEND THE BUDGET ACCORDINGLY

On September 20, 2011 the Commissioners Court accepted grant funds from the Criminal Justice Division of the Governor's Office to enhance the dispatch communication functions within the Emergency Communication Center. As moving forward to implement this program, it was discovered that an additional 8 Supervisors Licenses would be beneficial to help supervisor's observe the GPS tracking devices. The additional funds will not be covered by the grant. $9,000 was identified in the FY12 Information Technology budget for the Sheriff's Office software maintenance that will however, due to technical issues; Brazos Technology has agreed to waive the maintenance fees for FY12. Amount required $9,000.00 these funds will be moved from the Information Technology Budget 001-680-00.5429 to the Sheriff's Office AVL Project-Software Maint/License 001-618-99-071.5429 **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the purchase of additional software licenses for the Automatic Vehicle Locator (AVL) project and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28606 TRACT 9 PIONEER RANCHES [11-4-40 – 2 LOTS] **WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT**

Roxie Botkin Subdivision Coordinator gave staff recommendation. Pioneer Ranches is an unrecorded subdivision located off of Fitzhugh Road in Precinct 4. The owner of Tract 9 is proposing to divide his 9.99 acres into two lots: Tract 9A-5.00 acres, Tract 9B-4.99 acres. Tract 9A is currently developed and utilizes a private well and on-site sewage facilities. Tract 9B will also be served by a private well and OSSF at the time of development. A plat of a portion of Tract 9 (5.00 acres) was approved on September 28, 2010 but was never recorded. This plat includes the remaining 4.99 of the existing tract. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve tract 9 pioneer ranches waive preliminary plan and approve final plat. All voting "Aye". MOTION PASSED**

28607 RESUBDIVISION OF A PORTION OF LOT D-15, DOUGLAS ESTATES [11-4-36 — 1 LOT] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. Curtis Wilson – Dripping Springs resident spoke. Judge Cobb closed the public hearing. Douglas Estates is a recorded subdivision located off of Bell Springs Road in Precinct 4. The subdivision was originally platted in 1974 with 40 lots. There are currently 90 taxable parcels on the CAD records. Lot D-15 was divided by metes and bounds rather that the requisite plat revision in 1996 and is thus considered a non-complaint parcel. The resubdivision of a portion of Lot D-15 will create Lot d-15R (6.01 acres) and will allow that portion of the lot to be developed. The owner of the remaining portion of the lot has been notified and declined to be involved in the replat. Lot D-15R will be served by a private well and on-site sewage facility at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Resubdivision of a portion of Lot D-15, Douglas Estates. All voting "Aye". MOTION PASSED**

28608 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS RELATING TO THE PROPOSED TAX INCREMENT REINVESTMENT ZONE NO. 5

Matthew Willis Director of Planning for the City of San Marcos gave an overview of the TIRZ. A summary was provided in Commissioners Court during the workshop on November 15, 2011. Modifications have been made to the TIRZ agreement to account for the concerns raised during the workshop. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an interlocal agreement with the city of San Marcos relating to the proposed Tax Increment Reinvestment Zone No. 5 at 70%. All voting "Aye". MOTION PASSED**

28609 ELIMINATE CHIEF BAILIFF AND BAILIFF POSITIONS (FUNDED AT 4,924 HOURS) AND ADD ONE (1) FULL-TIME BAILIFF AND TWO (2) PART-TIME BAILIFFS AND AUTHORIZE PAYMENT UP TO THE 25TH PERCENTILE EFFECTIVE 1/1/2012

With the elimination of the Security Specialist positions in the Count Court at Law Budget effective December 31, 2011, position reorganizations are necessary. Position Changes requested: Eliminate the Chief Bailiff position. The position is currently vacant. Eliminate Bailiff, funded at 4,924 hours. This position currently has one incumbent. Add (1) Bailiff, full-time. Add (2) Bailiffs, part-time, 50%. Request authority to post and fill all Bailiff Positions, including one existing position, up to the 25th percentile. Should current employees be selected, this may result in an exception to the promotion salary administration policy. All changes are being requested to be effective January 1, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to eliminate Chief Bailiff and Bailiff Positions (funded at 4,924 hours) and add one (1) Full-time Bailiff and two (2) Part-time Bailiffs and authorize payment up to the 25th percentile effective 1/1/2012. All voting "Aye". MOTION PASSED**

28610 SELECT A CONTRACTOR FOR ON-SITE DOCUMENT SHREDDING SERVICES FOR COUNTY BUILDINGS AND DATE TO BE SET BY RON KNOTT BUILDING MAINTENANCE FOR THE SERVICE WITH MONEY COMING OUT OF CONTINGENCIES

Cintas bid $0.10 per lb., Shred It bid $0.75 per lb. and Marshall bid $0.05 per lb. are the three quotes received for the shredding services with Marshall bidding the lowest bid. The Justice Center, Annex, Courthouse, Records Building and Maintenance Facility are the offices which need shredding. Ron Knott Building Maintenance estimates there are 1500 boxes to be shredded. Amount required $3,000.00 coming out of contingencies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to select Marshall as the contractor for on-site document shredding services for county buildings date to be set by Ron Knott Building Maintenance Director for the service with money coming out of contingencies. All voting "Aye". MOTION PASSED**

28611 AMEND THE INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS FOR THE IMPROVEMENT OF PARK FACILITIES AS IT REGARDS THE PURGATORY CREEK PRESERVE PROJECT

Todd Derkacz San Marcos resident spoke. On December 9, 2008 the Commissioners Court approved an Interlocal Agreement with the City of San Marcos, in the amount of $3,100,000, for the funding of multiple park projects utilizing 2007 Park Bonds proceeds. The allocation was for five park areas, including development (construction) on the Purgatory Creek Preserve ($1,600,000 identified for improvements on this property). On December 7, 2010 the Court reserved an addition $800,000 in Park Bond funds for the City of San Marcos for land acquisition to expand the Purgatory Creek Preserve, contingent on addition funding from grants and other sources. Since an expected major federal grant was not awarded for this land acquisition project, the City and the Trust for Public Land re-evaluated the project and have been able to negotiate a purchase deal for a 107-acre portion of the property originally proposed for acquisition, adjacent to the current Preserve. Funds in the amount of $800,000 have been secured for this purchase by the City of San Marcos and include City, grant, and other sources. An additional $800,000 is needed for the acquisition. To accomplished this, the City of San Marcos is requesting to amend the original Interlocal Agreement with the County by: (1)re-allocation of funding for the Purgatory Creek Preserve development project, reducing construction costs by $500,000 and re-applying this amount to land acquisition costs; (2) using $300,000 of the $800,000 committed by Hays County in December, 2010 for land acquisition. The amended Interlocal Agreement amount for the multiple parks project would be $3,400,000 with the Purgatory Creek Preserve component increased to $1,900,000 for both development and land acquisition. Remaining committed funds of $500,000 would be returned to the County. Special Counsel spoke of Amendment Letter to be signed by both parties. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend the Interlocal Agreement with the City of San Marcos for the Improvement of Park Facilities as it regards the Purgatory Creek Preserve project. All voting "Aye". MOTION PASSED**

APPROVE AN INTERAGENCY COOPERATION CONTRACT AND A BUSINESS ASSOCIATE AGREEMENT (BAA) BETWEEN THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION (HHSC) AND THE PERSONAL HEALTH DEPARTMENT (PHD) – ITEM TABLED

Priscilla Hargraves Personal Health Director explained the Agreement. This contract and BAA allows for the PHD to be reimbursed by HHSC for administrative costs associated with providing direct client services to Medicaid clients. Currently the PHD receives Medicaid reimbursement for direct client services only. Reimbursement for administrative tasks will be based on "moment in time' time studies performed by HHSC in conjunction with the PHD. No additional expense will be incurred by the County.

28612 DISTRIBUTION OF FUNDS ALLOCATED TO HAYS COUNTY BY CAMPO OF APPROXIMATELY $3.87 MILLION IN FEDERAL FUNDS

Mike Aulick of Aulick & Associates, Lucy Johnson Mayor of Kyle, Chance Sparks – Director of Planning for the City of Buda, Daniel Guerrero Mayor of San Marcos spoke. This is part of the ongoing discussion the Court has been having regarding the funds being distributed for transportation projects in Hays County. (1) Hays County Priority Projects are San Marcos (Loop 82/Aquarena Springs Dr. RR overpass) Kyle (reconstruct Bunton/Goforth Rd.), Dripping Springs (Mercer Street pedestrian improvements, Hays County Precinct 1 (SH 21 @ FM 150 intersection improvements) Hays County Precinct 2 (FM 967, Onion Creek to west of FM 1626-turn lanes, shoulders, Hays County Precinct 3 (RM 12, Oakwood Loop to CR 346-add shoulders and SETS) (2) CAMPO Technical Advisory Committee Recommended Projects in Hays County are San Marcos (San Marcos traffic signal synchronization and upgrade project) San Marcos (San Marcos cross town pathway) Kyle (FM 2770/FM 150 sidewalk/bicycle lane construction) Texas State University (campus bike share) Dripping Springs (Mercer Street pedestrian improvements) San Marcos (River Road/Riverside Dr bike and pedestrian improvements) San Marcos (N LBJ Dr intersection improvements (Sessom to Holland). **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe for the court to recommend to CAMPO Transportation Policy Board the following projects to funded and approve in regards to STP MM Dollars: (1) Kyle FM 2770/FM 150 sidewalk/bicycle lane construction Federal Funds needed $770,400, (2) Dripping Springs Mercer Street pedestrian Improvements total Federal Funds needed $419,696, (3) Hays County (Pct 1) SH 21 @ FM 150 intersection improvements total Federal Funds needed $984,000, (4) San Marcos Loop 82/Aquarena Dr RR overpass dedicating a million dollars to the project if something were to happen and the project is not fulfilled the million dollars and dedicate to FM 967, Onion Creek to west of FM 1626 – turn lanes, shoulders (5) RM 12, Oakwood Loop to CR 346 – add shoulders and SET's Federal Funds needed $1,200,000 and have a addition match from the County or the State for $500,000 in which the county has saved $400,000 on the project and have received a million addition money from the State of Texas that can be applied to make up the difference if the State does not have the money available to match us and fulfilled the gap. All voting "Aye". MOTION PASSED**

28613 CONTINUE HAYS COUNTY'S MEMBERSHIP IN THE TEXAS CONFERENCE OF URBAN COUNTIES AND PAY $168 FROM CONTINGENCIES AND AMEND THE BUDGET ACCORDINGLY

The 2012 dues for Hays County's membership in the Texas Conference of Urban Counties have been invoiced. Due to the census the per capita cost has increased resulting in a total of $6456. For the FY2012 $6,288 was budgeted, if renewed, a budget amendment will be required to cover the difference. Amount required $168 from Contingencies. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to continue Hays County's membership in the Texas Conference of Urban Counties and to pay $168 from contingencies and amend the budget accordingly. All voting "Aye". MOTION PASSED**

NO ACTION REGARDING THE TRANSITION TO THE LCRA OPENSKY 900 MHZ DIGITAL SYSTEM

Jeff Turner Director of Office of Emergency Management gave a brief explanation of the radios. LCRA will provide the engineering, licensing, materials and labor necessary to migrate the existing Hays County radio equipment to LCRA's OpenSky 900 MHz digital radio system. The equipment to be replaced and/or upgraded is reflected: (1) Upgrade all current P5300 and M5300 model radio equipment with OpenSky software (2) Replace all handheld, mobile and desktop equipment that is not eligible for upgrade to OpenSky (3) Replace four existing EDACS Maestro Consoles with C3 IP Consoles that are fully compatible with OpenSky (4) Upgrade two existing EDACS Maestro Consoles to C3 IP Consoles (newer models-upgraded). No action taken.

28614 ESTABLISH NO SMOKING ON THE HAYS COUNTY GOVERNMENT CENTER PROPERTY, LOCATED ON STAGECOACH DR. IN SAN MARCOS, TEXAS

Policy issues to be discussed included but are not limited to: Reserve parking, Moving of additional large items from old county buildings to Government Center, Smoking, Wall Hangings and use of accessory items such as power strips and heaters. If departments need powerstrips they will need to go through Purchasing Department. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to designate the Government Center a non-smoking building. All voting "Aye". MOTION PASSED**

28615 SET THE COURT FILING FEES THAT FUND THE LAW LIBRARY AT $35, PURSUANT TO SECTION 323.023 OF THE TEXAS LOCAL GOVERNMENT CODE EFFECTIVE IMMEDIATELY

Mark Kennedy Special Counsel explained the Law Library and funds collected. Currently, Hays County is collecting $20 per civil case filed except suits for delinquent taxes to fund the law library. Section 323.023 of the Texas Local Government Code allows for the fee to be up to $35. Staff recommends the fee be increased considering the County has supplemented the law library through the county budget for the last 2 years. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to set court filing fees that fund the law library at $35, pursuant to Section 323.023 of the Texas Local Government Code, effective immediately. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT INFORMATION, TO BE CALLED "PROJECT DISCOVERY"

Court convened into closed executive session at 11:15 am and reconvened into open court meeting at 11:18 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Amy Madison. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.076 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING THE SECURITY DEVICES IN THE HAYS COUNTY GOVERNMENT CENTER ON STAGECOACH DRIVE IN SAN MARCOS, TEXAS

Court convened into closed executive session at 11:18 am and reconvened into open court meeting at 11:33 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Amy Madison. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING THE EMPLOYMENT OF EACH INDIVIDUAL EMPLOYEE OF THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT, INCLUDING CUSTODIAL STAFF

Court convened into closed executive session at 11:33 am and reconvened into open court meeting at 12:45 pm. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and DeeDee Baen. No action taken.

BURN BAN AND/OR DISASTER DECLARATION – WILL CONTINUE TO BE LIFTED FOR AT LEAST ONE MORE WEEK

Fire Marshal Mark Chambers spoke of the Burn Ban being lifted for 1 week. As of this morning the Drought Index is at 608. Humidity is currently at 50%. Mark Chambers recommended leaving the Burn Ban lifted for at least one more week. He cautioned the residents of Hays County to burn responsibly.

Clerk's Note Agenda Item #25: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #26: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #27: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 November 22, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF DECEMBER A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

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

HAYS COUNTY TRANSPORTATION PLAN PUBLIC WORKSHOP

County Judge opened public meeting and thank everyone for being involved. Joe Cantaluope of Parsons Brinkerhoff gave an overview of the Transportation Plan. Michael Aulick of Aulick and Associates spoke of this being the 1st meeting of the Hays County Transportation Plan. Commissioner Conley of Pct. 3 spoke of this being long term plans. The process began in Summer 2011 and is scheduled to be complete in Summer 2012. The planning process will take place in 3 phases. Phase 1 is planning process launch, CAG & TAG meeting, stakeholder Outreach & Responses, Speakers Bureau/Community Events, Email updates, webpage updates, Public Workshop 1, Transportation Priorities Survey. Phase 2: CAG & Tag Meetings, stakeholder Outreach & Responses, Speakers Bureau/Community Events, Email Updates, Web Updates, Public Workshop 2, Project Priorities Survey and Phase 3: CAG & TAG meetings, stakeholder Outreach & Responses, Speakers Bureau/Community Events, Email Updates, Webpage Updates, Public Workshop 3.

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 DECEMBER 1, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF DECEMBER 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**
MARK JONES	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

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

Commissioner Whisenant 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

Constable Pct 2 James Kohler handed a timesheet to Commissioner Conley and made public comment. Commissioner Whisenant sent condolences to family of former Sheriff Paul Hastings that recently passed away.

RECOGNITION OF THE HAYS COUNTY COMMUNITY EMERGENCY RESPONSE TEAM (CERT) AWARD IN THE "OUTSTANDING COMMUNITY EMERGENCY RESPONSE TEAM INITIATIVES" CATEGORY OF THE 2011 FEMA INDIVIDUAL AND COMMUNITY PREPAREDNESS AWARDS PROGRAM

Michael Wilmore of CERT spoke of the award. Hays County Community Emergency Response Team (CERT) has been selected as one of four CERT to receive an award in the 2011 FEMA Individual and Community Preparedness Awards program.

28616 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 $2,232,600.67 as submitted by the County Auditor. Commissioner Jones, Commissioner Whisenant, Judge Cobb voting "Aye" Commissioner Conley not present for vote. MOTION PASSED

28617 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 21 AND 22, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of November 21 and 22, 2011 as presented by the County Clerk. Commissioner Jones, Commissioner Whisenant, Judge Cobb voting "Aye" Commissioner Conley not present for vote. MOTION PASSED

28618 ACCEPT DONATIONS FOR THE HISTORICAL COMMISSION DOCUMENTARIES AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received donations for documentaries. These funds will be used for the production and distribution of Parks Johnson DVD's. No matching county funds needed. Amount required $10,465.00 Increase Revenue 001-676-00-055.4610-contributions ($17,660.00) Budget Expense 001-676-00.055.5448-contract services 410,465.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept donations for the Historical Commission documentaries and amend the budget for use of those funds for direct expenses related to the project. Commissioner Jones, Commissioner Whisenant, Judge Cobb voting "Aye" Commissioner Conley not present for vote. MOTION PASSED**

28619 AUTHORIZE AN INCREASE IN THE NUMBER OF BOXES TO BE SHREDDED FROM 1500 TO 2000 RESULTING IN AN ESTIMATED TOTAL CHARGE OF $4,000.00

A contractor for shedding was approved during the November 22, 2011 Commissioners Court, it was determined funding would come from contingencies. It had been estimated that 1500 boxes would need to be shredded. The estimate has been increased to 2000 boxes. The estimated charge for shredding is .05 lb. A shred date of December 7, 2011 has been scheduled. Amount required is $4,000.00 from Contingencies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize an increase in the number of boxes to be shredded from 1500 to 2000 resulting in an estimated total charge of $4,000.00. Commissioner Jones, Commissioner Whisenant, Judge Cobb voting "Aye" Commissioner Conley not present for vote. MOTION PASSED**

28620 AMEND THE SHERIFF'S OFFICE BUDGET TO PAY FOR THE TCLEDDS ASSISTANT SUPPORT AGREEMENT

Yvette Johnson of the Sheriff's Office gave a brief explanation of the TCLEDDS. The Sheriff's Office needs to pay for two invoices issued to the Productivity Center for the Training Academy's TCLEDDS subscription agreement. Historically, the renewal fees were paid from LEOSE funds but due to the discontinuation of these funds the Sheriff's Office is requesting to pay for renewal fees out of Sheriff's Office Budget. Funds have been identified in the Sheriff's budget with savings from the vehicle line item. Amount required $2,000.00 from 001-618-00.5713_700 (increase 001-618-00.5321/membership fees and bonds $2,000, decease 001-618-00.5713_700/Vehicles ($2,000). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Sheriff's Office budget to pay for the TCLEDDS Assistant Support Agreement in the amount of $2,000. All present voting "Aye". MOTION PASSED**

Clerk's Note: Commissioner Ingalsbe came to the meeting at this time.

28621 AMEND THE SHERIFF OPERATING BUDGET TO IDENTIFY EXPENSES RELATED TO TUITION GENERATED FROM COURSES CONDUCTED AT THE HAYS COUNTY SHERIFF'S OFFICE TRAINING ACADEMY

Captain Mark Cumberland gave a brief overview of the training academy. During the FY2012 budget process, a total of $3,000 in revenue was budget for training academy fees. The expenses for the academy have historically been paid out of the continuing education line item. The Sheriff's Office would like to create a Academy Training line item and move the $3,000 into this account to track all expenses related to the academy. Once they have exceeded the budgeted revenue, the Sheriff's Office will be requesting to use any additional fees collected for improvements and expanding the current capabilities of the Sheriff's Office training division. This would include but not limited to; up keep of the current training facilities, expand on the current training facilities, replacing aging training equipment, and pay instructor fees. This will be brought back to Commissioners Court as additional revenue is received. Amount required is $3,000.00 Increase Academy Training Expense 001-618-00.5333 $ 3,000.00, Decease Continuing Education 001-618-00.5551 ($3,000). **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to amend the Sheriff Operating budget to identify expenses related to tuition generated from courses conducted at the Hays County Sheriff's Office Training Academy. All voting "Aye". MOTION PASSED**

28622 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE HAYS COUNTY SHERIFF'S OFFICE (HCSO) AND THE TRAVIS COUNTY SHERIFF'S OFFICE (TCSO) RELATED TO EMERGENCY HOUSING OF INMATES

Sheriff Gary Cutler explained the need for this under emergency situations. This agreement would allow TCSO and HCSO, in times of emergency conditions or for purpose of practice exercises, to evacuate inmates to each other's facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Agreement between the Hays County Sheriff's Office (HCSO) and the Travis County Sheriff's Office (TCSO) related to emergency housing of inmates. All voting "Aye". MOTION PASSED**

28623 APPROVE THE ADJUSTMENT OF THE COUNTY ELECTION PRECINCT BOUNDARIES

Elections Administrator Joyce Cowan gave a brief explanation of the maps. A map with adjusted boundaries made from our adopted map on August 20, 2011 will be made available for review. Commissioners Court approved our County Election Precinct boundaries on September 20, 2011 due to a lawsuit filed in the United States District Court for the Western District of Texas opposing the State's Congressional, Senatorial and State Representative boundaries. A Court order has been issued adopting Plan C220 changing our original boundary lines therefore causing the County to redraw some of our precincts. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the adjustment of the county election precinct boundaries. All voting "Aye". MOTION PASSED**

28624 AUTHORIZE PAYMENT OF $414.75 TO GT DISTRIBUTORS FOR SUPPLY ITEMS FOR CONSTABLE PCT. 2 IN WHICH NO PURCHASE ORDER WAS OBTAINED

Constable James Kohler, Precinct 2 needs to amend his budget for the purchase of badges, but did not obtain a purchase order for $414.75 invoice from GT Distributors. Accounts Payable requires authorization in order to pay. Violation of County Purchasing policy requires Commissioners Court approval for anything over $300.00 without a Purchasing Order. Amount required is $414.75 Law Enf Supply 001-636-00.5206. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment of $414.75 to GT Distributors for supply items for Constable Pct. 2 in which no purchase order was obtained. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item# 11 RE: *APPROVE THE PERSONAL HEALTH DEPARTMENT (PHD) HIRING A TEMPORARY PART-TIME PRACTICE NURSE (APN) FOR THE WOMEN'S HEALTH DEPARTMENT UNTIL A PERMANENT APN IS HIRED* **– was pulled**

28625 AUTHORIZE THE PAYMENT OF AN INVOICE FOR $480.96 TO LAWSON PRODUCTS FOR THE HAYS COUNTY JUVENILE CENTER IN WHICH NO PURCHASE ORDER WAS OBTAINED

The Hays County Juvenile Center needs to amend his budget for the invoice of $480.96 to Lawson Products for the purchase of Box Sanitizer. Accounts Payable requires authorization in order to pay. Violation of County Purchasing policy requires Commissioners Court approval for purchase over $300.00 without a purchasing order. Amount required is $480.96 (070-685-99-017.5208). **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the payment of an invoice for $480.96 to Lawson Products for the Hays County Juvenile Center in which no purchase order was obtained. All voting "Aye". MOTION PASSED**

28626 APPROVE SUPPLEMENTAL NO. 2 TO THE UTILITY ADJUSTMENT AGREEMENT WITH PEDERNALES ELECTRIC COOPERATIVE FOR THE MODIFICATION OF EXISTING DRIVEWAYS INTO THEIR FACILITIES NECESSITATED BY THE NEW PROFILE OF RM12 NEAR THE RM12/RM32 JUNCTION

The Pedernales Electric Cooperative (PEC) constructed a distribution facility adjacent to RM 12 near the RM 12/ RM 32 junction after the initial project survey was complete and prior to construction. Due to the lowering of the RM 12 roadway profile, the driveways constructed into the facility are too steep to permit access by the larger trucks servicing the facility. As a result, the driveway slopes need to be lowered to provide a more serviceable grade into the PEC facility. PEC will be performing the portion of the work located within the facility. Due to the nature of the work, the County has determined that any costs associated with the driveway modifications are reimbursable to the utility by the County thereby requiring a supplement to the original PEC Utility Agreement dated Marcy 29, 2011. The partially executed Supplemental No. 2 to PEC Utility Adjustment Agreement which increases the reimbursable amount to the utility from $102,091.38 to $126,091.38. Funds are available within the bond program budget for the RM 12/RM 32 project. Amount required $24,000.00 from the 2008 Road Bond Program. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Supplemental No. 2 to the utility adjustment agreement with Pedernales Electric Cooperative for the modification of existing driveways into their facilities necessitated by the new profile of RM12 near the RM12/RM32 junction. All voting "Aye". MOTION PASSED**

28627 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CUSTOMER SERVICE AGREEMENT AND ADDENDUM BETWEEN XEROX CORPORATION AND HAYS COUNTY

Office Solution Specialist Ann Marie Delasi and Account General Manager Celeste Lay of Xerox Corporation gave a brief explanation of the services they would provide. Hays County has begun discussions with Xerox regarding a print services solution meant to better track the use of network printers and to assess the ways in which the county can cut back on usage and thus cost. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Customer Service Agreement and Addendum between Xerox Corporation and Hays County.**

28628 ACCEPT RESULTS OF BALLOTS RECEIVED FROM RECORD OWNERS OF PROPERTY ON MYSTIC CREEK AND MYSTIC CREEK OVERLOOK REGARDING IMPROVEMENTS AND ASSESSMENT OF THE COST PURSUANT TO TEXAS TRANSPORTATION CODE CHAPTER 253 WITH ACTION TO ORDER THE IMPROVEMENTS AND ASSESS THE COST

On November 1, 2011, pursuant to Texas Transportation Code Chapter 253, the Hays County Commissioners' Court adopted a Resolution instructing the County Clerk to distribute ballots to Hays County Record property owners in Mystic Overlook Subdivision. There were twenty ballots mailed out and 19 were received back. The following results of an election proposing the improvement of Mystic Creek Drive in Mystic Overlook Subdivision to comply with Hays County Road Standards: 19 in favor and 1 undecided – did not mark yes or no on ballot. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept results of ballots received from record owners of property on Mystic Creek and Mystic Creek Overlook regarding improvements and assessment of the cost pursuant to Texas Transportation Code Chapter 253 with action to order the improvements and assess the cost. All voting "Aye". MOTION PASSED**

28629 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT BETWEEN HAYS COUNTY AND BROOKSIDE TECHNOLOGIES, ACCOMMODATING THE ADDITION OF 33 TELEPHONES FOR USE BY ADULT PROBATION AND THE ADDITION OF A SYSTEM CARD THAT WILL ACCEPT ANALOG FAXES

The Adult Probation Department is planning to transition over to Mitel phones when it moves into the Government Center. It has arranged to reimburse the County for all costs associated with the additional phones on the system. It will be using 57 phone lines, 33 of which will be new phones that have been added to pursuant to this amendment. Any expenditure of funds by the County will be invoiced by the Auditor's office and reimbursed by Adult Probation. In addition, Brookside has agreed to add a system card to the Government Center network that will allow Hays County to cancel the remaining analog lines servicing the offices in the Government Center. The card is being purchase under the same rental arrangement as the other Mitel equipment in the Brookside Agreement. The additional cost per month for this card is $208.52. Amount required is $208.52/month for system card, $603.14/month for 33 telephones from various departmental phone line items. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Letter Amendment between Hays County and Brookside Technologies, accommodating the addition of 40 telephones for use by Adult Probation and the addition of a system card that will accept analog faxes. All voting "Aye". MOTION PASSED**

28630 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AGREEMENT BETWEEN HAYS COUNTY AND WOODCREEK NORTH PROPERTY OWNERS ASSOCIATION (WPOA) FOR A PORTION OF THE CLUBHOUSE PROPERTY AT JACOB'S WELL NATURAL AREA.

This is a continuation of an existing lease effective January 01, 2012 through August 31, 2012. The Wimberley Property Owners Association is aware that the end of the lease, Hays County will begin the implementation of its Master Plan for the Jacob's Well Natural Area. **A motion was made by Commissioner Conley, seconded by Commissioner to authorize County Judge to execute a lease agreement between Hays County and Woodcreek North Property Owners Association (WPOA) for a portion of the Clubhouse property at Jacob's Well natural Area contingent upon the WPOA signing the agreement for improvement of Northwood Creek which is now in the County's Right of Way. All voting "Aye". MOTION PASSED**

28631 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND CB RICHARD ELLIS, INC. RELATED TO REAL ESTATE ADVISORY SERVICES

This Letter Amendment adds the Rebel Drive property in Kyle, Texas to Hays County's existing contract with CBRE. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Letter Amendment to a Professional Services Agreement between Hays County and CB Richard Ellis, Inc. related to real estate advisory services. All voting "Aye". MOTION PASSED**

28632 PUBLIC HEARING AND FINALIZE CHANGES TO THE HAYS COUNTY FOOD SANITATION REGULATIONS AND TO TAKE EFFECT MARCH 6, 2012

Judge Cobb opened public hearing. Judge Cobb closed public hearing. Development Services Director Clint Garza explained the changes. Hays County last amended regulations for food service establishments in 2001. Since that time, additional authorities have been granted to Counties under Chapter 437, Texas Health and Safety Code. Changes are minimal. However, in addition to updated definitions, the new regulations will require each food establishment to have a single Food Manager certified under Chapter 438 of the Texas Health and Safety Code as opposed to every employee having food handler's certification. The 2007 Legislative session resulted in greater enforcement authority for Counties operating under Chapter 437. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to finalize and adopt changes to the Hays County Food Sanitation Regulations and to take effect March 6, 2012. All voting "Aye". MOTION PASSED**

28633 WAIVE DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY FOR A PROJECT LOCATED AT 85 PERSIMMON DRIVE IN PRECINCT 3

This is a non-profit community assistance organization that utilizes volunteers to build homes for low income families. The mission of Wimberley Valley Habitat for Humanity is to provide decent, affordable housing to people in need with the Wimberley Valley. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to waive development fees for the Wimberley Valley Habitat for Humanity for a project located at 85 Persimmon Drive in Precinct 3. All voting "Aye". MOTION PASSED**

28634 APPROVE HIRING TEMPORARY HELP FOR THE HUMAN RESOURCES OFFICE FOR A JOB NOT TO EXCEED 40 HOURS AND $460.00 AND AMEND THE BUDGET ACCORDINGLY

Dee Dee Baen Human Resources Director spoke of the need for hiring a temp. As open enrollment winds down, there is a short window during which time all of the new enrollment forms, SRA and other insurance documents must be scanned and electronically filed before they can be turn over to the Treasurer's Office on December 16 to entered into the payroll system. This job is not to exceed 40 hours at $10.55 hour, not to exceed $460.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve hiring temporary help for the Human Resources for a job not to exceed 40 hours and $460.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28635 AWARD A CONTRACT FOR ACTUARIAL SERVICES TO COMPLY WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) RULE 45

The County is required to have an actuarial study performed every 2 years to comply with Governmental Accounting Standards Board statement #45 (GASB 45) which relates to employee postemployment benefits other than pensions. Since we provide health insurance benefits to employees when they retire, the County must comply with GASB 45. The County has contacted 4 companies that responded. The references have been checked for Milliman and Sunday & Associates are the only 2 companies that responded. The County have checked the reference of Millimam and received good reviews from other counties that have used their services. Sunday & Associates has performed these services for the County in the past. The quotes are as follows: Basic Services $16,500, Run Scenarios $1,500 (3), Travel Exp NTE (0) Total Cost $18,000.00 from Sunday & Associates, Inc. The Basic Service Fee is $9,875, Run Scenarios $7,500 (2), Travel Exp NTE (500), Total Cost $17,875.00 from Milliman. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to award a contract for actuarial services to comply with Governmental Accounting Standards Board (GASB) Rule 45 to Milliman not to exceed $17,875.00.**

An amended motion by Commissioner Jones, seconded by Commissioner Whisenant for Judge and County Auditor Bill Herzog to decide the fee. All voting "Aye". MOTION PASSED

28636 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE TEXAS ALCOHOLIC BEVERAGE COMMISSION (TABC) FOR THE USE OF OFFICE SPACE IN THE HAYS COUNTY COURTHOUSE

Gene Bowman of TABC spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Memorandum of Understanding between Hays County and the Texas Alcoholic Beverage Commission (TABC) for the use of office space in the Hays County Courthouse. All voting "Aye". MOTION PASSED**

28637 EXECUTIVE SESSION PURSUANT TO SECTION 551.076 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING SECURITY DEVICES IN THE HAYS COUNTY LAW ENFORCEMENT CENTER ON UHLAND ROAD IN SAN MARCOS, TEXAS

Court convened into closed executive session at 10:43 a.m. and reconvened into open meeting at 11:05 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, HCSO Representative, and Broaddus & Associates Representative. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve a Change Order to DL Bandy's contract for improvements to the Law Enforcement Center, not to exceed a total of $214,000. All 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 HAYS COUNTY PRECINCT 2 BUILDING

Court convened into closed executive session at 11:07 a.m. and reconvened into open meeting at 11:40 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, and Special Counsel Mark Kennedy. No action taken.

28638 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT INFORMATION, TO BE CALLED "PROJECT SKY BLUE"

Court convened into closed executive session at 11:45 a.m. and reconvened into open meeting at 12:10 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an economic development Incentive Agreement between Hays County and Image Mircosystems, Inc. as presented in Executive Session and as negotiated by counsel, with assistance from Amy Madison. All 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 THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 12:15 p.m. and reconvened into open meeting at 12:45 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted due to the recent rains. County Judge urged county residents to burn responsibly and for everyone to have a safe holiday.

28639 ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT

Codi Newsome of Broaddus & Associates spoke of the GMP for the Law Enforcement Center. Bob Hinkle of Broaddus & Associates spoke of proposal with Beckwith Electronic Systems. He also spoke of janitorial services for the Government Center. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve a change order to DL Bandy contract for improvements to the Law Enforcement Center not to exceed $214,000.00. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Conley, seconded by Whisenant that the Hays County Commissioners Court authorizes the Sheriff's Office for $100,000.00 to be drawn from the capital improvement line item of our countywide budget to address the issues on page 2 the Hays County LEC immediate needs proposed projects to be completed by maintenance dated 12/06/11 with at least a cost savings of $86,000,000 out of the 2 million dollars. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the proposal and ask purchasing to solicit for RFP's. All voting "Aye". MOTION PASSED

Bob Hinkle with Broadus & Associates spoke of the installing of a Tightrope digital signage system. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the installation of Tightrope digital signage system to display docket information and other information as the County sees necessary and approve option 1 at $15,100 and option 4 that is currently $23,800.00 and could be negotiable for less no greater than $23,800.00. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke of the meetings with the LCRA Divestiture and there will be an announcement on December 13th or 14th that will give some considering on holding a Special Meeting or Workshop Presentation.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 DECEMBER 6, 2011.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20th DAY OF DECEMBER 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENTS

Constable Pct. 2 James Kohler made a public comment.

PRESENTATION FROM GBRA REGARDING CONSERVATION PROGRAMS AND A DROUGHT UPDATE

William "Bill" West Jr. General Manager of the GBRA spoke of the 2011 Exceptional Drought Guadalupe Blanco Authority requirements Municipals are required by the State Water Code to provide water supplies that are derived from "firm" sources. Firm sources are defined as being available throughout repeat of the "drought of record" for the area. In this part of Texas, the record is 1947-1957. The firm yield calculations for reservoirs and other water sources are based on availability of water for that period.

28640 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of County Invoices in the amount of $987,593.97 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Whisenant, seconded by Commissioner Conley to add an invoice in the amount of $ 1,010.30 to Independence Title for the Wimberley Springs Partners Ltd donation so that the closing can be done prior to the end of the year for tax purposes. All voting "Aye". MOTION PASSED

28641 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 1 SPECIAL MEETING AND DECEMBER 6, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of December 1 Special Meeting and December 6, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28642 APPROVE RE-APPOINTMENT OF COMMISSIONER WILL CONLEY TO THE LONE STAR RAIL DISTRICT BOARD OF DIRECTORS FOR THE TWO YEAR TERM OF FEBRUARY 1, 2012 TO FEBRUARY 1, 2014

Hays County appoints one member to the Lone Star Rail District Board of Directors. The County's current appointment is Commissioner Conley. In accordance with the Rail District's governing statue (Texas Civil Statutes Article 6550c-1) and bylaws, each Board member serves a two year term; additionally, the terms are staggered so that one-half of the Board member's terms expire on February 1 of each year to ensure Board continually. Commissioner Conley's term expires on February 1, 2014. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve re-appointment of Commissioner Will Conley to the Lone Star Rail District Board of Directors for the two year term of February 1, 2012 to February 1, 2014. All voting "Aye". MOTION PASSED**

28643 ACCEPT DONATIONS TOTALING $900 TO THE HAYS COUNTY SHERIFF'S OFFICE

The Sheriff Office received three donations totaling $900.00 and request to deposit into line item 001-618-00.4610/Contributions. $500.00 of the donation was cash. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept donations totaling $900 to the Hays County Sheriff's Office. All voting "Aye". MOTION PASSED**

28644 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO A SUBAWARD AGREEMENT WITH TEXAS STATE UNIVERSITY FOR THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAM, TO EXTEND THE TERM TO SEPTEMBER 30, 2012

On June 28, 2011 the Commissioners Court authorized the County Judge to enter into two grant Subaward Agreements with Texas State University for County participation in the Advanced Law Enforcement Rapid Response Training (ALERRT) program. These included Subaward Agreement No. 8000001412.1 for $46,000.00 and Subaward Agreement No. 8000001480.1 for $40,020.00, and both Agreements were for the term of October 1, 2010 to September 30, 2011. The Amendment will extend the expiration date for Subaward Agreement No. 8000001480.1 from September 30, 2011 to September 30, 2012. No other changes are proposed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Amendment to a Subaward Agreement with Texas State University for the Advanced Law Enforcement Rapid Response Training (ALERRT) program, to extend the term to September 30, 2012. All voting "Aye". MOTION PASSED**

28645 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 1 TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE LOWER COLORADO RIVER AUTHORITY AND HAYS COUNTY, PROVIDING A TIME EXTENSION TO SEPTEMBER 30, 2012

On May 21, 2010 the Commissioners Court authorized an Interlocal Cooperative Agreement with the Lower Colorado River Authority for the purpose of initiating the current drainage basin/flood protection planning study jointly conducted by the parties above the U.S Army Corps of Engineers. The original Agreement with the LCRA has term of May 4, 2010 to September 30, 2011. The Amendment No.1 will extend the term of the original Agreement to September 30, 2012 with no other changes proposed at this time. This extension will allow work to continue on the current study maintain all other existing terms of the original Agreement. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute Amendment No. 1 to the Interlocal Cooperation Agreement between the Lower Colorado River Authority and Hays County, providing a time extension to September 30, 2012. All voting "Aye". MOTION PASSED**

28646 AMEND THE GDEM CERT GRANT FOR THE PURCHASE OF TWO MISTING FANS FOR $525.00 EACH AND TWO ICE MACHINES FOR $1,981.00 EACH

The granting agency has approved the purchase of equipment that was not part of the original grant application. The amendment will allow the program to spend the grant award with no matching funds required from the County. Amount required $5,012.00 (already budgeted in the CERT cost center) 001-656-99-064.5472 $4,717.00; 001-656-99-064.5551 $295.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the GDEM CERT grant for the purchase of two misting fans for $525.00 each and two ice machines for $1,981.00 each. All voting "Aye". MOTION PASSED**

28647 APPROVE THE REAPPOINTMENT OF E. DUWAIN WHITIS, JR. AND HALLEY ORTIZ TO HAYS COUNTY ESD #2 FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2012

E. Duwain Whitis, Jr. and Halley Ortiz have agreed to stay on for an additional two year term to expire in December 2013. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the reappointment of E. Duwain Whitis, Jr. and Halley Ortiz to Hays County ESD #2 for an additional two year term, beginning January 1, 2012. All voting "Aye". MOTION PASSED**

28648 APPROVE THE REAPPOINTMENT OF CAROL KAY CONWAY GREAVES AND JOE SEGOVIA TO HAYS COUNTY ESD #8 FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2012

Carol Kay Conway Greaves and Joe Segovia have agreed to stay on for an additional two year term to expire in December 2013. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the reappointment of Carol Kay Conway Greaves and Joe Segovia to Hays County ESD #8 for an additional two year term, beginning January 1, 2012. All voting "Aye". MOTION PASSED**

28649 ACCEPT THE LOCAL RULES OF PROCEDURE AND RULES OF DECORUM FOR THE HAYS COUNTY JUSTICE OF THE PEACE COURTS

These rules are promulgated to provide a uniform system for the fair, impartial, and prompt disposition of matters properly before the Justice Courts of Hays County. They are to be interpreted consistent with this objective. These rules govern filed in the Justice Courts of Hays County, Texas. They are promulgated pursuant to Section 27.061 of the Texas Government Code. The Justice Courts of Hays County hear: (a) Civil Cases in which the amount in controversy is $10,000.00 or less. (b) Eviction cases, both residential and commercial, including writs of re-entry, writs of utility restoration and writs of possession. (c) Administrative hearings involving revocation of driver's licenses, towing, hearings, concealed handgun permits, etc. Each Justice Court is Hays Countys has a specific geographical area of jurisdiction. Precinct One serves the San Marcos area; Precinct Two server the Kyle area; Precinct Three services the Wimberley Area; Precinct Four services the Dripping Springs area; Precinct Five serves the Buda area. Each court has its own court clerks, responsible for the setting cases on the individual docket of the court. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the Local Rules of Procedure and Rules of Decorum for the Hays County Justice of the Peace Courts. All voting "Aye". MOTION PASSED**

28650 APPROVAL OF SERVICE AGREEMENT FOR 35 YARD SELF-CONTAINED COMPACTOR FOR GOVERNMENT CENTER

$340/month plus $380 per haul off. 001-613-00.5452. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approval of Service Agreement for 35 yard self-contained compactor for Government Center. All voting "Aye". MOTION PASSED**

28651 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones, to approve Waterline Utility Permit #840 on McCarty Lane issued to Texas State University and Waterline Utility Permit # 841 on Sprucewood issued to Aqua Tx. as requested by the County Road Department. All voting "Aye". MOTION PASSED

28652 AUTHORIZE VARIOUS BUDGET AMENDMENTS RELATED TO PAYROLL PAYABLES RECONCILIATION IN PREPARATION FOR THE COUNTY'S FY 2011 YEAR-END AUDIT PROCESS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize various budget amendments related to payroll payables reconciliation in preparation for the County's FY 2011 year-end audit process. All voting "Aye". MOTION PASSED

28653 REVISED PLAT OF A PORTION OF LOT 7 AND A PORTION OF LOT 8 TRIPLE "R" RANCHETTES [11-2-42 – 1 LOT] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON JANUARY 17, 2012**

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Triple "R" Ranchettes Subdivision was approved and recorded in 1978. It consisted of 15 lots each over 10 acres in size. Resubdivision and conveyance by metes and bounds have increased the total taxable parcels to 45. The owner of portions of Lot 7 and Lot 8 would like to plat his 11.45 acres to get it into compliance with all Hays County regulations and receive development permit for his homestead. The property owner attempted to have neighbors join in on this replat to bring all portions of those two lots in compliance with Hays County Regulations but was unsuccessful in getting participation. Lot 7A will be served by an individual OSSF and public water supply. The division is in the City of Austin's ETJ, however the acreage (>5 acres) is exempt from City authority. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan of Revised plat of a portion of Lot 7 and a portion of Lot 8 Triple "R" Ranchettes 1 Lot and call for a public hearing on January 17, 2012. All voting "Aye". MOTION PASSED**

28654 RICHFORD SUBDIVISION [11-4-24 – 2 LOTS] **WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT**

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Richford Subdivision is a proposed division of 12.154 acres of land located off of Trautwein Road in Precinct 4. The owner is proposing to divide the land into two lots; Lot 1 – 1.052 acres; Lot 2 – 11.102 acres. There are currently three communication towers located on the proposed Lot 1 which will be restricted from residential use and limited to utility use only. Lot 2 will be platted for residential use and will be served by existing private wells and on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to waive preliminary plan and approve final plat of Richford Subdivision. All voting "Aye". MOTION PASSED**

28655 AMENDING PLAT OF LOTS 5 AND 6, HUNTERS GLEN [11-4-32 – 2 LOTS] **WAIVE PUBLIC HEARING OF PRELIMINARY PLAN; APPROVE VARIANCE TO MINIMUM LOT SIZE IN SECTION 10.1 OF HAYS COUNTY OSSF REGULATIONS AND APPROVE FINAL PLAT**

Clint Garza Development Services Director gave a brief explanation. Hunters Glen is a platted subdivision located off Hilliard Road in Precinct 4. The subdivision was originally platted in 1968 as a 39 lot subdivision with lots in size from 3.07 to 7.74 acres. The owner of Lots 5 and 6 has proposed a lot line adjustment between the two 4.99 acre lots, creating Lot 5R (5.86 acres) and Lot 6R (4.13 acres). Both lots will be served by existing private wells and on-site sewage facilities to be permitted by Hays County Development Services. Even though this amended plat will not result in an increase in density, the current Hays County Minimum lot size for this area is 5 acres and approval of this replat requires formal variance approval. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to waive public hearing of preliminary plan amending plat of Lots 5 and 6, Hunters Glen; approve variance to minimum lot size in Section 10.1 of Hays County OSSF Regulations and approve final plat. All voting "Aye". MOTION PASSED**

28656 REVISED PLAT OF LOT 3A & LOT 4A-2, CREEKSIDE ADDITION [11-4-43 – 1 LOT] **WAIVE PUBLIC HEARING OF PRELIMINARY PLAN AND APPROVE FINAL PLAT**

Clint Garza Development Services Director gave a brief explanation and staff recommendation. Creekside Addition is platted subdivision located off of Sycamore Creek Drive in Precinct 4. The owner of lots 3A and 4A-2 wishes to dissolve the lot line dividing the two lots and create one larger lot (8.00 acres). Water and wastewater services will be provided to lot 3A-1 by an existing private well and on-site sewage facility. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to waive public hearing of preliminary plan and approve final plat of Lot 3A & Lot 4A-2 Creekside Addition. All voting "Aye". MOTION PASSED**

28657 DRIFTWOOD HEIGHTS SUBDIVISION [11-4-44 – 2 LOTS] **APPROVE PRELIMINARY PLAN**

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Driftwood Heights Subdivision is a proposed 2 lot subdivision located off of Elder Hill Road in Precinct 4. The property owner would like to create 2 new lots 5.00 and 5.28 acres in size. The Lots will be served by a shared access driveway and are restricted to one single family residence per lot. Each Lot will be served by individual on-site sewage facilities and individual wells. The division lies within the boundaries of the Dripping Springs ETJ. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley approve Preliminary Plan of Driftwood Heights Subdivision 2 Lots. All voting "Aye". MOTION PASSED**

28658 AUTHORIZE PAYMENT OF INVOICES TOTALING $325.59 FOR THE HAYS COUNTY CIVIC CENTER IN WHICH PURCHASE ORDERS WERE NOT OBTAINED

Barry Nelson, Civic Center Director spoke of the following invoices required authorization since Purchase Orders were not obtained for McCoy's Invoice 7010612 for $89.99 and McCoy's Invoice 7010613 for $235.60 totaling in the amount of $325.59. In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total $300 or more. Therefore, this invoice cannot be paid until it is granted by the court. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment of invoices totaling $325.59 for the Hays County Civic Center in which purchase orders were not obtained. All voting "Aye". MOTION PASSED**

28659 APPROVE THE APPOINTMENT OF SUSIE CHURCHILL TO THE HAYS COUNTY CHILD PROTECTIVE BOARD

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the appointment of Susie Churchill to the Hays County Child Protective Board. All voting "Aye". MOTION PASSED

28660 AUTHORIZE THE PURCHASE OF EQUIPMENT AND SOFTWARE FOR SESSIONWORKS JUDGE EDITION TO AID IN THE PRESERVATION OF COURT RECORDS

District Clerk Beverly Crumley spoke. District and County Court at Law Judges are proposing to utilize software in each of the courtroom that will enable court proceedings to be conducted without the use of paper files in the future. SessionWorks Judge Edition will allow the control of case information efficiently and securely from the bench and will eliminate the use paper files and folders for a more efficient courtroom. Currently maintain digitized images of all documents filed within the District and County Clerk's Office. Without having to consistently pull and re-file the case binders will aid in the preservation of the records on file that are required to be kept. And will be able to dispose the case paperwork that is not permanent, thus down-sizing the need of additional storage space in the future. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the purchase of equipment and software for SessionWorks Judge Edition to aid in the preservation of court records and amend the budget accordingly in the amount of $66,590.00 to come out of the Records Preservation Fund. All voting "Aye". MOTION PASSED**

28661 AUTHORIZE PARTIAL PAYMENT OF PROMISSORY NOTE HELD BY THE NATURE CONSERVANCY FOR THE JACOB'S WELL PROPERTY WITH FUNDS RETURNED FROM OTHER PARK BOND PROJECTS

On December 17, 2010 Hays County purchased the Jacob's Well property, which involved both a payment of funds allocated from the 2007 Park Bond and execution of a Promissory Note to The Nature Conservancy, in the amount of $850,000.00 for the balance of the purchase price. The Note is due and payable in full on December 17, 2013. Prepayment in part or in entirety is allowed at any time without penalty, with interest ceasing on amounts prepaid. On November 22, 2011 the Commissioners Court amended the Park Bond Project Agreement with the City of San Marcos, resulting in the return of $500,000.00 of previously allocated Bond funds to the County. It is proposed that these funds be re-allocated and applied to pay down the Note currently held on the Jacob's Well property. The County will continue to actively seek other opportunities to secure payoff of the balance of the loan. Amount required $500,000.00 Park Funds. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize partial payment of Promissory Note held by The Nature Conservancy for the Jacob's Well property with funds returned from other Park Bond projects in the amount of $500,000.00. All voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to include the $30,000 collection from the Wimberley Watershed Association to be part of that payment to now be $530,000 to the Promissory Note held by the Nature Conservancy for the Jacobs Well Park.

28662 AUTHORIZE THE COUNTY AUDITOR TO TRANSFER ALL BUDGETED HEALTH & DENTAL INSURANCE FUNDING FROM THE DEPARTMENTAL BUDGETS TO THE MEDICAL & DENTAL FUND

The Treasurer's Office spends many hours per month tracking departmental health insurance premiums for all employees & transferring those funds from the departmental budget to the Payroll Fund & again from the Payroll Fund to the Medical Dental Fund. Since the County is self funded for health & dental, no purpose is served is tracking employee insurance premiums. I recommended those funds be transferred to the medical & dental fund which will reduce the workload in the Treasurer's Office and build reserves in the fund to offset future increased costs of help our GASB 45 financial commitment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Auditor to transfer all budgeted health & dental insurance funding from the departmental budgets to the Medical & Dental Fund. All voting "Aye". MOTION PASSED**

28663 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND SIGN A GRANT SUB-RECIPIENT AWARD FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY, HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF $18,426.09 AND AMEND THE BUDGET ACCORDINGLY

Jeff Hauff Grants Administrator gave a brief overview. Jeff Turner Office of Emergency Management Coordinator spoke of this grant providing funding to support the Community Emergency Response Team (CERT) including the purchase of equipment, lease of storage space for equipment, training and exercise cost, and public outreach expenses. A Project Worksheet was provided to the Capital Area Council of Governments, Homeland Security Grant Program in August, 2010 that detailed the various elements for which funds were requested. The CERT is a local County organization made up of volunteer members who provide support services to various agencies involved in emergency. No matching funds required. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to accept and sign a grant Sub-Recipient Award from the Texas Department of Public Safety, Homeland Security Grant Program in the amount of $18,426.09 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28664 APPROVE A SUPPLEMENTAL TO LOCKWOOD, ANDREWS AND NEWMAN, INC. MASTER AGREEMENT ON DACY LANE TO PROVIDE PRELIMINARY SCHEMATIC DESIGN SERVICES

Jerry Borcherding Transportation Director spoke of the funds are allocated within the project's bond program budget. Graham Moore of Lockwood, Andrews and Newman, Inc. spoke of Dacy Lane being identified as a County roadway warranting safety improvements as part of the 2008 road bond program. The project scope described in the Bond Program included the initial engineering studies required to begin environmental clearance as well as ROW preservation. The initial work authorization included only the work necessary to determine the preferred alignment for the roadway through the corridor. This work has been completed and a preferred alignment determined. This supplement to the Master Agreement Work Authorization will permit the development of a preliminary schematic setting final ROW needs for future ROW preservation. Amount required $ 247,480.090 funds are available within the project's bond program budget. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a supplemental to Lockwood, Andrews and Newman, Inc. Master Agreement on Dacy Lane to provide preliminary schematic design services. All voting "Aye". MOTION PASSED**

County Clerks Note Item #27 RE: *DIVIDE EMERGENCY SERVICES DISTRICT #5 APPOINTMENTS BETWEEN THE THREE HAYS COUNTY COMMISSIONERS THAT REPRESENT CITIZENS WITHIN THE BOUNDARIES OF THIS DISTRICT* **– No Action Taken**

28665 ADOPT A RESOLUTION IN SUPPORT OF SUBMITTING AN APPLICATION TO CAMPO TO INCLUDE IMPROVEMENTS TO FM 2001 BETWEEN ROLLING HILLS DRIVE AND STATE HIGHWAY (SH) 21 IN THE APPROVED 2035 REGIONAL TRANSPORTATION PLAN AND IN THE PLANNING PORTION OF THE FISCAL YEAR 2013-2016 TRANSPORTATION IMPROVEMENT PROGRAM

Mike Weaver of Prime Strategies spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a resolution in support of submitting an application to CAMPO to include improvements to FM 2001 between Rolling Hills Drive and State Highway (SH) 21 in the approved 2035 Regional Transportation Plan and in the planning portion of the Fiscal Year 2013-2016 Transportation Improvement Program. All voting "Aye". MOTION PASSED**

28666 AMEND THE UTILITY AGREEMENT BETWEEN HAYS COUNTY AND CITY OF KYLE UTILITIES FOR SERVICES ON THE IH 35 FRONTAGE ROAD PROJECT FROM FM 1626 TO RM 150

Mike Weaver of Prime Strategies spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the utility agreement between Hays County and City of Kyle Utilities for services on the IH 35 Frontage Road project from FM 1626 to RM 150. All voting "Aye". MOTION PASSED**

28667 HOLD PUBLIC HEARING WITH ACTION TO ADOPT A RESOLUTION REGARDING THE TAXATION OF GOODS-IN-TRANSIT

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Commissioner Ingalsbe and Special Counsel Mark Kennedy spoke of the Goods-in-transit are commercial goods stored in independent (not controlled by the owner of the goods) warehouse awaiting further distributions. It can constitute significant amounts of taxable personal property. The legislature, in SB 1, acted to make goods-in-transmit exempt from property taxes unless a taxing entity holds a hearing and adopts a resolution to tax goods-in-transmit. Even counties that have previously adopted such a resolution must do so again—or goods-in-transit become exempt despite the previous action. Goods-in-transmit exemption is similar to, but not quite the same as, the Freeport exemption. Freeport goods are goods in storage to be shipped outside Texas. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a resolution regarding the taxation of Goods-In-Transit. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". Commissioner Whisenant not present for vote. MOTION PASSED**

28668 AUTHORIZE APPROVAL OF THE HAYS COUNTY COMMUNITY PLAN FOR COORDINATION OF CRIMINAL JUSTICE AND RELATED ACTIVITIES

Jeff Hauff Grants Administrator gave a brief overview. Marla Johnson Executive Director, Hays-Caldwell Women's Center spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize approval of the Hays County Community Plan for Coordination of Criminal Justice and Related Activities. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

28669 CLARIFY THE DATE OF JANUARY 23, 2012 ON WHICH THE LOCATION FOR FORECLOSURE SALES, PURSUANT TO CHAPTER 51 OF THE TEXAS PROPERTY CODE SHALL BE MOVED TO THE NEW HAYS COUNTY GOVERNMENT CENTER AT 712 SOUTH STAGECOACH TRAIL IN SAN MARCOS, TEXAS

Special Counsel Mark Kennedy spoke. Since the Commissioners Court voted on this new location on 712 South Stagecoach Trail, on October 25, 2011, which means that sales cannot begin until late January 23, 2012. Under Section 51.002 (b) reads as follows: the Commissioners Court of a county may designate an area other than an area at the courthouse where sales under this section will take place that is in a public place within a reasonable proximity of the county courthouse and in a location as accessible to the public as the courthouse door. The Commissioners Court shall record that designation in the real property records of the county. A sale may not be held at an area designated under this subsection before the 90th day after the date the designation is recorded. The posting of the notice required by Subsection 9 (b)(1) of a sale designated under the subsection to take place at an area other an area of the courthouse remains at the courthouse door of the appropriate county. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to designate and clarify the effective date of January 23, 2012 on which the location for foreclosure sales, pursuant to Chapter 51 of the Texas Property Code shall be moved to the South door of the new Hays County Government Center at 712 South Stagecoach Trail in San Marcos, Texas**. **Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

28670 APPOINT RUSSELL MOLENAAR AND KIMBERLY FREER FOR EMERGENCY SERVICE DISTRICT (ESD) #1 AND MARILYN MILLER AND STEVE JANDA FOR ESD #6 FOR A TWO YEAR TERM TO BE EFFECTIVE JANUARY 1, 2012

Kimberly Freer will be replacing Mechelle Kutach. Russell Molenaar filled the unexpired term of Jim Spencer who resigned in June 2011. **A motion was made by Judge Cobb, seconded by Commissioner Ingalsbe to appoint Russell Molenaar and Kimberly Freer for Emergency Service District (ESD) #1 and appoint Marilyn Miller and Steve Janda for ESD #6 for two year term to be effective January 1, 2012. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

28671 APPROVE PAYMENT TO THE COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION ("UDC") A TOTAL OF THIRTY-TWO THOUSAND DOLLARS ($32,000 USD), WHICH REPRESENTS HAYS COUNTY'S PRO RATA CONTRIBUTION TOWARD ADDITIONAL DUE DILIGENCE EXPENSES RELATED TO THE LCRA DIVESTITURE OF WATER SYSTEMS

The UDC may be entering into the next phase of negotiations with LCRA for the divestiture of its 32 water systems (or a portion thereof). This commitment of $32,000.00 from Hays County would streamline the process for paying additional due diligence monies related to this ongoing negotiation. **A motion was made by Judge Cobb, seconded by Commissioner Conley to approve payment to the Coalition of Central Texas Utilities Development Corporation ("UDC") a total of Thirty-Two Thousand Dollars ($32,000 USD), which represents Hays County's pro rata contribution toward additional due diligence expenses related to the LCRA divestiture of water systems and for the monies to come out of the LCRA Funds. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

28672 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 FM 1626

Court convened into closed executive session at 10:50 a.m. and reconvened into open court meeting at 10:58 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Ellie Dietz. **A motion was made by Commissioner Jones, seconded by Judge Cobb to authorize the use of power of endowment domain to acquire a half acre locate at 200 FM 1626 in Hays County Texas for Right of Way purposes concerning the widening and reconstruction of Fm 1626 to use by the traveling public. Commissioner Whisenant and Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones 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 THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 10:58 a.m. and reconvened into open court meeting at 11:30 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy Dee Dee Baen Human Resources Director and Lon Shell. No Action Taken

28673 EXECUTIVE SESSION PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF INDIVIDUAL EMPLOYEES OF THE MAINTENANCE DEPARTMENT

Court convened into closed executive session at 11:32 a.m. and reconvened into open court meeting at 11:58 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy Dee Dee Baen Human Resources Director and Lon Shell. **A motion was made by Commissioner Jones**, **seconded by Judge Cobb to eliminate two maintenance and construction positions December 31, 2011 and add one facility maintenance position effective January 1, 2012 eliminate two custodial positions effective January 31, 2012. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF INDIVIDUAL EMPLOYEES OF THE COMPLIANCE/COLLECTIONS DEPARTMENT

Court convened into closed executive session at 11:00 a.m. and reconvened into open court meeting at 11:30 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy, Dee Dee Baen Human Resources Director and Lon Shell. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted due to the recent rains. County Judge urged county residents to burn responsibly and for everyone to have a safe holiday.

County Clerks Note Item #40 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **- was pulled**

County Clerks Note Item #41 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*- **was pulled**

County Clerks Note Item #42 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*- **was pulled**

COURT WAS ADJOURNED.

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 DECEMBER 20, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF DECEMBER A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb called the meeting to order.

28674 **RESOLUTION OF THE COMMISSIONERS COURT, ADOPTING A "CONCURRENT ORDINANCE" PURSUANT TO CHAPTER 572 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH CREATES A REGIONAL PUBLIC UTILITY AGENCY ("PUA") IN COLLABORATION WITH THE CITY OF BEE CAVE AND WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5; APPROVING THE DIRECTORS OF SAID PUA; AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE PARTIES TO SAID PUA**

Bob Bass and Randy Wilburn spoke of the production and provision of water. Jim Allen spoke. The City of Bee Caves, Hays County, and MUD No.5 are public entities whose citizens are currently served with water service, wastewater service, or both by the portion of the LCRA Water and Wastewater System known as the West Travis County and Wastewater System. The PUA can serve as a vehicle and instrument to acquire the West Travis County System and can acquire on behalf of some or all of the sponsoring local governments, and local communities that participate by contract or inter-local agreement to preserve local control of the West Travis System. The PUA will be governed by a board of directors appointed by each entity. The PUA will not have authority to create any debt of financial obligation for or on behalf of any of the members and of any sponsoring local government unless an entity voluntarily enters into a separate of approval for that purpose. This MOU will expire automatically on January 17, 2012. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley that the Commissioners Court, adopting a "concurrent ordinance" pursuant to chapter 572 of the Texas Local Government Code which creates a Regional Public Utility Agency ("PUA") in collaboration with the City of Bee Cave and West Travis County Municipal Utility District No. 5; approving the directors of said PUA; and authorizing the County judge to execute an Interlocal Agreement between the parties to said PUA. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, 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 DECEMBER 21, 2011.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF JANUARY A.D., 2012, 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:

Pastor Robert Smith of Powerhouse Christian Center 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

Commissioner Ingalsbe spoke of a Ribbon Cutting Ceremony and an open house for the new Hays County Government Center on February 2, 2012 at 3:00 p.m.

28675 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of $ 2,814,258.24 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

County Clerk's Note Item # 2 RE: *APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 20, 2011*- **was pulled**

28676 ACCEPT A DONATION OF $400.00 TO THE SHERRIFF'S OFFICE COMMUNITY OUTREACH PROGRAM

The Sheriff's Office received donations totaling in the amount of $400.00 and request to deposit into line item 052-618-00.4610 Contributions. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a donation of $400.00 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28677 AMEND BUDGET OF THE EXTENSION OFFICE FOR TRAVEL

The Extension Office eliminated the position of Agent-4H, which included travel allowance. The administrative staff person assuming most of the duties requires reimbursed travel, which was not budgeted. Amount required $300.00 to 001-660-00.5501 Travel from 001-660-00.52.01 General Supplies and 001-660-00.5413 Vehicle Maint. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend budget of the Extension office for travel. All voting "Aye". MOTION PASSED**

28678 APPROVE THE REAPPOINTMENT OF LEA ANN KENWORTHY AND W. LEIGHTON STALLONES TO THE HAYS COUNTY ESD#3 FOR TWO YEAR TERM BEGINNING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2013

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the reappointment of Lea Ann Kenworthy and W. Leighton Stallones to the Hays County ESD#3 for two year term beginning January 1, 2012 and ending December 31, 2013. All voting "Aye". MOTION PASSED

28679 TIGER CREEK SUBDIVISION [11-3-45--1 Lot] **AND APPROVE PRELIMINARY PLAN**

The Tiger Creek Subdivision is a proposed 1 lot subdivision located off of 2325 northwest of Ledgerock Subdivision in Precinct 3. The proposed division is 3.350 acres in size and the parcel, previously divided by metes and bounds, will be in compliance with state and local plat regulations. The lot will be served by individuals private well and individual OSSF's. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve preliminary plan of Tiger Creek Subdivision 1 Lot. All voting "Aye". MOTION PASSED**

28680 RESUBDIVISION OF LOT 1 BLOCK A, SHADOW CREEK SUBDIVISION PHASE 1-SECTION 5 AND COMMERCIAL ADDITION [11-2-29--9 LOTS] **APPROVE FINAL PLAT**

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Shadow Creek Subdivision is a multi-phased development off of Windy Hill Rd. in Precinct 2. As of to date, 16 phase/sections have been final platted. All lots within the subdivision are served by Goforth WSC and a TCEQ permitted public sewer system managed by North Hays County MUD#1. The proposed resubdivisons will create 9 new lots at an average 2.91 acres in size. Most of the residential lots each are around .25 acres in size but do meet the minimum lot size for lots served by public wastewater service. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of Resubdivision Lot 1 Block A, Shadow Creek Subdivision Phase 1-Section 5 and commerical addition 9 Lots. All voting "Aye". MOTION PASSED**

28681 DRIFTWOOD HEIGHTS SUBDIVISION [11-4-44--2 LOTS] **APPROVE FINAL PLAT**

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Driftwood Heights Subdivision is a proposed 2 lot subdivision located off of Elder Hill Road in Precinct 4. The property owner would like to create 2 new lots 5.00 and 5.28 acres in size. The lots will be served by a shared access driveway and are restricted to one single family residence per lot. Each lot will be served by individual on-site sewage facilities and individual wells. The division lies within the boundaries of the Dripping Springs ETJ. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Driftwood Heights Subdivision. All voting "Aye". MOTION PASSED**

28682 BRIDGEPORT BUDA SUBDIVISION [11-2-41—3 LOTS] **APPROVE PRELIMINARY PLAN**

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Bridgeport Buda Subdivision is a proposed 3 lot subdivision located off of Robert S. Light Blvd. in Precinct 2. The proposed division is 22.48 acres in size and will result in 3 new commercial lots. The site is in the City of Buda's ETJ and has been through their approval process. Each lot will be served by public water and individual private OSSF's. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan of Bridgeport Buda Subdivision 3 Lots. All voting "Aye". MOTION PASSED**

28683 AUTHORIZE LEASE OF A XEROX MULTIFUNCTION COPIER FOR THE GRANTS ADMINISTRATION DEPARTMENT

Jeff Hauff Grants Administrator spoke of the Grants Department no longer has access to a multi-function copier, which was previously available through sharing of the machine in the Judge's/Commissioner Precinct 1 Offices. A relatively large volume of documents are processed by the Grants Office, including grant applications, contracts, planning studies and other materials such as handouts for citizen advisory groups, that necessitate the ability to print, copy, and scan these items in an efficient and effective manner. Because many of these materials include graphics, it is essential that the equipment acquired has the color functions. A multifunction printer was requested as capital equipment during the FY12 budget process, but this was denied pending determination of appropriate document handling needs in the new Government Center. It has been determined that centralized multifunctional copiers will be placed in each department to consolidate document processing needs; however, the Grants office was inadvertently no included when needs were analyzed. A quote from Xerox has been obtained that indicates an appropriate multifunction copier could be leased for $200/month, equivalent to $2,400 annually. Additional funds will need to be identified and allocated, as the current budget for the Grants office did not anticipate the current resolution to printing needs. 001-645-00.5399 Contingencies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize lease of a Xerox multifunction copier for the Grants Administration Department with the funds coming out of continuous and amended the budget accordingly. All voting "Aye". MOTION PASSED**

28684 ADOPT A RESOLUTION REGARDING THE APPOINTMENT OF COMMISSIONERS TO EMERGENCY SERVICES DISTRICTS (ESDS) IN HAYS COUNTY; AND TO CONSIDER THE APPOINTMENT OF NOMINATION(S) FOR A COMMISSIONER TO ESD#5

Commissioners Court had some limited discussion regarding, the ESD appointment issue on the last Court agenda. This item is meant to resolve some of the open questions regarding Court policy for appointments. Additionally, one or more Commissioners might bring nominations for the new vacancy is ESD #5. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a resolution regarding the appointment of commissioners to Emergency Services Districts (ESDs) in Hays County; and to consider the appointment of nomination(s) for a commissioner to ESD#5. All voting "Aye". MOTION PASSED.** A motion was made by Commissioner Jones to appoint Chad Benninghauff "MOTION DIED" for lack of seconded.

A motion was made by Whisenant, seconded by Commissioner Conley, to appoint Beth Smith to the Emergency Services District #5 Board. Commissioner Jones voting "No". Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED.

28685 **ACCEPT THE RECOMMENDATION OF THE BUILDING COMMITTEE TO HIRE MITCH MUNCH'S MAINTENANCE MANAGEMENT CO. (MMMM) FOR JANITORIAL SERVICES FOR THE GOVERNMENT CENTER AND AUTHORIZE COUNSEL TO NEGOTIATE AND/OR FINALIZE CONTRACT**

A total of six proposals were received from BWH Cleaning Svcs, Capital City Janitorial, High Rise Cleaning Services, International Building Services, MMM and Pruitt Building Svcs, Inc. however, one was late and not considered. After reviewing and scoring each proposal, it is recommended that MMMM be selected to provide Night-Time Cleaning services at the Government Center. They will look locally for hiring their employees and will also strongly consider hiring former county employees. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the recommendation of the Building Committee to hire Mitch Munch's Maintenance Management Co. (MMMM) for Janitorial Services for the Government Center and authorize counsel to negotiate and/or finalize contract. Commissioner Conley abstain from vote. Commissioner Ingalsbe, Commissioners Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28686 **EXECUTIVE SESSION PURSUANT TO SECTION 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 A NEW LOCATION FOR THE HAYS COUNTY PRECINCT 2 OFFICES**

Court convened into closed executive session at 10:00 a.m. and reconvened into open court meeting at 10:35 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy Lon Shell and Terry Whitman from Broadus and Associates. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Contract of Sale as presented in Executive Session between Hays County and Patricia Reno-Davis for the purchase of approximately 3.495 acres in Precinct 2 in Hays County. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTION 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 MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 10:37 a.m. and reconvened into open court meeting at 10:50 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy Lon Shell and Terry Whitman from Broadus and Associates - No Action Taken

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted.

County Clerks Note Item #16 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

County Clerks Note Item #17 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

County Clerks Note Item #18: RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court All voting "Aye". MOTION PASSED

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 January 3, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF JANUARY A.D., 2012, 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Randy Bryan from Bay Area Fellowship- San Marcos 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

John McDongall Kyle resident, Susan Cook Driftwood resident and Judith Brown a volunteer of the Child Protective Board made public comments.

28687 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve payments of county invoices in the amount of $1,947,961.57 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28688 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 20, 2011, DECEMBER 21, 2011 AND JANUARY 3, 2012

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court minutes of December 20, 2011, December 21, 2011 and January 3, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28689 APPROVE SERVICE AGREEMENT WITH UNIFIRST FOR RENTAL OF COUNTY UNIFORMS UTILIZING THE BUYBOARD CONTRACT

The number of renewals for the current bid (Uniform Rental for which Unifirst was awarded has expired. BuyBoard, a purchasing coop of which Hays County is a member, formally bid out the rental for uniforms and Unifirst was awarded the contract. The recommendation from Purchasing is to utilize the BuyBoard contract that was awarded to Unifirst, which will in turn provide a savings for Hays County. The departments are satisfied with Unifirst services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Service Agreement with Unifirst for rental of County Uniforms utilizing the Buyboard contract. All voting "Aye". MOTION PASSED**

28690 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR LIEUTENANT GRAVES

The Hays County Sheriff's Office would like to send Lieutenant Mark Graves to the National FBI Academy in Quantico, Virginia beginning January 12, 2012 and scheduled to end on March 16. There are no tuition fees, per diem or hotel fees required for Lt. Graves to attend this training. 001-618-00-5551. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve out of State Training Travel Request for Lieutenant Graves. All voting "Aye". MOTION PASSED**

28691 APPROVE THE REAPPOINTMENT OF MARK SCHULTZ TO HAYS COUNTY ESD #5 FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2012

Mark Schultz has agreed to stay on for an additional two year term to expire in December 2013. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the reappointment of Mark Schultz to Hays County ESD #5 for an additional two year term, beginning January 1, 2012. All voting "Aye". MOTION PASSED**

28692 AUTHORIZE THE COUNTY JUDGE TO EXECUTE GRANT APPLICATION, PART II TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), SECTION 5310 GRANT PROGRAM FOR $3000 IN MAINTENANCE FUNDS FOR TWO VEHICLES IN THE VETERANS SERVICE OFFICE

On August 9, 2011 the Commissioners Court authorized a grant application to the Texas Department of Transportation (TXDOT), Section 5310 program for $3,000.00 in funding for preventive maintenance on two vehicles in the Veterans Service Office, previously purchased through the program. On September 29, 2011 notification was received from TxDot that the project had been approved, pending receipt of federal funds for the program. The Grant Application, Part II materials- essentially certifications and assurances- must be completed and submitted prior to formal award of the grant funds. The County has participated in this program for numerous years, and is bound to the conditions through acceptance of previous grants for the purchase of vehicles, most recently for the van acquired in 2010. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute Grant Application, Part II to the Texas Department of Transportation (TxDOT), Section 5310 grant program for $3,000 in maintenance funds for two vehicles in the Veterans Service Office. All voting "Aye". MOTION PASSED**

28693 APPROVE THE REAPPOINTMENT OF RANDALL GARST TO THE HAYS COUNTY ESD #1 BOARD OF COMMISSIONERS FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the reappointment of Randall Garst to the Hays County ESD #1 Board of Commissioners for an additional two year term, beginning January 1, 2012. All voting "Aye". MOTION PASSED

28694 AUTHORIZE COUNSEL TO RETAIN LAND SURVEYING SERVICES ASSOCIATED WITH THE JACOB'S WELL NATURAL AREA PROJECT

Mark Key of the Hays Trinity Groundwater Conservation District made a public comment. Commissioner Conley and Special Counsel Mark Kennedy spoke of the Jacob's Well Master Plan Project. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize Counsel to retain land surveying services associated with the Jacob's Well Natural Area project. All voting "Aye". MOTION PASSED**

28695 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS, FY2012 HOMELAND SECURITY GRANT PROGRAM (HSGP) FOR THE HAYS COUNTY COMMUNITY EMERGENCY RESPONSE TEAM (CERT) FOR FUNDING IN THE AMOUNT OF $19,796.60

The grant funds will be used for equipment, supplies and training for the Hays County Community Emergency Response Team (CERT). These funds will also support outreach, increased rehabilitation capabilities and safety compliance. Grant funds for the CERT program are requested annually. No match is required. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to submit an application to the Capital Area Council of Governments, FY2012 Homeland Security Grant Program (HSGP) for the Hays County Community Emergency Response Team (CERT) for funding in the amount of $19,796.60. All voting "Aye". MOTION PASSED**

28696 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG), FY2012 HOMELAND SECURITY GRANT PROGRAM (HSGP) FOR THE HAYS COUNTY REGIONAL INTER-OPERABLE COMMUNICATIONS PROJECT FOR FUNDING IN THE AMOUNT OF $347,264.50

The grant funds will be used for the Inter Subsystem Interface (ISSI) interoperable communication equipment. This interoperable communication project will enhance communications throughout the CAPCOG region. Hays County Responders will have the ability to communicate seamlessly to all ten counties in the CAPCOG region and also other jurisdictions outside the CAPCOG region. No match required. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to submit an application to the Capital Area Council of Governments (CAPCOG), FY2012 Homeland Security Grant Program (HSGP) for the Hays County Regional Inter-Operable Communications Project for funding in the amount of $347,264.50. All voting "Aye". MOTION PASSED**

County Clerk's Note Item # 11 Re: *08-4-47 CONSTELLATION SUBDIVISION (14 LOTS). CONSIDER VARIANCE FROM HAYS COUNTY ROAD STANDARDS; DISCUSSION AND POSSIBLE ACTION TO APPROVE FINAL PLAT*-**was pulled**

28697 AUTHORIZE THE COUNTY JUDGE TO SIGN A DATA SHARING AGREEMENT WITH THE TEXAS WORKFORCE COMMISSION ALLOWING INTERESTED HAYS COUNTY CONSTABLES AS LAW ENFORCEMENT ENTITIES, HAYS COUNTY SHERIFF'S DEPARTMENT AND OFFICE OF THE DISTRICT ATTORNEY TO ACCESS INFORMATION CONTAINED IN UNEMPLOYMENT INSURANCE RECORDS TO AID THEM IN SERVING OUTSTANDING WARRANTS AND CITATIONS

Constable Ron Hood, Precinct 4 and Captain Mike Davenport of the Sheriff's Department spoke that there are hundreds of outstanding warrants in the Constable's and Sheriff's Offices going uncollected due to the defendant's current locations being unknown. The Texas Workforce Commission is the state government agency charged with overseeing and providing workforce developments services to employers and job seekers of Texas. The availability of the TWC records to the Hays County Constable's, Sheriff's and District Attorney Offices, would enhance our ability to locate individuals regarding the execution of these outstanding warrants, along with the service of other civil/criminal citations. Amount required $1,500/year plus $75.00 contract initiation fee. 053-618.00.5362 Sheriff Office Drug Forfeiture Fund - Criminal Investigation. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe authorize the County Judge to sign a Data Sharing Agreement with the Texas Workforce Commission allowing interested Hays County Constables as law enforcement entities, Hays County Sheriff's Department and Office of the District Attorney to access information contained in Unemployment Insurance Records to aid them in serving outstanding warrants and citations. All voting "Aye". MOTION PASSED**

28698 RATIFY GRANT APPLICATION AND AUTHORIZE ACCEPTANCE OF A TEXAS EMISSIONS REDUCTION PLAN (TERP) PROGRAM REBATE GRANT FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN THE AMOUNT OF $52,573.00

Jeff Hauff Grants Administrator spoke. In, April 2011 the Transportation Department purchased a new Freightliner haul truck as authorized in the FY11 Budget. Concurrent with the purchase transaction, and application was submitted by the Transportation Department to the Texas Commission on Environmental Quality, Texas Emissions Reduction Plan program for a Rebate Grant, as this heavy equipment would quality for such funding. The TCEQ approved the rebate grant request and has electrically transferred funds to the County, in the amount of $52,573.00. Requirements of the grant include twice a year reporting of usage of the vehicle for seven years, insurance coverage for the vehicle to repair or replace damaged equipment, should this occur, and rendering the replaced vehicle/engine inoperable so that it may not be re-utilized. Action required includes ratification of the rebate grant application and acceptance of the funding provided by the TCEQ. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify grant application and authorize acceptance of a Texas Emissions Reduction Plan (TERP) Program Rebate Grant from the Texas Commission on Environmental Quality, in the amount of $52,573.00. All voting "Aye". MOTION PASSED**

28699 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A LETTER TO THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE ENVIRONMENTAL PROCESS FOR LOCAL GOVERNMENTS WORKING ON STATE HIGHWAY PROJECTS

Craig Douglas with Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P spoke. TxDot is required to develop the new regulations pursuant to Senate Bills 548 and 1420 and House Bill 630. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to submit a letter to the Texas Department of Transportation regarding the environmental process for local governments working on State Highway projects. All voting "Aye". MOTION PASSED**

28700 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL #1 TO THE PROFESSIONAL SERVICES AGREEMENT AND WORK AUTHORIZATION NO. 3 WITH CP&Y, INC

Jeff Watson of HNTB spoke. CP&Y, Inc is the Design Engineer for the IH35 Phase IIB (Frontage Roads) Project; Work Authorization No.3 and Supplemental #1 to the Professional Services Agreement will allow for the completion of: (1) The IH35 at Yarrington Road project will consist of the reconstruction of the existing Yarrington Bridge over IH35 and the adjacent NB and SB approaches (2) Design and production of plans, estimates, and specifications for the two turn around structures (3) Technical Services for the completion of surveying and mapping and geotechnical findings (4) Construction Management Services for the project (5) Utility Coordination for the project. (6) Additional services in support of expediting ROW acquisition completion (7) The maximum amount payable for services under Work Authorization No.3 without modification would be $849,159.00; The funding will come from the allocated monies budgeted for the pass through bond program which is within the engineering budget that was already presented to and approved by the Court. (8) The Compensation Cap for the Professional Services Agreement is requested to be increased from $2,000,000.00 to $2,800,000.00. The funding will come from the allocated monies budgeted for the pass through bond program which the engineering budget that was already presented to and approved by the Court. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Contract for Engineering Services Supplemental #1 to the Professional Services Agreement and Work Authorization No. 3 with CP&Y, Inc. All voting "Aye". MOTION PASSED**

28701 ADOPT A RESOLUTION IN SUPPORT OF THE I-35 FRONTAGE ROADS PROJECT IN PRECINCT 1 AND PRECINCT 2

The Interstate 35 frontage roads between FM 1626 and Yarrington road currently operate as two-way, undivided roadways and the proposed frontage road and ramp improvements between FM 1626 and Yarrington Road would provide a safer facility for the general driving public and local and regional fire, police and emergency services; and Hays County has included the improvements to the IH35 frontage road system between FM 1626 and Yarrington Road in the Pass-Through Financing Agreement executed with the Texas Department of Transportation and the citizens of Hays County overwhelmingly approved a bond election in 2008 to fund the Pass-Through Financing Program which includes the IH 35 frontage road and ramp improvement program between FM 1626 and Yarrington Road and improvements to the IH 35 frontage road and ramp system between FM 1626 and Yarrington Road are included in the Capital Area Metropolitan Area Planning Organization Mobility 2035 Long-Range Plan; improvements to the IH35 frontage road and ramp system between Fm 1626 and Yarrington Road would improve mobility, connectivity and safety in the regional transportation network; and Hays County and the Texas Department of Transportation are required to enter into an Advance Funding Agreement to address provision for the funding of construction by Hays County of the proposed improvements. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a resolution in support of the I-35 Frontage Roads project in Precinct 1 and Precinct 2. All voting "Aye". MOTION PASSED**

28702 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE IH 35 FRONTAGE ROADS PROJECT

The Advanced Funding Agreement required by the Pass Through Toll Agreement will: (1) Outline the construction responsibilities designated to TxDot and the construction responsibilities designated to Hays County for the IH35 Frontage Roads project. (2) Specify the details of the incremental payment request that was reviewed and approved by TxDot. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Advanced Funding Agreement with the Texas Department of Transportation for the IH 35 Frontage Roads Project. All voting "Aye". MOTION PASSED**

28703 APPOINT TERRY HAUPTRIEF TO THE HAYS COUNTY TRANSPORTATION COMMITTEE

Terry Hauptrief would be replacing Brad Hagan who resigned from the committee. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to appoint Terry Hauptrief to the Hays County Transportation Committee. All voting "Aye". MOTION PASSED**

28704 CANCEL FEBRUARY 7, 2012 COMMISSIONERS COURT MEETING

The Cancellation of Commissioners Court is due to multiple court members will be attending a conference. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to cancel Commissioners Court on February 7, 2012. All voting "Aye". MOTION PASSED**

28705 APPROVE THE APPOINTMENT OF LON A. SHELL TO THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NO.4 FOR A (1) ONE YEAR TERM BEGINNING JANUARY 1, 2012

Per Section 2, part D, of the Agreement. The Commissioners Court shall appoint (1) voting member to the Board. An Interlocal Agreement between Hays County and the City of San Marcos related to Tax Increment Reinvestment Zone No.4 (approximately 1,338.56 acres west of Hunter Road and South of McCarty Lane) was approved by the Commissioners Court on October 11, 2011. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the appointment of Lon A. Shell to the Board of Directors for Tax Increment Reinvestment Zone No.4 for a (1) one year term beginning January 1, 2012. All voting "Aye". MOTION PASSED**

28706 APPROVE THE APPOINTMENTS OF COMMISSIONER DEBBIE INGALSBE FOR A (2) TWO YEAR TERM, COMMISSIONER WILL CONLEY FOR A (1) ONE YEAR TERM, AND ED MIHALKANIN FOR A (2) TWO YEAR TERM, BEGINNING JANUARY 1, 2012 TO THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NO.5

An Interlocal Agreement between Hays County and the City of San Marcos related to Tax Increment Reinvestment Zone No. 5 (approximately 244 acres in Downtown San Marcos) was approved by the Commissioners Court on November 22, 2011. Per Section 2, part D of the Agreement, the Board of Directors of the Reinvestment Zone shall consist of (5) voting members. The Commissioners Court shall appoint two voting members, the San Marcos City Council shall appoint two voting members, and the fifth member shall be appointed by mutual agreement and approval of both governing bodies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the appointments of Commissioner Debbie Ingalsbe for a (2) two year term, Commissioner Will Conley for a (1) one year term, and Ed Mihalkanin for a (2) two year term, beginning January 1, 2012 to the Board of Directors for Tax Increment Reinvestment Zone No.5. All voting "Aye". MOTION PASSED**

28707 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DISCUSSION RELATED TO ECONOMIC DEVELOPMENT NEGOTIATIONS BETWEEN HAYS COUNTY AND STELLAR PLASTICS, INC

Court convened into closed executive session at 10:30 a.m. and reconvened into open court meeting at 10:45 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Jones, Judge Cobb, Special Counsel Mark Kennedy and Bill Herzog. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Special Counsel and the Auditor's Office to negotiate the transfer of possible interest of the 1998 contract between Hays County and Stellar Plastics, Inc. to a third party. All 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 THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 10:45 a.m. and reconvened into open court meeting at 11:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Jones, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell.-No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE ACQUISITION OF THE WEST TRAVIS COUNTY WATER AND WASTEWATER SYSTEM AND TO DELIBERATE THE CONVEYANCE OF REAL PROPERTY ASSOCIATED WITH SUCH ACQUISITION

Court convened into closed executive session at 1:15 p.m. and reconvened into open court meeting at 3:00 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Jones, Judge Cobb, Special Counsel Mark Kennedy, Jerry V. Kyle and Lauren J. Kalisek.-No Action Taken

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain lifted

County Clerk's Note Item # 26 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT-* **was pulled**

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

Allen Crozier, HDR and Jeff Watson, HNTB gave an update of the Road Bond Projects.

County Clerk's Note Item # 28 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Jones, 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 JANUARY 10, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF JANUARY A.D., 2012, 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

WITH COMMISSIONER PCT. 4 RAY O. WHISENANT, JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Robin Steele from Promise Land gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

27808 ADOPT A PROCLAMATION DECLARING JANUARY 16, 2012 AS DR. MARTIN LUTHER KING, JR. DAY

Rose Brooks thank the court and accepted the Proclamation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a proclamation declaring January 16, 2012 as Dr. Martin Luther King, Jr. Day. All present voting "Aye". MOTION PASSED**

27809 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $ 3,371,532.47 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

27810 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 10, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of January 10, 2012 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

27811 ACCEPT THE INDEPENDENT AUDITOR'S REPORT FOR NORTH HAYS COUNTY ESD #1

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the Independent Auditor's Report for North Hays County ESD #1. All present voting "Aye". MOTION PASSED

27812 APPROVE THE RE-APPOINTMENT OF CARL SCUDDER AND CHUCK WARE TO THE HAYS COUNTY ESD #4 BOARD FOR TWO YEAR TERMS BEGINNING JANUARY 2012

Both terms will expire at the end of January 2012. Carl Scudder and Chuck Ware and both wish to continue their service with this board. Both regularly attend the meetings and are valuable components of the ESD#4. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the re-appointment of Carl Scudder and Chuck Ware to the Hays County ESD #4 board for two year terms beginning January 2012. All present voting "Aye". MOTION PASSED**

27813 AMEND THE COUNTY WIDE OPERATING BUDGET FOR LAND DONATION RELATED TO THE JACOBS WELL PROJECT

On November 1, 2011 Commissioners Court accepted a land donation from Wimberley Springs Partners related to the Jacobs Well project. The land value had not been determined at that time. Amount required $29,200- Countywide Operations; Misc Capital Improv. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the County Wide Operating budget for land donation related to the Jacobs Well project. All present voting "Aye". MOTION PASSED**

27814 AMEND THE LCRA OPERATING BUDGET RELATED TO THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY AGREEMENT

On December 21, 2011, Commissioners Court authorized an Interlocal Agreement for startup cost associated with the West Travis County Public Utility Agency. Funds will be reimbursed from the revenue generated by the PUA as they obtain independent funding sufficient to cover these costs. Amount required $135,000 – Increased Misc. Revenue 171-691-00.4630 (135,000) Increase Operating Expense 171-691-00.5301 – 135,000. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the LCRA Operating budget related to the West Travis County Public Utility Agency Agreement. All present voting "Aye". MOTION PASSED**

27815 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) APPLICATION TO THE TEXAS DIVISION OF EMERGENCY MANAGEMENT, TEXAS DEPARTMENT OF PUBLIC SAFETY FOR UP TO $36,005.00

Emergency Management has been receiving this grant since 2002. Grant funds are used to pay a portion of the salary and benefits for the County's Emergency Management Coordinator. The Grant period is October 1, 2011 through September 30, 2012. No match is required. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to submit an Emergency Management Performance Grant (EMPG) application to the Texas Division of Emergency Management, Texas Department of Public Safety for up to $36,005.00. All present voting "Aye". MOTION PASSED**

27816 ACCEPT THE RACIAL PROFILING REPORT FROM CONSTABLE PRECINCT 2

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the Racial Profiling Report from Constable Precinct 2. All present voting "Aye". MOTION PASSED

27817 AMEND THE BUDGET OF CONSTABLE PRECINCT 3 FOR MEMBERSHIP FEES FROM CONTINUING EDUCATION

Constable mistakenly budgeted TCLDDS payment as continuing ed; it is actually a renewal (subscription) cost to be paid from dues line. Constable Ayers wishes to transfer expense. Amount required $295 to 001-637-00.5301 Dues & Bonds from 001-637-00.5551 Continuing Ed. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the Budget of Constable Precinct 3 for Membership Fees from Continuing Education. All present voting "Aye". MOTION PASSED**

27818 AMEND THE SHERIFF'S OFFICE BUDGET TO PURCHASE A REPLACEMENT MONITOR FOR COMMUNICATIONS

The Sheriff's Office needs to replace a 911 Console Monitor. The funds have been identified in the Sheriff's Office budget. Amount required $1,211.00 - 001-618-00.5211 ($1,211.00) 001-618-00.5711_400 $1,211.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the Sheriff's Office budget to purchase a replacement monitor for Communications. All present voting "Aye". MOTION PASSED**

27819 AMEND SHERIFF'S OFFICE BUDGET TO PURCHASE A REPLACEMENT AIR CONDITIONER FOR THE 911 SERVER ROOM

The Sheriff's Office would like to purchase a replacement AC for the 911 server room. The current AC is not efficient in cooling the room due to the addition of the UPS System. The current inter-local agreement with CAPCOG states that the temperature in the room has to remain at certain temp and it currently is not. The funds have been identified in the Sheriff's Office budget. Amount required $ 600.00- 001-618-00.5713_400 ($600.00) 001-618-00.5719_400 $600.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend Sheriff's Office budget to purchase a replacement air conditioner for the 911 Server Room. All present voting "Aye". MOTION PASSED**

27820 APPROVE RECOMMENDATION FOR AWARD OF IFB #2012-B01 LEISUREWOODS CHANNEL B DRAINAGE IMPROVEMENTS TO DALE LOWDEN EXCAVATING INC

Purchasing received 9 bids for this project (1) East Valley Golf, Ltd dba Revegation Services (2) ERS, Inc. (3) WPM, Inc (4) Aaron Concrete Contractors, LP (5) Myers Concrete Construction, LP (6) Kiva, Inc (7) Austin Engineering Co, Inc. (8) Dale Lowden Excavating, Inc (9) Beck-Reit and Sons, Ltd with Dale Lowden Excavating Inc. a local firm based in Kyle, Texas, providing the lowest best bid in the amount of $295,395.50. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve recommendation for award of IFB #2012-B01 Leisurewoods Channel B Drainage Improvements to Dale Lowden Excavating Inc. All present voting "Aye". MOTION PASSED**

27821 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE PURCHASE AND SALE AGREEMENT BETWEEN HAYS COUNTY AND PATRICIA RENO-DAVIS TO RECOGNIZE SELLER'S INTENTION TO PERFORM A 1031 EXCHANGE

The seller of the property for the future Precinct 2 facility has requested that Hays County recognize Seller's intention to perform a 1031 Exchange. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a letter amendment to the Purchase and Sale Agreement between Hays County and Patricia Reno-Davis to recognize Seller's intention to perform a 1031 Exchange. All present voting "Aye". MOTION PASSED**

27822 CALL FOR A PUBLIC HEARING ON JANUARY 31, 2012 TO ESTABLISH TRAFFIC REGULATIONS ON FOSTER PLACE (CR 125)

Jerry Borcherding Transportation Director spoke of this is to establish a speed limit of 25 MPH on Foster Place (CR125), between Mathias Lane and Goforth Rd. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to hold a public hearing on January 31, 2012 to establish traffic regulations on Foster Place (CR 125). All present voting "Aye". MOTION PASSED**

27823 REVISED PLAT OF A PORTION OF LOT 7 AND A PORTION OF LOT 8 TRIPLE "R" RANCHETTES [11-2-42--1 LOT] **HOLD PUBLIC HEARING; APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. Kathyn Martinez made a public comment. Public hearing was closed. Clint Garza Director of Development Services spoke of the Triple "R" Ranchettes subdivision was approved and recorded in 1978. It consisted of 15 lots each over 10 acres in size. Resubdivisions and conveyances by metes and bounds have increased the number of total taxable parcels to 45. The owner of portions of Lot 7 and Lot 8 would like to plat his 11.45 acres to get it into compliance with all Hays County regulations so a development permit may be used for his homestead. The property owner attempted to have neighbors join in on this replat so all portions of those two lots would be in compliance with Hays County Regulations but was unsuccessful in getting participation. Lot 7A will be served by an individual OSSF and public water supply. The division is in the City of Austin's ETJ, however the acreage (>5Ac.) is exempt from City authority. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve revised plat of a portion of Lot 7 and a portion of Lot 8 Triple "R" Ranchettes. All present voting "Aye". MOTION PASSED**

27824 TIGER CREEK SUBDIVISION [11-3-45--1 LOT] **APPROVE FINAL PLAT**

Joyce McGlothin spoke. Clint Garza Director of Development Services spoke. The Tiger Creek Subdivision is a proposed 1 lot subdivision located off of 2325 northwest of Ledgerock Subdivision in Precinct 3. The proposed division is 3.350 acres in size and the parcel, previously divided by metes and bounds, will be in compliance with state and local plat regulations. The lot will be served by individual private well and individual OSSF. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve the final plat of Tiger Creek Subdivision. All present voting "Aye". MOTION PASSED**

County Clerk's Note Item # 18: *08-4-47 Constellation Subdivision (14 Lots). Consider variance from Hays County Road standards; discussion and possible action to approve final plat*-**was pulled**

27825 BRIDGEPORT BUDA SUBDIVISION [11-2-41--3 LOTS] **APPROVE FINAL PLAT**

The Bridgeport Buda Subdivision is a proposed 3 lot subdivision located off of Robert S. Light Blvd. in Precinct 2. The proposed division is 22.48 acres in size and will result in 3 new commercial lots. The site is in the City of Buda's ETJ and has been through their approval process. Each lot will be served by public water and individual private on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of Bridgeport Buda Subdivision. All present voting "Aye". MOTION PASSED**

27826 AUTHORIZE THE SHERIFF TO PURCHASE MULTI-PACKAGE COBAN LAPTOPS/IN-CAR VIDEO CAMERA SYSTEMS WITH DELL WIRELESS ACCESS POINTS FOR SUB STATIONS INSTEAD OF THE APPROVED ITRONIX LAPTOPS AND CAMERA'S, ACCEPT A DONATION OF ONE (1) MULTI-PACKAGE COBAN LAPTOP/IN-CAR VIDEO CAMERA SYSTEM AND AMEND THE SHERIFF OPERATING AND INFORMATION TECHNOLOGY BUDGETS ACCORDINGLY

Captain Mike Davenport, Sheriff Gary Cutler with the Sheriff's Office, Jeff McGill Director of Information Technology and Constable Pct 1 David Peterson spoke. For the last several months the Sheriff's Office has conducted a number of different tests and evaluations on mobile video and laptop computer solutions. The Sheriff's Office has found a solution that is much more efficient and considerably less expensive than the current method being used. Funds have been budgeted during the FY 2012. Some of these funds will be re-classed to allow information Technology to purchase all equipment and capture all related expenses appropriately. No additional funds are required. Budget amendment to purchase equipment; Decrease SO Le Eqpt: 001-618-00.5717_700-($36,000) Increase IT Data Supplies 001-680-00.5202- $3,195, Increase IT Software Lic; 001-680-00.5429- $500, Increase IT Computer Eqpt 001-680-00.5712_700 $32,305. Budget Amendment to accept donation: Increase Other Revenue: 001-000-00.4651 ($7,850) Increase CW Computer Eqpt: 001-645-00.5712_700 - $7,850. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the Sheriff to purchase multi-package Coban Laptops/In-Car Video Camera Systems with Dell Wireless Access points for sub stations instead of the approved Itronix Laptops and Camera's, accept a donation of one (1) multi-package Coban Laptop/In-Car Video Camera System and amend the Sheriff Operating and Information Technology budgets accordingly in the amount of $96,075.00. All present voting "Aye". MOTION PASSED**

27827 AUTHORIZE THE PAYMENT FOR AN INVOICE OF $2,231.89 TO SYSCO FOOD SERVICES IN WHICH PURCHASE ORDERS WERE NOT OBTAINED PRIOR TO PURCHASE

Yvette Johnson of the Sheriff's Office explained the oversight. In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total $300 or more. Therefore, this invoice cannot be paid until it is granted by the court. The Hays County Jail would like approval of payment for an invoice from Sysco Food Services in the amount of $2,231.89 where a purchase order was not obtained. Amount required $2,231.89 001-618-03.5232. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the payment for an invoice of $2,231.89 to Sysco Food Services in which purchase orders were not obtained prior to purchase. All present voting "Aye". MOTION PASSED**

27828 AUTHORIZE PAYMENT FOR INVOICES OF $949.06 TO BEN E. KEITH, $2,003.43 TO LABATT FOOD SERVICE AND $728.57 TO SYSCO IN WHICH PURCHASE ORDERS WERE NOT OBTAINED PRIOR TO PURCHASE

Susana Cisneros Food Service Manager of the Juvenile Detention Center spoke. In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total $300 or more. Therefore, this invoice cannot be paid until it is granted by the court. 070-685-99-017.520: $210.14, 070-685-99-017.5208: $35.11, 070-685-99-017.5232; $3435.81. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment for invoices of $949.06 to Ben E. Keith, $2,003.43 to Labatt Food Service and $728.57 to Sysco in which purchase orders were not obtained prior to purchase. All present voting "Aye". MOTION PASSED**

27829 TRANSFER USED COMPUTER EQUIPMENT FROM IT TO THE VETERANS SERVICE OFFICE FOR USE IN THE VETERANS RESOURCE AND TRANSITION CENTER

Jude Prather Veterans Service Officer spoke of the Hays County Veterans Service Office is attempting to become a "one stop shop" for all the needs of our Hays County Veterans. The office is attempting in to create a Veterans Resource and Transition Center to address those needs. With access to computers and scanners a veteran should have all the tools necessary for any such need. For example job search, resume building, scanning Military Documents, Small Business Development and general online research. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to transfer used computer equipment from IT to the Veterans Service Office for use in the Veterans Resource and Transition Center. All present voting "Aye". MOTION PASSED**

27830 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM CONSTABLE PRECINCT 1

Constable Precinct 1 David Peterson spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the annual Racial Profiling Report from Constable Precinct 1. All voting "Aye". MOTION PASSED**

27831 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 180 HENLY LOOP, HENLY, TEXAS

Clint Garza Development Services Director spoke. Mark Springfield is proposing an OSSF to serve an office/air conditioning shop at 180 Henly Loop Precinct 4. This property is 1.36 acres. Water will be supplied by rainwater collection. This OSSF is a standard system in which the effluent will be pumped to the disposal area. The system is designed for a maximum of 100 gpd. The system designer, Stephen Jetton, R.S is requesting a variance to Section 10-M(B) of the Hays County rules for on-site facilities which requires flow equalization. His justification is that the type of business will not have surges in wastewater flow which would upset the treatment process and the treatment system is oversized by 25%. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize an Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 180 Henly Loop, Henly, Texas. All voting "Aye". MOTION PASSED**

27832 APPROVE A RESOLUTION IN SUPPORT OF THE RM 150 REALIGNMENT ADVANCE FUNDING AGREEMENT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION

This is part of our road bond program and the agreement outlines the construction and funding responsibilities between TxDot and Hays County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve a resolution in support of the RM 150 Realignment Advance Funding Agreement and authorize the County Judge to execute said Agreement with the Texas Department of Transportation. All present voting "Aye". MOTION PASSED**

27833 APPROVE A RESOLUTION IN SUPPORT OF CALDWELL COUNTY'S APPLICATION TO CAMPO FOR THE PROPOSED EXTENSIONS OF RM 150 AND YARRINGTON ROAD FROM SH 21 TO SH 130

Mike Weaver and Commissioner Ingalsbe have been meeting with representatives of Caldwell County regarding the extensions of RM150 and Yarrington Road from SH 21 to SH130. Caldwell County's Commissioners Court approved this resolution on December 12, 2011. Our counties agree and understand the proposed extensions of RM 150 and Yarrington Road would improve connectivity, mobility and safety of the traveling public from Interstate 35 to SH 130. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve a resolution in support of Caldwell County's application to CAMPO for the proposed extensions of RM 150 and Yarrington Road from SH 21 to SH 130. All present voting "Aye". MOTION PASSED**

27834 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE REGARDING IMPROVEMENTS TO RM 150, EAST OF IH-35

Negotiations between the City of Kyle and Hays County have yielded some modifications to the existing Interlocal Agreement related to improvements on FM 150, excluding IH-35 frontage roads, and would call for the City to participate, pro rata, in project savings or project overages. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to the Interlocal Agreement between Hays County and the City of Kyle regarding improvements to RM 150, east of IH-35. All present voting "Aye". MOTION PASSED**

County Clerk's Note: Commissioner Whisenant came to meeting at this time.

27835 APPROVE INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE HNTB PROFESSIONAL SERVICE AGREEMENT IN ACCORDANCE WITH THE WORK AUTHORIZATION NO. 7 DESIGN FEE FOR NECESSARY ADDITIONAL SERVICES ON THE RM12/RM32 PROJECT IN PRECINCT 3

The RM 12 intersection with RM 32 project was identified as a key project in Precinct 3 as part of the 2008 Priority Road Bond Program. Currently, the project is nearing completion of construction. As project construction has progressed it has become apparent that the addition of safety lighting and a warning beacon at the intersection would significantly enhance the overall safety of the project to the travelling public. The addition of the safety lighting and warning beacon will be issued as a change order to the on-going construction project. In addition, due to PEC expanding the substation near Packsaddle Pass after the project designs had been completed, some additional coordination and modifications to their driveways is required to revise grades permitting service vehicles adequate access to the expanded facility. These services are included in Work Authorization No. 7 for an amount not-to-exceed $50,185.00. The added services will increase the HNTB fee beyond the Professional Services Agreement fee cap thereby necessitating a supplement to the Agreement to increase the cap to $2,100,000.00. Funds are available within the 2008 Road Bond Program Budget. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve increasing the not-to-exceed fee and compensation cap on the HNTB Professional Service Agreement in accordance with the Work Authorization No. 7 design fee for necessary additional services on the RM12/RM32 project in Precinct 3 in the amount of $50,185.00. All voting "Aye". MOTION PASSED**

27836 RE-APPOINT COMMISSIONER RAY WHISENANT TO THE CAPITOL AREA COUNCIL OF GOVERNMENTS (CAPCOG) CLEAN AIR COALITION (CAC) AND IDENTIFY COMMISSIONER MARK JONES AS THE ALTERNATE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to re-appoint Commissioner Ray Whisenant to the Capitol Area Council of Governments (CAPCOG) Clean Air Coalition (CAC) and identify Commissioner Mark Jones as the alternate. All voting "Aye". MOTION PASSED

27837 EXTEND AND ADD SCOPE TO THE CURRENT CONSULTING CONTRACT WITH MICHAEL AULICK & ASSOCIATES AND AMEND THE BUDGET ACCORDINGLY

Michael Aulick with Aulick & Associates and Jerry Borcherding Transportation Director spoke of the additional Scope of Work (1) Complete necessary TxDot and CAMPO administrative implementation actions for Hays County projects for federal and state funding in 2011. (2) Pursue funding for other transportation projects, including those submitted to CAMPO that was not funded in 2011. (3) Serve as Hays County's representative on the CAMPO Technical Advisory Committee. (4) Attend CAMPO Board and Technical Advisory Committee meetings as warranted in order to advise Hays County on funding opportunities and other matters of importance to Hays County. (5) Review CAMPO and TxDot analysis of roadways affecting Hays County, e.g. SH (SW). (6) Review CAMPO process and analysis produced in preparation for the CAMPO 2040 Plan to be adopted by 2015, including regionally significant roadway designation and air quality improvements plans. (7) Provide technical analysis on programs and ordinances to improve the transportation system in Hays County. (8) Meet with Hays County Commissioners and staff to provide information and advice on CAMPO, TxDot and other transportation matters. (9) Provide other services as directed by the Hays County Transportation Director. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to extend and add scope to the current consulting contract with Michael Aulick & Associates and with the discretion of Jerry Borcherding be a representative of Hays County on the Technical Advisory Board for the MPO and amend the budget probably in the amount of $20,000. All present voting "Aye". MOTION PASSED**

County Clerk's Note Item # 32: *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 MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES*-**was pulled**

DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain lifted.

County Clerk's Note Item # 34: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

County Clerk's Note Item #35: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke the Hays County Water and Sewer Authority will meet on January 19, 2012 at 5:00 p.m. at the Hays County Commissioners Court room.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 January 17, 2012.

Liz Q Gonzalez

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF JANUARY A.D., 2012, 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:

Judge Cobb called the meeting to order.

HAYS COUNTY EMERGENCY MANAGEMENT WORKSHOP INCLUDING A PRESENTATION ON THE BASTROP FIRE RESPONSE

Jeff Turner Office of Emergency Management Coordinator introduced Jack Doebbler from the District Coordinator Texas Department of Public Safety. Mike Fisher Office of Emergency Management Coordinator for Bastrop County spoke and gave a presentation on the preparedness, training and the experiences from April 2011- McAllister Road Fire, May 2011 South Shore Fire, August 5, 2011 Camp Swift Fire, Wilderness Ridge Fire in 2009 which 26 homes, 20 businesses lost and 1,491 acres burn, and the September 5, 2011 Labor Day Fire which over 34,000 acres burn, 2 fatalities, near 1,700 homes and 38 businesses lost. Billy Atkins City of Austin, Home Security and Emergency Management and Dee Harrison Emergency Management Specialist at Williamson County Office of Emergency Management spoke on the importance on working together in case of an emergency and all that is involved the preparedness, training, experience, capability, social media, responses, shelters and the community out reached.

Court Adjourn

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 January 20, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF JANUARY A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

WITH COMMISSIONER PCT 1 DEBBIE GONZALES INGALSBE NOT PRESENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Erich Siemens from the Calvary Chapel of the Springs 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
Luanne Caraway Hays County Tax Assessor/Collector, Charles Campise Director of Burke Center/Burke Foundation spoke.

PRESENTATION REGARDING THE REGIONAL CAPITAL PUBLIC DEFENDER PROGRAM

Jack Stroffregen, Chief PD Regional Capital Public Defender Office (RCPDO) spoke. The Regional Capital Public Defender Program for Capital Cases gave a presentation on a program that provides representation for individuals of capital crimes.

27838 ADOPT PROCLAMATION RECOGNIZING JANUARY 22ND- 28TH AS SAN MARCOS TOASTMASTERS WEEK

A motion was made by Commissioner Conley, seconded by Commissioner Jones to adopt recognizing January 22nd- 28th as San Marcos Toastmasters Week. All present voting "Aye". MOTION PASSED

27839 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of County Invoices in the amount of $904,368.98 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

27840 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 17, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of January 17, 2012 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

27841 APPROVE THE RE-APPOINTMENT OF WALT GRANER TO ESD #1 BOARD OF COMMISSIONERS RETROACTIVE TO JANUARY 1, 2012 FOR A TWO YEAR TERM ENDING DECEMBER 31, 2013

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the re-appointment of Walt Graner to ESD #1 Board of Commissioners retroactive to January 1, 2012 for a two year term ending December 31, 2013. All present voting "Aye". MOTION PASSED

27842 APPROVE ADDING LAURA NAVA OF THE TREASURER'S OFFICE TO THE LIST OF AUTHORIZED REPRESENTATIVES FOR THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL)

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve adding Laura Nava of the Treasurer's Office to the list of authorized representatives for the Texas Local Government Investment Pool (TexPool). All present voting "Aye". MOTION PASSED

27843 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE TEXAS INDIGENT DEFENSE COMMISSION IN THE ESTIMATED AMOUNT OF $72,029.00

On November 8, 2011 the Commissioners Court authorized submission of a grant application to the Texas Indigent Defense Commission for funding to support the indigent defense system. This is a formula grant available annually to the County to assist in the implementation of the provisions of the Fair Defense Act, and can be used for attorney fees investigator expenses, and expert witness incurred by the County on criminal indigent cases. The County has been utilizing this grant program for several years. Notice of the grant award has been received, with an estimated funding amount of $72,029.00. Under the Resolution submitted with the grant application, the County Judge serves as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to accept a grant from the Texas Indigent Defense Commission in the estimated amount of $72,029.00. All present voting "Aye". MOTION PASSED**

27844 AMEND THE BUDGET OF JUSTICE COURT TECHNOLOGY FUND FOR CONTINUING EDUCATION FROM EQUIPMENT

Justice of Peace Andy Cable wishes to send eight clerks to computer training at Tyler Technology. Costs are able to be paid from their technology fund, but will require amending continuing ed from eqpt. Amount required $3,000 to 112-628-00.5551 Continuing Ed. from 112-628-00.5712 Computer Eqpt. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to Amend the Budget of Justice Court Technology Fund for Continuing Education from Equipment. All present voting "Aye". MOTION PASSED**

27845 MUSTANG VALLEY SECTION 5 [12-3-3 – 16 LOTS] **APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF $345,784.91 FOR STREET AND DRAINAGE IMPROVEMENTS**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Mustang Valley consists of seventy-nine lots between Fisher Store Road and FM 2325 in Precinct 3. Section 5 consists of 97.04 acres (16 lots) with an average lot size of 6.065 acres. All lots will be served by private wells and individuals on-site sewage facilities at the time of development. No portion of this subdivision lies within the boundaries of any municipality's ETJ. Preliminary plan was approved on July 22, 2008. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final plat of Mustang Valley Section 5 (16 Lots) and accept fiscal surety in the amount of $345,784.91 for street and drainage improvement. All present voting "Aye". MOTION PASSED**

27846 CONSTELLATION SUBDIVISION [8-7-47 – 14 LOTS] **GRANT VARIANCE FROM HAYS COUNTY ROAD STANDARDS; APPROVE FINAL PLAT**

Rebecca Farrell Realtor spoke. The Constellation Subdivision is a 14 lot subdivision located off of FM 150 in Precinct 4. Preliminary plan was approved in 2008 and over the last few years, the developer has been working on the roadway and drainage improvements in lieu of submitting fiscal surety. The construction of street and drainage improvements is now complete with the exception of the width of the rock entrance. Hays County regulations require the entrance be at least 18 feet wide plus shoulders; however, the distance is 18 feet. As this is not in compliance with Hays County regulations, staff was informed that the developer wishes to be granted a variance from these rules. The developer's intent for the property was a sustainable community therefore each lot is plat and deed restricted from drilling individual well for residential use. The proposed wastewater in the division will be served by individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat and grant variance from Hays County Road Standards of Constellation Subdivison 14 Lots. All present voting "Aye". MOTION PASSED**

27847 APPOINT RESERVE DEPUTY JOHN SHELLHORN TO AN UNPAID POSITION IN THE CONSTABLE PRECINCT 3 OFFICE

This appointment will replace the position recently vacated by Sandra Evette Conastser, who resigned for Medical reasons. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to appoint Reserve Deputy John Shellhorn to an unpaid position in the Constable Precinct 3 office. All present voting "Aye". MOTION PASSED**

27848 APPROVE INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE DANNENBAUM PROFESSIONAL SERVICE AGREEMENT IN ACCORDANCE WITH SUPPLEMENTAL NO. 1 TO WORK AUTHORIZATION NO. 1 DESIGN FEE FOR NECESSARY ADDITIONAL SERVICES ON THE RM 967 AT RUBY RANCH ROAD PROJECT IN PRECINCT 2

The intersection of RM 967 and Ruby Ranch Road was identified as an intersection which warranted safety improvements as part of the 2008 Priority Bond program. Currently design has advanced to approximately 60% completion. Previously it had been determined that additional ROW would be required to accommodate vegetative filter strips to treat the roadway runoff since the project was located within the Edwards Aquifer Recharge Zone. Subsequently, due to recent changes in TxDOT and TCEQ policy, Porous Friction Course (PFC) asphalt pavement can now be considered in the treatment of the runoff. When this is taken into consideration, it has determined that no additional ROW will be required for the project. PFC also has the added benefit of being a quieter pavement than the typical pavement asphalt surface treatments. To accommodate the use of the PFC, modifications to the current design are necessary. These include: (1) Revision of the pavement design (2) Revision to plan sheets to remove the proposed additional ROW and update ditch flow lines. (3) Survey of drainage easement (4) Revision to the Water Pollution Abatement Plan (WPAP). In addition, TxDOT released revised Standards of Uniformity (SOU) for environmental documents in August 2011. The new SOU's which will require substantive revisions to the environmental document. These services are included in Supplemental No.1 to Work Authorization No. 1 for an amount not to exceed $34,842.54. These added services will increase the Dannenbaum fee beyond the Professional Services Agreement fee cap thereby necessitating a supplement to the Agreement to increase the cap from $180,000.00 to $217,000.00. Funds are available within the project's bond program budget. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve increasing the not-to-exceed fee and compensation cap on the Dannenbaum Professional Service Agreement in accordance with Supplemental No. 1 to Work Authorization No. 1 design fee for necessary additional services on the RM 967 at Ruby Ranch Road project in Precinct 2. All present voting "Aye". MOTION PASSED**

27849 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M (B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 1205 ROLAND LANE, KYLE, TEXAS

Texas Old Town, Inc. is proposing an OSSF to serve a newly constructed event center at 1205 Roland Lane Precinct 2. This property is 10.25 acres. Water will be supplied by Public Water Supply. This OSSF is a standard treatment system in which the effluent will be pumped to a low pressure dosed drain field. The system is designed for a maximum of 1280 gpd. The system designer, Jim Conner, R.S. is requesting a variance to Section 10-M(B) of the Hays County rules for on-site sewage facilities which required flow equalization. His justification is that this type of business will not generate high strength wastewater (no food preparation), and since standard treatment is mainly used for settling and separation equal protection is provided by over sizing the required tank volume by 30%. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize an Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 1205 Roland Lane, Kyle, Texas. All present voting "Aye". MOTION PASSED**

27850 AUTHORIZE REIMBURSEMENT RESOLUTION FOR LCRA OPENSKY 900 MHZ DIGITAL SYSTEM INTO GENERAL FUND

Jeff Turner Director of Emergency Management spoke. A plan is needed to transition to the LCRA OpenSky 900 MHz digital systems. The Commissioners Court will need to determine the timeline for ordering the equipment to facilitate the migration. The deadline is February 2014. Amount required $728,666 (FY2012) & $672,234 (FY2013). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Reimbursement Resolution for LCRA OpenSky 900 MHZ Digital System into General Fund. All present voting "Aye". MOTION PASSED**

27851 CONTRIBUTE AN AMOUNT NOT TO EXCEED $5,865 TOWARDS THE PURCHASE OF AIR QUALITY MONITORING EQUIPMENT IN SAN MARCOS, TEXAS AS PART OF THE REGIONAL AIR QUALITY PROGRAM AT THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) WITH FUNDS COMINGJ OUT OF CONTINGENCIES

Andrew Hoekzema of CAPGOG spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to contribute an amount not to exceed $5,865 towards the purchase of air quality monitoring equipment in San Marcos, Texas as part of the regional air quality program at the Capital Area Council of Governments (CAPCOG) with funds coming out of contingencies. All present voting "Aye". MOTION PASSED**

27852 AUTHORIZE MARK KENNEDY, LEGAL COUNSEL, TO SELECT AND RETAIN OUTSIDE COUNSEL TO PROVIDE LEGAL SERVICES RELATED TO COUNTY BOND ISSUES

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Mark Kennedy, Legal Counsel, to select and retain outside counsel to provide legal services related to County Bond issues. All present voting "Aye". MOTION PASSED

27853 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: DISCUSSION OF ISSUES RELATED TO A RIGHT OF WAY ACQUISITION OF PARCELS ON FM 1626

Court convened into closed executive session at 10:43 a.m. and reconvened into open court meeting at 10:55 a.m. In Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jacorey Jackson and Lori Bible. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase Agreement between Hays County and Daniel and Marisa Wandeler for the purchase of 3.005 acres of Right of Way along FM 1626; as presented in Executive Session. All present 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 VARIOUS REAL PROPERTIES OWNED BY HAYS COUNTY

Court convened into closed executive session at 11:00 a.m. and reconvened into open court meeting at 12:05 p.m. In Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jacorey Jackson, and Lon Shell. No action taken.

27854 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH STELLAR PLASTICS, INC

Court convened into closed executive session at 12:05 p.m. and reconvened into open court meeting at 12:15 p.m. In Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jacorey Jackson, and Lon Shell. **A motion was made by Judge Cobb, seconded by Commissioner Jones to authorize Legal Counsel an Estoppel Certificate related to the operations of Stellar Plastics, Inc. and to execute all necessary documents to facilitate the transfer of assets and operations from Stellar Plastics, Inc. to Basler Plastics, LLC and acquisition of the County's 1.121 acre tract by Basler Plastics, LLC. All present voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

On advise of Fire Marshal and area Fire Chiefs the burn ban will remain lifted.

Clerk's Note Agenda Item #21 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– no action taken**

Clerk's Note Agenda Item #22 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– no action taken**

Clerk's Note Agenda Item #23 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– no action taken**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn.

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 January 24, 2012.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF JANUARY A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
MARK JONES	**COMMISSIONER, PCT. 2**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT 3 WILL CONLEY AND COUNTY JUDGE ALBERT H. COBB JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

JOINT WORKSHOP WITH HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 5 TO INCLUDE DISCUSSION ON HOW BEST TO PROVIDE EMERGENCY SERVICES AND WORK WITH THE HAYS COUNTY COMMISSIONERS WHOSE PRECINCTS ARE SERVED BY THIS DISTRICT, AND TO DISCUSS LEGISLATION, REQUIREMENTS, RESPONSIBILITIES AND DUTIES OF THE DISTRICT AND HAYS COUNTY COMMISSIONERS COURT

This is a joint workshop with Hays County Emergency Services District No 5 and the Hays County Commissioners. Commissioner Jones Precinct 2 thanked everyone for coming to the meeting. Commissioner Whisenant Precinct 3 spoke of the Resolution adopted on January 3, 2012 Commissioners Court regarding appointments to Emergency Service Districts. Commissioner Ingalsbe Precinct 1 suggested that the Commissioners and County Judge would like to receive a copy of the ESD Agenda to stay informed of what is being discussed. Emergency Service District Member Beth Smith spoke of the importance of working together in case of Emergency.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones 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 January 25, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31ST DAY OF JANUARY A.D., 2012, 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:

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

27855 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $1,646,425.24 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27856 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 20 AND 24, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court minutes of January 20 and 24, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27857 AUTHORIZE THE PAYMENT OF $18,620 FROM THE TOBACCO SETTLEMENT FUND TO TEXHEALTH CENTRAL TEXAS, INC. IN ACCORDANCE WITH THE LETTER AGREEMENT DATED AUGUST 11, 2009

This Letter Agreement is between Hays County and TexHealth Central Texas, Inc. The Central Texas Regional Health Coverage Project was initiated by a group of regional stakeholders, including the County, to develop a basic health plan at an affordable price for small employers and their employees to improve access to healthcare on a regional basis. On August 1, 2009, the Hays County Commissioners Court approved participation in the initial capitalization of a small employer health coverage program in an amount up to $32,550 for the first year to cover the projected Hays County portion of the capitalization costs for the project, including reserves, start-up, and reinsurance expenses, with $36,401 and $18,620 for the seconded and third years respectively. Amount required $18,620 Tobacco Settlement Fund 121-752-00.5340. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the payment of $18,620 from the Tobacco Settlement Fund to TexHealth Central Texas, Inc. in accordance with the Letter Agreement dated August 11, 2009. All voting "Aye". MOTION PASSED**

27858 ACCEPT DONATION OF $500 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sherriff's Office received a donation in the amount of $500.00 and request to deposit into to line item 052-618-00.4610/Contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept donation of $500 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27859 APPROVE SPECIFICATIONS FOR RFP #2012-P02 LOCAL FOOD & CATERING SERVICES FOR THE HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE WITH MINOR PROVISIONS

Bob Hinkle of Broaddus & Associates spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve specifications for RFP #2010-P02 Local Food & Catering Services for the Hays County Government Center and authorize Purchasing to solicit for proposal and advertise with minor provisions. All voting "Aye". MOTION PASSED**

27860 APPROVE SPECIFICATIONS FOR IFB #2012-B02 ROW FENCING FOR MT. GAINOR ROAD AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve specifications for IFB# 2012-B02 ROW Fencing for Mt Gainor Road and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

27861 AUTHORIZE THE COUNTY JUDGE TO APPROVE THE PROPOSED CARRY-FORWARD APPLICATION FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT IN THE AMOUNT OF $23,474.00

DSHS is restoring $23,474.00 they had previously deducted from the Public Health Emergency Preparedness grant. On August 9, 2011 the Commissioners Court executed the FY 2012 PHEP contract with the Department of State Health Services (DSHS) for $122,428.00 with a $12,243.00 match. Additional "carry-forward" funding is now available to Local Health Departments, and will be considered an amendment to the FY 2012 PHEP Contract. The carry-forward funding increases the total award to $145,902.00 and the total required match (10%) to $14,590.00.The original FY 2012 PHEP funding term is August 1, 2011 through July 31, 2012. Carry-forward funding will be available from March 1, 2012 – July 31, 2012. Amount required $2,347.00 already budgeted in Personal Health. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to approve the proposed carry-forward application for the Public Health Emergency Preparedness (PHEP) grant in the amount of $23,474.00. All voting "Aye". MOTION PASSED**

27862 APPROVE RENEWAL OF THE AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND THE HAYS COUNTY FOOD BANK

This is a renewal of an existing agreement between the PHD and the Hays County Food Bank. The Food Bank provides information and referrals for their clients. The PHD works with the Food Bank on seasonal projects, such as food drives, Thanksgiving dinners and Christmas assistance. The agreement is effective 2012 through 2013. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve renewal of the agreement between Hays County Personal Health Department (PHD) and the Hays County Food Bank. All voting "Aye". MOTION PASSED**

27863 AUTHORIZE AN INCREASE IN REVENUE AND EXPENDITURES FOR THE DISTRICT ATTORNEY DRUG FORFEITURE BUDGET FOR FUNDS RECEIVED FROM FORFEITURE PROCEEDS AND BUDGET THE USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO TEMPORARY FORENSIC ANALYST POSITION AS WELL AS OTHER OPERATING EXPENSES AND AMEND THE BUDGET ACCORDINGLY

Amount required $53,000.00. Increase Revenue: 081-607-00.4514 – Forfeiture Proceeds: (53,000); Budget Expense: 081-607-00.5021 – Staff Salaries: 6,697 Budget Expense: 081-607-00.5101_100 – Fica: 432 Budget Expense: 081-607-00.5101_200 – Medicare: 101 Budget Expense: 081-607-00.5211 – Office Supplies: 611 Budget Expense: 081-607-00.5448 – Contract Services: 42,389 Budget Expense: 081-607-00.5501 – Travel: 2,500. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize an increase in revenue and expenditures for the District Attorney Drug Forfeiture budget for funds received from forfeiture proceeds and budget the use of those funds for direct expenses related to the temporary forensic analyst position as other operating expenses and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27864 APPROVE THE RE-APPOINTMENT OF MIKE FULTON TO THE ESD #5 BOARD FOR A TWO YEAR TERM ENDING DECEMBER 31, 2013

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the re-appointment of Mike Fulton to the ESD #5 Board for a two year term ending December 31, 2013. All voting "Aye". MOTION PASSED

27865 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON FOSTER PLACE (CR-125)

Judge Cobb opened public hearing. No public input. Judge Cobb closed public hearing. Jerry Borcherding Transportation Director gave staff recommendation. This is to establish a speed limit of 25 MPH on Foster Place (CR 125), between Mathias Lane and Goforth Rd. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to establish traffic regulations on Foster Place (CR 125). All voting "Aye". MOTION PASSED**

27866 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND DR. CHARLES P. ANDERSON, FOR MEDICAL SERVICES IN THE LAW ENFORCEMENT CENTER

Julie Villalpando spoke. The Hays County Sheriff's Office maintains contracts with 2 or more doctors for assessment and treatment of inmates in the Hays County Jail. Dr. Anderson's contract replaces the contract with Dr. Michael Moore, who recently stepped down. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Professional Services Agreement between Hays County and Dr. Charles P. Anderson, for medical services in the Law Enforcement Center. All voting "Aye". MOTION PASSED**

27867 APPOINT DR. A. LANE LEE, MD. TO THE TEXHEALTH CENTRAL TEXAS BOARD OF DIRECTORS FOR A TWO YEAR TERM TO EXPIRE DECEMBER 31, 2013

Dr. Lee will fill the position formerly held by Ray Hernandez. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to appoint Dr. A. Lane Lee M.D. to the TexHealth Central Texas Board of Directors for a two year term to expire December 31,2013. All voting "Aye". MOTION PASSED**

Clerk's Agenda Item #14 RE: *APPROVE EXPENDITURE FOR ROOF REPAIR AND/OR REPLACEMENT AT THE LBJ MUSEUM, A COUNTY OWNED FACILITY* **– was pulled**

27868 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE FACILITIES AT 1761 BEBEE ROAD, KYLE TEXAS

Clint Garza Development Services Director spoke. Tomas Solis is proposing an on-site sewage facility to serve a newly renovated 1500 sq. ft event center at 1761 Bebee Road in Precinct 1. The property is 11.2 acres. Water will be supplied by Public Water Supply. This system will replace an existing unpermitted on-site sewage facility. This OSSF is an advanced system in which the effluent will be pumped to a low pressure dosed drainfield. The system is designed to treat and dispose of a maximum of 320 gpd. The system designer, Jim Conner, R.S. is requesting a variance to Section 10-M(B) of the Hays County rules for on-site sewage facilities which requires flow equalization. His justification is that this type of business will not generate high strength wastewater (no food preparation), and since standard treatment is mainly used for settling and separation, equal protection is provided by oversizing the required treatment tank volume by 25%. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 1761 Bebee Road, Kyle, Texas. All voting "Aye". MOTION PASSED**

27869 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT (ILA) BETWEEN THE VILLAGE OF BEAR CREEK AND HAYS COUNTY REGARDING ROAD REPAIR AND MAINTENANCE

Special Counsel Mark Kennedy and Transportation Director Jerry Borcherding spoke. The ILA between the Village of Bear Creek and Hays County lays out a procedure for the County to perform road repair and maintenance on behalf of Bear Creek. Under the ILA, Bear Creek will reimburse the County for work performed on selected roadway projects. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement (ILA) between the Village of Bear Creek and Hays County regarding road repair and maintenance. All voting "Aye". MOTION PASSED**

27870 APPOINT THOMAS TALCOTT TO THE HAYS COUNTY TRANSPORTATION COMMITTEE TO REPLACE MICHAEL MOELLER

The Hays County Transportation Committee would like to appoint Thomas Talcott to replace Michael Moeller who has resigned this position effective January 9, 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to appoint Thomas Talcott to the Hays County Transportation Committee to replace Michael Moeller. All voting "Aye". MOTION PASSED**

27871 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 FM 110

Court convened into executive session at 10:32 am and reconvened into open court meeting at 10:40 am. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, and Ellie Dietz. **A motion was made by Judge Cobb seconded by Commissioner Whisenant to authorize County Judge to execute a Dedication Deed transferring 0.4777 acres to TxDot for Right of Way on FM 110. All 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 THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into executive session at 10:00 am and reconvened into open court meeting at 10:32 am. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Transportation Director Jerry Borcherding and Lon Shell. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain lifted. Judge mentioned that while burn ban is lifted people should burn what they need but to use extreme caution.

Clerk's Note Agenda Item #21 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #22 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #23 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 January 31, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF FEBRUARY A.D., 2012, 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:

Buddy Johnson of First Baptist Church Buda 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

Constable Pct 2 James Kohler, Dorman Turner – Wimberley resident, Susan Cook – Driftwood resident made public comments. Commissioner Ingalsbe introduced Sgt. Virgil Verduzdo from the Texas Department of Public Safety. Dee Dee Baen Human Resources Director gave a list of new Hays County employee hires.

27872 APPROVE COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $ 2,355,601.71 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27873 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 25 AND 31, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court minutes of January 25 and 31, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27874 APPROVE ON-LINE AUCTION WITH RENE BATES AUCTIONEERS OF (1) NON-REPAIRABLE FREIGHTLINER SEMI TRACTOR (SALVAGE), (1) HYDRAULIC AIR COMPRESSOR, AND (1) FRONT LOADER, WHICH NO LONGER OF US TO THE ROAD DEPARTMENT

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve on-line auction with Rene Bates Auctioneers of non-repairable Freightliner Semi Tractor (salvage), (1) hydraulic air compressor and (1) Frontend Loader, no longer of use for the Road Department. All voting "Aye". MOTION PASSED

27875 AMEND THE GDEM CERT GRANT BUDGET FOR THE PURCHASE OF ONE PROJECTOR FOR $1,479, TWO PRINTERS FOR $319 EACH, AND TWO LAPTOPS FOR $1,367 EACH

The granting agency approved the purchase of one projector, two printers, and two laptops that were part of the original grant application. Each piece of equipment comes with a 3-year warranty expense, which will not be covered by the grant. The cost of the warranties ($389.00) will come out of the Emergency Management budget and serve as a voluntary match. Amount Required $4,462.00 (already budgeted in the CERT cost center) $389 (already budgeted in Emergency Management) Budget amendment; 001-656-00.5201 general supplies ($389.00), 001-656-99-064.5201 general supplies ($1,997.00), 001-656-99-064.5211 office and computer supplies ($359.00), 001-656-99-064.5303 professional and admin fees ($560.00), 001-656-99-064.5472 office rent ($1,546.00), 001-656-99.5712_400 computer equip $4,851.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the GDEM CERT grant budget for the purchase of one projector for $1,479, two printers for $319, and two laptops for $1,367 each. All voting "Aye". MOTION PASSED**

27876 APPROVE SPECIFICATIONS FOR RFP 2012-P03 BANK DEPOSITORY AND AUTHORIZE PURCHASING TO SOLICIT FOR PORPOSAL AND ADVERITSE

Bid award is for establishing a four (4) year depository contract for Hays County, in accordance with the requirements specified herein and including all provisions set forth in the accompanying documentation. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve specifications for RFP 2012-P03 Bank Depository and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED**

27877 AMEND THE BUDGET OF DEPARTMENT OF PUBLIC SAFETY-LICENSE & WEIGHTS FOR SCALE REPAIR FOR COUNTYWIDE SELF INSURANCE

Scale repair expense was exhausted by last fall's lightning strike repair; scale control boards were shorted out by recent heavy rains/flooding and repair will require $2,350. That amount can be transferred from self insurance in Countywide, as that item is intended for such occurrences. Amount required $2,350.00 from 001-645-00.5342 Self Insurance to 001-651-00.5411 Eqpt Maint. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the budget of Department of Public Safety-License & Weights for scale repair form Countywide self insurance. All voting "Aye". MOTION PASSED**

27878 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE DISTRICT CLERK'S OFFICE

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's Office performed an internal examination of the Hays County District Clerk's Office financial records for the period of May 1, 2010 to September 30, 2011. The internal examination consisted of reviewing disbursements, receipts, deposits, fixed assets, and other supporting documentation. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept the delivery of the Internal Examination Report for the District Clerk's office. All voting "Aye". MOTION PASSED**

27879 ACCEPT DONATED ROAD BUILDING MATERIALS FROM TXDOT WITH A VALUE OF APPROXIMATELY $60,000

Jerry Borcherding Director of Transportation gave staff recommendation. TxDOT annually sends out letters to counties regarding surplus materials that can be donated through a request process. Hays County is requesting up to $60,000 worth of materials ranging from sign posts, to guardrail materials, to road building materials. Availability is first-come-first-serve for the closest maintenance yard in the respective county. If materials are not available at the maintenance yard then the amount of funds allocated to Hays County can be used for new materials. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept donated road building materials from TxDOT with a value of approximately $60,000. All voting "Aye". MOTION PASSED**

27880 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CAPITAL IMPROVEMENTS AGREEMENT WITH THE CITY OF SAN MARCOS AND COTTONWOOD CREEK JDR, LTD IN THE AMOUNT OF $1,070,000 TO BE PAID FROM THE ROAD DEPT BUDGET OUT OF 3 LINE ITEMS ROW 20-710-00.5386 $200,000, CONTRACT SERVICES/ROAD WORK #20-710-00.5448_010 $800,00, CONTRACT SERVICES/ENGINEERING $101,000

Hays County has had a long standing interest in improving traffic safety near San Marcos High School. These efforts envision extending McCarty Lane eastward, around the high school property to intersect with Hwy123. A portion of this extension of McCarty lies in an unincorporated area of Hays County (1,200 LF). It is estimated that the cost of design, right of way, and construction for the County's portion of this roadway is $1,070,000.00. Cottonwood Creek development and the City of San Marcos are proposing to partner with the County to extend McCarty past this unincorporated section and make the connection with Hwy 123. Today's action would allow the Auditor to transfer current budgeted moneys to the City of San Marcos for their use in accomplishing all aspects of this project. Amount required $1,070,000.00 (020-710.00.5448_010). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Capital Improvements Agreement with the City of San Marcos and Cottonwood Creek JDR, Ltd in the amount of $1,070,000 to be paid from the Road Dept budget out of 3 line items ROW 20-710-00.5386 $200,000, Contract Services/Road Word #20-710-00.5448_10 $800,000, Contract Services/ Engineering #20-710-00.5448_008 $101,000. All voting "Aye". MOTION PASSED**

27881 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY, THE WIMBERLEY SPRINGS COMMUNITY ASSOCIATION OF HAYS COUNTY, INC., AND WIMBERLEY SPRINGS PARTNERS, LTD., RELATED TO THE DEDICATION OF ROADWAYS IN THE WOODCREEK NORTH SUBDIVISON WITH ATTACHMENTS IN EXHIBITS A & B IN AN AMOUNT OF $20,424 TO BE PAID BY DEVELOPER

Richard Sullivan – Wimberley resident, Sam Brannon – San Marcos resident made public comments. Developer and Community Association each wish to dedicate and convey certain roadways and ROW that they respectively own, and/or possess and maintain, in the Woodcreek North Subdivision. If Hays County receives these roadways, pursuant to the terms of the Agreement, the roadways will become public roadways and will be maintained by the County. Mark Kennedy mentioned that the estimated amount is $20,424 to be paid by Developer of POA per their Agreement. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Memorandum of Understanding between Hays County, the Wimberley Springs Community Association of Hays County, Inc., Wimberley Springs Partners, Ltd., related to the dedication of roadways in Woodcreek North subdivision with attachments in Exhibits A & B in an amount of $20,424 to be paid by Developer. All voting "Aye". MOTION PASSED**

27882 AVANA PHASE 1 [11-4-17 – 93 LOTS] **APPROVE PRELIMINARY PLAN GRANT VARIANCES FROM TABLE 721.02 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS**

Roxie McInnis Subdivision Coordinator gave staff a brief explanation of the preliminary plan. The Avana Phase I Subdivision consists of 115.06 acres (27.27 of which are located in Hays County) along the Hays/Travis border in northern Precinct 2. The proposed division will consist of 271 lots (93 lots in Hays County). Water and wastewater services will be provided by Mid-Tex Utilities, Inc. The preliminary plan meets all of the county's rules with the exception of three variances requested from the Hays County roadway design requirements found in Table 721.02. Variance number one is from the requirement that all roadways classified as "Minor Collector" have a minimum travel way of 22 feet with five feet of shoulder on either side. Based on recommendation from the City of Austin, the developer is requesting that the minor collectors be 28 feet (face of curb to face of curb) with a collective storm sewer. Variance number two is from the requirement that all roadways classified as "Minor Arterial" have a minimum travel way of 48 feet with eight feet of shoulder on either side. The City of Austin's Metropolitan Area Roadway Plan requires that the extension of Escarpment Boulevard shall be consistent with the existing roadway (30 feet of pavement with 18 inch ribbon curbs on each side). Variance number three is from the building setback requirements for urbanized local roadways and minor collectors. The developer is requesting to comply with the SF-2 zoning category requirements in place for the remainder of the subdivision (178 lots) which will allow for 25 foot front yard, 15 foot street side yard, five foot interior side yard, and 10 foot rear yard setbacks. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan; grant variances from table 721.02 of the Hays County Development Regulations. All voting "Aye". MOTION PASSED**

27883 ACCEPT THE ANNUAL RACIAL PROFILE REPORT FROM CONSTABLE PRECINCT 3

Constable Pct 3 Darrell Ayers spoke. Since January 1, 2003 the Hays County Constables Office of Precinct 3 in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting contact data for the purpose of indentifying and responding (if necessary) to concerns regarding racial profiling practices. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to accept the annual racial profile report from Constable Precinct 3. All voting "Aye". MOTION PASSED**

27884 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 1401 NORTH IH 35, BUDA, TEXAS

Clint Garza Director of Development Services gave staff recommendation for all except the variance and then explained the variance. Metalico is proposing an OSSF to serve their American Cat Co. recycling business at 17401 North IH 35 in Precinct 2. This is an existing business with a 15,000 sq ft. proposed addition to the building. This property is 10 acres. Water will be supplied by Public Water Supply. This OSSF is a standard treatment system with a low pressure dosed dispersal system. The system is designed for a maximum of 600 gpd. The system designer, Derrick Lorman, R.S. is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities which requires flow equalization. This type of business will not generate high strength wastewater (no food preparation or process wastewater), and he justifies equal protection by over sizing the septic tank column by 100% to account for the flow equalization requirement. The larger tanks by definition allow for increased retention time and consequently act as a baffle to help negate surge loading. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize an institutional OSSF permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 17401 North IH 35, Buda, Texas. All voting "Aye". MOTION PASSED**

27885 TEMPORARILY ALLOW (2) DISTRICT ATTORNEY'S OFFICE EMPLOYEES TO EXCEED 60 TOTAL HOURS OF COMPENSATORY TIME, AS THEY IMPLEMENT A PLAN TO REDUCE TOTAL HOURS OF COMPENSATORY TIME BY THE END OF FY 2012

Mark Kennedy Special Counsel explained the overages. Michele Tuttle Hays County Treasurer explained the policy. After the recent transition to a new Office Manager, it was discovered that two administrative assistants, Patty Roten and Maggie Avalos, have exceeded the 60-hour limitation on compensatory time allowed by County Policy. These two administrative assistants have agreed to work toward a reduction of this time between now and the end of FY 2012. A temporary exception to policy would allow the employee's time to implement their plan without requiring the County to pay out the excess compensatory time they have accrued. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to temporarily allow 2 D.A.'s Office employees to exceed 60 total hours of compensatory time, as they implement a plan to reduce those hours by the end of FY 2012. All voting "Aye". MOTION PASSED**

27886 ALLOW THE COUNTY AUDITOR AT HIS OR HER DISCRETION TO MAKE AMENDMENTS THAT ARE LESS THAN $100; IF THE FUNDS ARE IDENTIFIED WITHIN THE REQUESTING DEPARTMENT'S BUDGET WITHOUT COURT APPROVAL

County Auditor, Bill Herzog would like to make recommendations to include exceptions to the current budget amendment policy. (1) Commissioner's Court authorizes the County Auditor to process ALL amendments that are less than $ 100, if the funds are identified within the requesting department's budget. (2) Commissioner's Court authorizes the County Auditor to move funds of any amount into the Capital Outlay Budget Category V, If the requested funds are to replace a piece of existing equipment and are identified within the requesting department's budget. Departments with multiple divisions or cost centers cannot move funds across those budgets without Court approval. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to allow the County Auditor at his or her discretion to make amendments that are less than $100; if the funds are identified within the requesting department's budget without court approval. All voting "Aye". MOTION PASSED**

27887 PROMOTE AND FUND HEALTH CHECK 2012 FOR HAYS COUNTY EMPLOYEES, ELIGIBLE DEPENDENTS AND RETIREES AN AUTHORIZE PAYROLL DEDUCTION OF ADDITIONAL FEES FOR OPTIONAL SERVICES EMPLOYEES MAY ELECT

Dee Dee Baen Human Resources Director spoke of the Health Check being a community wide celebration offering health screenings including blood analysis for diabetes, cardiac risk profile (Cholesterol, Triglycerides, HDL, Cholesterol, LDL) and a complete Blood cell count (red, white, hemoglobin, hematocrit and platelets). Per Central Texas Medical Center (CTMC), these tests, valued at hundreds of dollars, are offered for $45 per person through Health Check (reduced from $25 in 2011, and $35 in 2010.) Additionally, CTMC is offering Hays County employees the option of pre-registering which allows for blood draws at our worksite. Thursday, March 22: R&B on Yarrington Rd, Tuesday, March 27: Government Center, Wednesday, April 4: Sheriff's Office. A recap of the last five years of our participation in Health Check is as follows: Hays County paid 100% of the participant's fees. Dependents over the age of 18 that are covered on our health plan were allowed to participate at no cost (with the exception of the additional test). 2007: 150 employees participated, $3.725. 2008: 187 employees participated, $ 6,545; Optional EE-paid Test: Thyroid (71); PSA (26). 2009 165 employees participated, $5775; Optional EE-paid Test: Thyroid (68); PSA (34). 2010: 168 employees participated, $5,880; Optional EE-paid Test: Thyroid (68); PSA (34). 2011: 155 employees participated, $3,875; Optional EE-paid Test: Thyroid (46) PSA (27) A1C (45). The requested amount of $8370 (186 employees x $45) is an estimate, (20% over last year's participation of 155 employees). In addition to the basic blood screenings, employees can choose to have a thyroid specific hormone (TSH) test ($15), an A1C test to the optional test for $15 (used to measure the amount of glucose that attaches to the protein in the red blood cells). Additionally this year a Vitamin D test is added for $30. Health Check will no longer offer the PSA because it is not recommended test as currently recommended by the US Preventive Services Task Force and that the current evidence for this test is insufficient to qualify it as a screening test. Similar to last year and in order to minimize cash handling, reconciling and balancing, we are requesting the voluntary fees associated with optional test to be payroll deducted. This has been coordinated with the Treasurer's office for payroll purposes and Treasurer Tuttle is supportive of this automation. An option to the County if they do not wish to absorb the entire cost increase could be to offer payroll deduction for a $5 or $10 cost sharing. The actual day-long health fair portion of Health Check will be held on Thursday April 26 from 7am to 3pm at Embassy Suites Conference Center. Amount required $8370.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to promote and fund Health Check 2012 for Hays County employees, eligible dependents and retirees and authorize deduction of additional fees for optional services employees may elect. All voting "Aye". MOTION PASSED**

27888 APPROVE EXPENDITURE FOR ROOF REPAIR AND/OR REPLACEMENT AT THE LBJ MUSEUM, A COUNTY OWNED FACILITY

The interior of the LBJ Museum is now complete, but during the course of construction, it was discovered that the roof was significantly more deteriorated than previously thought. The roof is badly leaking and preventing full usage of the renovated area. To protect our investment, I believe this repair is needed. After speaking with our Auditor, it is recommended the funds come from the General Fund, County-Wide Misc. Capital Improvements line item. This line item is the savings from the Immediate Needs Repair money use for the Jail. Amount required $ 49,800 # 001-645-00.5741 (Misc. Capital Improvements). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve expenditure for roof replacement at the LBJ Museum, a county owned facility in the amount of $49,800 coming out of Countywide Capital Improvements line item which is a savings from the immediate needs repair money use from the jail. All voting "Aye". MOTION PASSED**

27889 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 REAL VALUE OF REAL PROPERTY RELATED TO A NEW LOCATION FOR THE HAYS COUNTY PRECINCT 2 OFFICES

Court convened into executive session at 10:45 a.m. and reconvened into open court meeting at 11:10 a.m. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Terry Whitman and Jerry Borcherding Transportation Director. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a plat application, a Site Development Permit application, and a business utilities application for the County's prospective Precinct 2 property at 5458 FM 2770, Kyle, Texas. Commissioner Jones, Commissioner Ingalsbe, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley abstained. MOTION PASSED.**

A motion to authorize Lott Brothers and GSC Architects to move forward with additional design and preconstruction services, which will result in additional expenditures totaling a not to exceed amount of $132,880.00. Commissioner Jones, Commissioner Ingalsbe, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley abstained. MOTION PASSED.

27890 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINET DOMAIN TO CONDEMN PROPERTY ALONG FM 1626 IN PRCINCT 2

Court convened into executive session at 11:48 a.m. and reconvened into open court meeting at 12:00 p.m. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy and Lori Bible. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a negotiated settlement in the amount of $42,281.00 for the purchase of .645 acres owned by Tim Weisheit on F.M. 1626 in Precinct 2; and authorize the County Judge to execute a purchase agreement pursuant to that settlement. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant that the Hays County Commissioner's Court, on behalf of Hays County, Texas authorize the uses of the power of eminent domain to acquire .3 of an acre located on Rim Rock Trail in Hays County for the widening of FM 1626 for the traveling public to use for roadway purpose. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant that the Hays County Commissioner's Court, on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire .53 of an acre located on FM 1626 in Buda, Hays County Texas the widening of FM 1626 for the traveling public to use for roadway purposes. All voting "Aye". MOTION PASSED

27891 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON CYRSTAL MEADOW DRIVE IN PRECINCT 2

Court convened into executive session at 11:10 a.m. and reconvened into open court meeting at 11:45 a.m. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Terry Whitman and Transportation Director Jerry Borcherding. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize legal counsel and Precinct 2 Commissioner to negotiate the dedication of a portion of Crystal Meadow Drive, adjacent to the prospective Precinct 2 property at 5458 FM 2770, Kyle Texas. Commissioner Jones, Commissioner Ingalsbe, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley abstained. MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULATION WITH COUNSEL AND DELIBERATION REGADING RIGHT OF WAY ACQUISITION ALONG RANCH ROAD 12 PRECINCT 3

Court convened into executive session at 12:00 p.m. and reconvened into open court meeting at 12:17 p.m. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, and Elle Dietz. No Action Taken.

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 MARKETHING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into executive session at 12:00 p.m. and reconvened into open court meeting at 12:17 p.m. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Lon Shell and CBRE Representatives. No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.074 OF THE TEXAS GOVERNMENT CODE: TO DELIBERATE THE APPOINMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, OR DISCIPLINE, OR DISMISSAL RELATED TO THE PERSONAL HEALTH DIRECTOR

Court convened into executive session at 1:00 p.m. and reconvened into open court meeting at 1:30 p.m. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy and Human Resources Director Dee Dee Baen. The County Policy will be follow in which the county will be advertise and post the job this week.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain lifted.

County Clerks Note Item #25 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

County Clerks Note Item #26 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

County Clerks Note Item #27 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Judge Cobb, seconded by Commissioner Jones 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 February 14, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF FEBRUARY A.D., 2012, 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:

Pastor David Sweet from the Hays Hills Baptist Church in Buda 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

27892 APPROVE AND CONFIRM THE APPOINTMENT OF JASON PAYNE, DEPUTY CONSTABLE, PRECINCT 5

Sandra Lopez from Constable Precinct 5 introduced Deputy Jason Payne to the Commissioners Court and Jason was given a round of applause and welcomed to Hays County. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve and confirm the appointment of Jason Payne, Deputy Constable, Precinct 5. All voting "Aye". MOTION PASSED**

27893 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of $1,389,361.58 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27894 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 14, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the Commissioner Court minutes of February 14, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27895 APPROVE UTILITY PERMITS

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Utility Permit #842 on Scott St. and Old Stagecoach Rd issued to City of Kyle, Permit #843 on Country Estates Dr & Mustang Lane issued to Pedernales Electric, Permit #844 on Yarrington Rd issued to Pedernales Electric and Permit #845 on Shelton Ranch Road issued to Verizon Southwest as submitted by the Road Dept. All voting "Aye". MOTION PASSED

27896 ACCEPT THE FEE SCHEDULE FOR TRAINING ACADEMY COURSES PROVIDED BY THE SHERIFF'S OFFICE

On December 6th, the Commissioner's Court authorized the Sheriff's Office to amend the operating budget for tuition and related expenses for their Training Academy. Attached is a list of courses that will be offered at the Sheriff Training Academy and a fee schedule for those courses. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the a fee schedule for Training Academy Courses provided by the Sheriff's Office. All voting "Aye". MOTION PASSED**

27897 ACCEPT THE ANNUAL RACIAL PROFILE REPORT FROM THE SHERIFF'S OFFICE

In accordance with state law and specific to the Texas Code of Criminal Procedure, Chapter 2.132(b) (6) & (7), the following report has been prepared and is being respectfully submitted. The report consists of statistical data collected by the Hays County Sheriff's Office as prescribed by statute for the calendar year of 2011. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the annual racial profile report from the Sheriff's Office. All voting "Aye". MOTION PASSED**

27898 APPROVE AGREEMENT WITH SWICO AUCTIONS FOR INTERNET AUCTION OF REMOVAL OF DWELLING LOCATED AT 5458 FM 2770, KYLE, TEXAS AND AUTHORIZE COUNTY JUDGE TO EXECUTE THE AGREEMENT

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve agreement with SWICO Auctions for the internet auction of dwelling located at 5458 FM 2770, Kyle, Texas and authorize the County Judge to execute the agreement. All voting "Aye". MOTION PASSED

27899 AUTHORIZE THE SHERIFF'S OFFICE TO USE FUNDS RECEIVED FROM UNCLAIMED EVIDENCE AUCTION TO PURCHASE SUPPLIES AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office has received funds from PropertyRoom.com for auctioned items of unclaimed evidence. These funds will be used to purchase supplies needed for the evidence room. Amount required $1,010.80 Budget Amendment; Increase Revenue: 001-618-00.4635 – auction sales: ($1,010.80) Budget Expense: 001-618-00.5362 – Criminal Investigation: $1,010.80. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to use funds received from unclaimed evidence auction to purchase supplies and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27900 APPROVE A LETTER AGREEMENT WITH LEXISNEXIS FOR LEGAL CONTENT SUBCRIPTION SERVICES AT THE HAYS COUNTY JAIL AND AUTHORIZE HAYS COUNTY SHERIFF TO SUBMIT THE AGREEMENT

An extension to the LexisNexis monthly legal content subscription service agreement is required at this time. The rate will increase from $700/month per terminal to $749/ month per terminal. The Hays County Jail utilizes (1) terminal. Amount required $749/month. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a Letter Agreement with LexisNexis for legal content subscription services at the Hays County Jail and authorize Hays County Sheriff to submit the agreement. All voting "Aye". MOTION PASSED**

27901 RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR MUSTANG VALLEY SUBDIVISION, SECTION 1

The Transportation Department Jerry Borcherding has inspected and gave staff recommendation for acceptance of maintenance. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to release of maintenance bond and accept for maintenance all road and drainage improvements within County ROW for Mustang Valley Subdivision, Section 1. All voting "Aye". MOTION PASSED**

27902 AMEND THE HAYS COUNTY ANIMAL CONTROL ORDINANCE

Commissioner Conley Precinct 3 and Judge Cobb spoke of the Hays County Animal Control Ordinance. Erin Pate - Wimberley Resident, Walley Kinney - Dripping Springs resident, Mike Rybarski - Wimberley resident, Elizabeth Cumberland - Martindale Resident, Justice of the Peace Precinct 3 Andrew Cable and Larry Tucker - Austin resident made public comments. Special Counsel Mark Kennedy presented proposed changes to the County Policy during Court. The provisions of the Fourth Amended Hays County Animal Control Ordinance, which were adopted on or about the 18th day of March, 2003 as Ordinance Number 20893. Section 10.1, entitled "Dogs That Attack Domestic Animals" is hereby repealed and replace with the following: Section 10.1- Dogs that Attack Domestic Animals. Section 10.3, entitled "Criminal Penalty" is hereby repealed and replaced with the following: (a) The owner of a dog or coyote who permits the animal to run at large in violation of this Order Commits an offense punishable by a fine not to exceed one hundred dollars. (b) Each time a dog or coyote runs at large in violation of this section constitutes a separate offense. The proposed changes are for Section 10.4 shall be added and shall read as follows: Section 10.4- Dangerous Dog related to Attacks on Animals. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to suspend Section 10.1D of the Hays County Animal Control Ordinance for one week and to instruct Animal Control to confiscate and shelter, over the next seven days, any dog that would normally be killed under Section 10.1D. All voting "Aye". MOTION PASSED**

27903 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND SENDERO HEALTH PLAN (A MEDICAID PROGRAM).

Administrative Assistant II Glenda Walton, Marla Sanders RN from the Hays County Personal Health Department and Tierra Thomas from Sendero Health Plan spoke on this contract will allow the PHD to provide Maternity, Well Child, and Immunization Services to Sendero Health Plan clients, and bill for those services. This contract will take effect of March 1, 2012. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a contract between the Hays County Personal Health Department (PHD) and Sendero Health Plan (a Medicaid program) with provisions to the 24 hour coverage and limitability sections of the contract. All voting "Aye". MOTION PASSED**

27904 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION (CJD) FOR THE HAYS COUNTY SHERIFF'S OFFICE IN THE AMOUNT OF $28,970.15

Captain Mike Davenport and Grants Director Jeff Hauff spoke. The Sheriff's Office is requesting grant funding to purchase equipment for the Jail booking area (three Laptops), the Narcotics Task Force (one FLIR Bi-Ocular Thermal Camera) and the Criminal Investigation Division (one Electronic Video Recording System). The FLIR Bi-Ocular Thermal Camera which will provide recorded footage, photographs and/or videotape of criminal activity during an undercover investigation when limited or no lighting is available. The Jail booking area has three computers for the all law enforcement officers to use to enter arrest reports. When there are several officers needing access to a computer they often have to wait sometimes up to 45 minutes to an hour depending on how many arrest reports an officer may have to enter. The laptops will help reduce the time the officer spends in the booking area and will allow them more time to be out patrolling. Currently the Investigators stationed in Dripping Springs do not have a Video Recording System to record confession statements that could be used as admissible evidence during a court trial. Having a video recorder system in Dripping Springs will provide the necessary tool to record the confession statement at that location rather than having to travel one hour or more to San Marcos to record a confession. The grant application is due at CAPCOG by February 24, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a resolution authorizing the County Judge to submit a grant application to the Office of the Governor – Criminal Justice Division (CJD) for the Hays County Sheriff's Office in the amount of $28,970.15. All voting "Aye". MOTION PASSED**

27905 FUND $25,000 FOR THE IMPROVEMNETS TO THE SAN MARCOS SENIOR CITIZENS CENTER, A PROJECT OF COMMUNITY ACTION, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FUNDING AGREEMENT AS PREPARED BY LEGAL COUNSEL AND AMEND THE BUDGET ACCORDINGLY

The San Marcos Senior Citizens Center has been in existence for over 30 years and provides a community facility where senior citizens can come together to receive services, and take part in recreational activities that enhance their quality of life, support their independence and encourage their involvement in and with the community. The average daily attendance is 25 persons a day. This past year, the Center was visited from Seniors from outside the San Marcos area: Kyle – 67, Wimberley – 11, Buda – 18, Dripping Springs – 5. Amount requested $25,000 Tabacco Settlement Funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to fund $25,000 for the improvements to the San Marcos Senior Citizens Center, a project of Community Action, Inc. and authorize the County Judge to execute a funding agreement as prepared by legal counsel and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

27906 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT WITH BROWN & GAY ENGINEERS, INC.

Brown & Gay Engineers, Inc. is the agency proposed to provide Construction Inspection and Materials Testing for the FM 110 project; the PSA will allow for the completion of: (1) Constructability reviews of the construction plans (2) Documents Control / Records Management. (3) RFI Processes (4) Change Order Processes (5) Construction Oversight (6) Materials Testing (7) Monitoring of Utility Relocations (City of Buda waterline) (8) Reporting of Construction Activities (9) Surveying. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute the Professional Services Agreement with Brown & Gay Engineers, Inc. All voting "Aye". MOTION PASSED**

27907 APPROVE A FEE SCHEDULE FOR SERVICES PROVIDED BY THE DEVELOPMENT SERVICES DEPARTMENT

Director of Development Services Clint Garza will to like to change fees for the various services provided in the daily departmental operations. These services include Food/OSSF permitting & inspection, floodplain review, subdivision review, and GIS/Mapping Services. Currently the fees charged for these services were approved on different dates and times resulting in numerous "approved" fee schedules. Court action to approve the attached schedule will reduce confusion among staff and consultants using dated information. Nearly all fees have no change and fees that changed are listed below: Class "C" permit is a classification of permit issued to development in a floodplain that is not a habitable structure. Historically this was simply included in the Class "B" permits group but 2009 changes to regulations required it to be separated. GIS/Mapping Fees have also been updated for the first time in 11 years. Technical Services (old $25) (new $30), Professional Services (old $35) (new $50), Maps 8.5x11(old $.25) (new $.5), 11x17(old $.5) (new $1.00), Larger Maps (old $3 per ft.) (new $.02 per sq. in) **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a fee schedule for services provided by the Development Services Department. All voting "Aye". MOTION PASSED**

County Clerk's Note Agenda Item #17 Re: *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 MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES* **– was pulled**

ACTION RELATED TO THE BURN BAN AND/OR DISATER DECLARATION

Burn Ban will remain lifted. County Judge urged county residents to burn responsibly

County Clerk's Note Agenda Item #19 Re: *DISCUSSION OF ISSUSES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOBERNMENT CENTER; THE PROPOSED PRECINCT 2 OFIICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **- was pulled**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STATEGIES AND JEFF CUREEN, HDR

Jeff Curren, HDR gave an update review of the Road Bond Projects.

County Clerk's Note Agenda Item #21 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Conley, seconded by Commissioner Jones 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 February 21, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 28TH DAY OF FEBRUARY A.D., 2012, 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:

Pastor Jeff Latham from Westover Baptist Church in San Marcos gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

PRESENTATION AND RIBBON CUTTING CEREMONY FOR THE NEW HAYS COUNTY VETERAN'S SERVICES RESOURCE AND TRANSITION CENTER

Commissioners Court took a short recess to go downstairs for a brief presentation and Ribbon Cutting Ceremony. Jude Prather Veterans Officer spoke of the County recently provided computer equipment for the Veteran's Services Resource and Transition Center. This center is attempting to become a "one stop shop" for all the needs of our Hays County Veterans to address needs such as job searches, resume building, scanning Military Documents, Small Business Development and general online research.

27908 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in amount of $694,291.93 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27909 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 21, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of February 21, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27910 ACCEPT THE DISTRICT FEE COLLECTION REPORT FOR NOVEMBER – DECEMBER 2011

Art. 103.005, Code of Criminal Procedure, required report of an officer listed in Article 103.003 who collects money other than taxes for a county shall report to the Commissioners Court of the county for which the money was collected during each term of the court. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the District Fee Collection Report for November – December 2011. All voting "Aye". MOTION PASSED**

27911 AUTHORIZE THE GRANTS ADMINISTRATION DEPARTMENT, WORKING IN CONJUNCTION WITH THE HAYS COUNTY HISTORICAL COMMISSION, TO APPLY FOR FOUNDATION GRANT SUPPORT TO COMPLETE RESTORATION OF THE OLD HAYS COUNTY JAIL

Phase 1 restoration of the Historic Old Hays County Jail has been completed, involving repair and stabilization of the "shell" of the building. Further work is necessary to provide a habitable space, including door and window restoration and interior work. The Grant's Administration Department has been requested to assist the Hays County Historical Commission in soliciting grant funds/foundation support to complete the restoration. Identification of the appropriate funding sources is ongoing, and with variable deadlines for submission of funding requests it would be beneficial to be able to apply for such resources as opportunities arise, without the necessity of Commissioners Court approval for reach individual application. Each funding award will be presented to the Commissioners Court for approval. General application guidelines will be followed such that additional fiscal match or other resources over and above that normally employed from the County will not be necessitated by grant award requirements. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Grants Administration Department, working in conjunction with the Hays County Historical Commission, to apply for foundation grant support to complete restoration of the Old Hays County Jail. All voting "Aye". MOTION PASSED**

27912 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO A UTILITY RELOCATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE

This Letter Amendment clarifies and/or modifies the timing of the County's payment to the City of Kyle for relocation of City utilities associated with improvements on the FM 150 project. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Letter Amendment to a Utility Relocation Agreement between Hays County and the City of Kyle. All voting "Aye". MOTION PASSED**

27913 APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF HAYS COUNTY, TEXAS LIMITED TAX REFUNDING BONDS; DELEGATING THE AUTHORITY TO CERTAIN COUNTY OFFICIALS AND COUNTY STAFF TO EXECUTE DOCUMENTS RELATED TO THE SALE OF BONDS; AUTHORIZING AN ESCROW AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND OTHER MATTERS RELATED THERETO

Hays County Financial Advisor Dan Wegmiller spoke. Julie Houston of Winstead PC Bond Counsel was introduced to the Court. Where the Commissioners Court of Hays County has previously authorized and there is presently outstanding the obligations of the County described in Schedule I. The County desires to refund certain of its outstanding obligations identified in Schedule I. Chapter 1207, Texas Government Code, as amended authorizes the County to issue refunding bonds and to deposit the proceeds from the sale thereof, and any other available funds or resources, under an escrow agreement to provide for the payment of refunded obligations, and such deposit, when made in accordance with Chapter 1207, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the refunded obligations. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve an order authorizing the issuance of one or more series of Hays County, Texas Limited Tax Refunding Bonds; delegating the authority to certain county officials and county staff to execute documents related to the sale of bonds; authorizing an escrow agreement and a paying agent/registrar agreement; and other matters related thereto. All voting "Aye". MOTION PASSED**

27914 APPROVE A RESOLUTION ESTABLISHING THE COUNTY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-EMEMPT OBLIGATIONS TO BE ISSUED BY THE COUNTY FOR AUTHORIZED PURPOSES; AND AUTHORIZING OTHER MATTERS RELATED THERETO

The current contemplated issuance will be a principal amount not to exceed $4.5 million. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve a Resolution establishing the County's intention to reimburse itself for the prior expenditure of funds from the proceeds of tax-exempt obligations to be issued by the County for authorized purposes; and authorizing other matters related thereto. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27915 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CHANGE ORDER WITH ANGEL BROTHERS RELATED TO IMPROVEMENTS ON RM 2325

Change Order – RM 2325 Fischer Store Rd. to Carney Lane – TxDOT CSJ 0285-02-012. Contract Award Amount: $3,278.642.37, Change Order #2 Amount: $70,102.21(2.1% of Award), New Contract Amount: $3,348,744.58, County Project Budget: $4,533,000.00, County Budget Remaining: $1,184,255.42(under budget), Award Contract Length: 205 days. No adjustment to contract length. The change order is required for design changes requested by TxDOT shortly after the project was bid. A limited amount of soil retention blankets and rock berms have been required to assist in erosion control. This has been necessitated by the extreme drought which occurred last summer and was unforeseen at the time project plans were being developed. It was also determined by TxDOT that a modified MBGF detail with a concrete foundation would provide added safety to the traveling public and improve long term maintenance. In addition, the use of low profile traffic barrier was also requested to enhance safety to the traveling public during the construction of the above mentioned MSE wall and concrete rail foundation. Length of bore casing beneath the pavement for future traffic signal and utilities were extended at two intersections. Casings at the first intersection were lengthened to extend the casings beyond an underground utility duct bank that was installed after the design survey for the project was performed. Length of bore casing at the second location was designed to extend to the original ROW of RM 2325. TxDOT requested the casings be extended at this location to the newly acquired ROW limits. These bore casing extensions also relocated the bore pits outside of the ROW, enhancing safety during construction. Amount requested $70,102.21 – 027-803-96-760.5611_400. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a change order with Angel Brothers related to the improvements on RM 2325 in the amount of $70, 102.21. All voting "Aye". MOTION PASSED**

27916 AMEND THE HAYS COUNTY ANIMAL CONTROL ORDINANCE

Doyle Isbell – Wimberley resident, Greg Womble – Driftwood resident spoke. Special Counsel Mark Kennedy presented proposed changes to the County Policy during Court. The provisions of the Fourth Amended Hays County Animal Control Ordinance, which were adopted on or about the 18th day of March, 2003 as Ordinance Number 20893. Section 10.1, entitled "Dogs That Attack Domestic Animals" is hereby repealed and replaced with the following: Section 10.1- Dogs that Attack Domestic Animals. Section 10.3, entitled "Criminal Penalty" is hereby repealed and replaced with the following: (a) The owner of a dog or coyote who permits the animal to run at large in violation of this Order Commits an offense punishable by a fine not to exceed one hundred dollars. (b) Each time a dog or coyote runs at large in violation of this section constitutes a separate offense. The proposed changes are for Section 10.4 shall be added and shall read as follows: Section 10.4- Dangerous Dog related to Attacks on Animals. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend the Hays County Animal Control Ordinance as presented by Legal Counsel including amendment Section 10.3 – Penalty for Violation and to be effective immediately. All voting "Aye". MOTION PASSED**

27917 APPOINT SCOTT ROBERTS AS FOURTH BOARD OF DIRECTORS MEMBER TO THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

The PUA Agency Rules require that the fourth and fifth Directors be unanimously accepted by the existing Board of the PUA. The fourth Board of Directors member is appointed by Hays County, and the fifth Board of Directors member is appointed by the City of Bee Cave. After these entities have made their selections, the appointments will be considered at a meeting of the West Travis County PUA. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to appoint Scott Roberts as fourth Board of Directors member to the West Travis County Public Utility Agency. All 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 THE MARKETING AND POTENTIOAL SALE OF COUNTY OWNED PROPERTIES

Court convened into executive session at 11:03 a.m. and reconvened into open court meeting at 11:35 a.m. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant and Special Counsel Mark Kennedy. - No Action Taken

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON CRYSTAL MEADOW DRIVE IN PRECINT 2

Court convened into executive session at 10:45 a.m. and reconvened into open court meeting at 11:02 a.m. In Executive Session were Judge Cobb, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Lon Shell, and Transportation Director Jerry Borcherding. - No Action Taken

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain lifted.

Clerk's Note Agenda Item #15 RE: *DISCUSSION OF ISSUES RELATED TO CAPITAL CONSTRUCION PROJECTS IN HAYS COUNTY, INCLUDED BUT NOT LIMITED TO THE GOVERNMENT CENTER, THE PORPOSED PRECINT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #16 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **–was pulled**

Clerk's Note Agenda Item #17 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones 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 February 28, 2012.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF MARCH A.D., 2012, 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:

Commissioner Ingalsbe recognized Constable David Peterson's birthday. Commissioner Will Conley Precinct 3 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

David Glenn – Wimberley resident, Dottie Barnes – San Marcos resident, Darren Casey – San Antonio resident made public comment.

27918 ADOPT A PROCLAMATION RECOGNIZING THE 20TH ANNIVERSARY OF THE JUNIOR AIR FORCE ROTC PROGRAM AT SAN MARCOS HIGH SCHOOL

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt a Proclamation recognizing the 20th Anniversary of the Junior Air Force ROTC program at San Marcos High School. All voting "Aye". MOTION PASSED

27919 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $ 6,541,006.26 and add an invoice in the amount of $470,997.75 to Montieth Title Company for Precinct 2 Land Acquisition as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27920 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 28, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of February 28, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27921 AMEND THE GOVERNMENT CENTER BUILDING FUND TO REFLECT ACTUAL EXPENSES IN THE APPROPRIATE BUDGET LINE ITEM

Total funds were budgeted in the construction line item and need to be reallocated to record the expenses in the appropriate general ledger line item. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Government Center Building Fund to reflect actual expenses in the appropriate budget line item. All voting "Aye". MOTION PASSED**

27922 APPROVE SPECIFICATIONS FOR IFB #2012-B05 METAL PIPE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

Bids are solicited for furnishing the metal pipe as set forth in this bid proposal. Completed bid proposals must be received in the purchasing office before 2:00 p.m. on March 22, 2012. The bid award shall be based on but not necessarily limited to the following factors: total price, special needs and requirements of Hays County, vendor's past performance record with Hays County, and Hays County's evaluation of vendor's ability. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specifications for IFB #2012-B05 Metal Pipe and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED**

27923 ACCEPT THE DONATION OF (2) MOTION SENSITIVE INFRARED CAMERAS FROM THE NON-PROFIT ORGANIZATION, KEEP WIMBERLEY BEAUTIFUL, TO THE CONSTABLE PRECINCT 3 OFFICE AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the donation of (2) motion sensitive infrared cameras from the non-profit organization, Keep Wimberley Beautiful, to the Constable Precinct 3 office and amend the budget accordingly. All voting "Aye". MOTION PASSED

27924 APPROVE AMENDED FY 2012 IMMUNIZATION CONTRACT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD)

The purpose of this amendment is to revise Exhibit A (work plan) of the current contract to incorporate the new federal definition of "underinsured" for the purposes of qualifying for the Texas Vaccines for Children program. The original wording stated ".. is underinsured (has health insurance that Does Not pay for vaccines, has a co-pay or deductible the family cannot meet, or has insurance that provides limited wellness of prevention coverage)". The revised wording as of 12/2011 states "..is underinsured: 1)has commercial (private) health insurance, but coverage does not include vaccines; or 2) insurance covers only selected vaccines (TVFC-eligible for non-covered vaccines only: or 3) insurance caps vaccine coverage at a certain amount. Once that coverage amount is reached, the child is categorized as underinsured." There is no change in funding. The effective date of this amendment is 02/08/2012. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve amended FY 2012 Immunization contract between the Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD). All voting "Aye". MOTION PASSED**

27925 RATIFY THE EXECUTION OF CLOSING DOCUMENTS BY LEGAL COUNSEL, RELATED TO THE PURCHASE OF THE NEW PRECINCT 2 PROPERTY ON FM 2770 IN KYLE, TEXAS

Per common practice, Legal Counsel executed a number of documents related to closing the new Precinct 2 property on Monday, March 5, 2012. The court authorized this purchase on the January 3, 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to ratify the execution of Closing Documents by Legal Counsel, related to the purchase of the new Precinct 2 property on FM 2770 in Kyle, Texas. All voting "Aye". MOTION PASSED**

27926 RATIFY THE COUNTY JUDGE'S SIGNATURE ON THE TXDOT CHANGE ORDER APPROVED ON 2/28/12 RELATED TO IMPROVEMENTS ON RM 2325

This item will correct the action on February 28, 2012 authorizing the County Judge to execute a Change Order with Angel Brothers. The County is contracted with TxDot for this project and the Change Order that was submitted was a TxDot Change Order. TxDot is contracted with Angel Brothers and per our Advanced Funding Agreement must have County authorization to finalize any changes over 10% of the total contracted amount. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to ratify the County Judge's signature on the TxDot Change Order approved on 2/28/12 related to improvements on RM 2325. All voting "Aye". MOTION PASSED**

27927 AUTHORIZE THE PURCHASE OF UPGRADE SOFTWARE FOR THE TRANSPORTATION DEPT. FROM TIMEMARK, INC. IN THE AMOUNT OF $495.00 AND TO AMEND THE BUDGET ACCORDINGLY BY MOVING FUNDS FROM 020-710.5211 TO 020-710.5718

This software upgrade will allow the Transportation Department to run the traffic counter data program on newer computers and laptops, to-email traffic study reports directly from the program, to customize reports to reflect turning movements studies (as requested by design engineers), and a checks-and balances feature that double-checks erroneous data before creating the reports. The department currently has 12 traffic count devices and has conducted traffic studies at 183 locations county-wide since January 2009. Amount requested $495.00 moving funds from 020.710.5211 office supplies to 020.710.5718 software-operating. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the purchase of upgrade software for the Transportation Dept. from Timemark, Inc. in the amount of $495.00 and to amend the budget accordingly by moving funds from 020-710.5211 to 020-710.5718. All voting "Aye". MOTION PASSED**

27928 **REPLAT OF LOTS 14, 15, 16, AND 18 MUSTANG VALLEY SECTION 4** [12-3-2 – 5 LOTS] **APPROVE PRELIMINARY PLAN AND HOLD PUBLIC HEARING APRIL 10, 2012**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Mustang Valley Section 4 consists of 25 lots on Mustang Valley Trail in Precinct 3. The proposed replat will result in a net increase of one lot, bringing the total lot count to 26. All lots will be served by private wells and individual on-site sewage facilities at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve preliminary plan of Replat of Lots 14, 15, 16, and 18 Mustang Valley Section 4 (5 Lots) and hold public hearing on April 10, 2012. All voting "Aye". MOTION PASSED**

27929 **GOFORTH DOLLAR GENERAL SUBDIVISION** [12-2-6 – 2 LOTS] **APPROVE PRELIMINARY PLAN**

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Goforth Dollar General Subdivision is a proposed subdivision of 2.99 acres of land located at the intersection of Bebee Road and Goforth Road in Precinct 2. The division will result in two lots. Lot 1 being 1.749 acres and Lot 2 being 1.250 acres. Lot 1 is currently developed and is served by Goforth Water Supply and an on-site sewage facility. Lot 2 will also be served by an on-site sewage facility and Goforth Water at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan of Goforth Dollar General Subdivision 2 Lots. All voting "Aye". MOTION PASSED**

27930 **ALLOW A PLATTING EXCEPTION PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE FOR OWNER(S) OF PORTIONS OF LOT 1, LOS RANCHOS SUBDIVISION**

Clint Garza Director of Development Services spoke. Lot 1 Los Ranchos Subdivision was divided illegally in 2001. In 2007 the buyer of a portion of the lot (aka1B) was unaware of any platting requirements and proceeded to apply for an OSSF permit with the Hays County Environmental Health Department. In 2007 the owner was granted an OSSF permit and was instructed, by Hays County staff, to apply for a 10 year platting variance. In 2012, the owners applied for a development permit and were informed that they owned only portions of platted lots and the changes in lot line were not in compliance with section 232.009 of the Texas Local Government Code. At the time, staff was provided documentation of the administrative variance issued by the department in 2007. The owners were informed that the current staff opinion does not support the basis under which the administrative variance was granted. In short, the 1997 resolution does not state a previously platted lot can be administratively approved nor is it consistent with the Local Government Code. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to allow a platting exception pursuant to Section 232.010 of the Texas Local Government Code for owner(s) of portions of Lot 1, Los Ranchos Subdivision. All voting "Aye". MOTION PASSED**

27931 **APPROVE AMENDMENT 1 TO THE CONTRACT WITH RVI, AUSTIN FOR PREPARATION OF THE JACOB'S WELL MASTER PLAN**

Jeff Hauff Grants Administrator spoke. On October 4, 2011 the Commissioners Court approved a contract with RVi, Austin for preparation of a development Master Plan for the Jacob's Well Natural Area, in the amount of $93,000.00. Planning has progressed and nearing completion of the Plan. The Original contract included one public meeting as part of the scope of work, in addition to regular meetings with the Stakeholder's group This public meeting was held on January 19, 2011 to solicit input on initial development ideas and what public expectations were for the site. As the plan is finalized, it has been determined that it would be beneficial to hold a second public meeting to present the concept development plan to the public for comment prior to consideration of the final draft Master Plan by the Commissioners Court. This would give the general public the opportunity to review the plan and consider how past comments have been integrated throughout the planning effort. Amendment 1 accounts for this second public meeting as an addition to the original contract scope of work. Funding is available from funds already allocated for the Jacob's Well property. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Amendment 1 to the contract with RVi, Austin for preparation of the Jacob's Well Master Plan. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item 15 RE: *APPROVE THE SECURITY AND ACCESS POLICY FOR THE HAYS COUNTY GOVERNMENT CENTER AND FEE AMOUNT FOR THE ISSUANCE OF CARDS TO LOCAL BAR MEMBERS* **– PULLED**

27932 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON CRYSTAL HILLS DRIVE IN PRECINCT 4 FOR THE 2008 PRIORITY ROAD BOND PROGRAM PROJECT

Court convened into closed executive session at 9:33 am and reconvened into open court meeting at 9:38 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Allen Crozier and Sam Nassour with Contract Land Staff. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Purchase Agreement for the acquisition of .087 acres owned by LSM Ranch Limited near Crystal Hills Dr. All 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 THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 9:45 and reconvened into open court meeting at 10:15 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and C.B.R.E Rep- Ed Johnson. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Burn Ban will remain lifted.

County Clerk's Note Item #19 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

County Clerk's Note Item #20 Re: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

County Clerk's Note Item #21 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Conley, seconded by Commissioner Jones 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 March 6, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF MARCH A.D., 2012, 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:

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

Public Comment

The Boys Scout Troop #106, San Marcos, Zack Herzog, Felix Hinojosa, Derby Pinegar, Noah Hinojosa, Gabriel Hernandez, Elijah Mercado, Bill Herzog (Scoutmaster) and Mark Romesburg (Assistant Scoutmaster) attended today's Commissioners Court meeting as part of their requirement for "Citizenship in the Community" merit badge.

27933 ADOPT A PROCLAMATION DECLARING MARCH 12 – 18, 2012 AS MULTIPLE SCLEROSIS AWARENESS WEEK

Linda Coker spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring March 12-18, 2012 as Multiple Sclerosis Awareness Week. All voting "Aye". MOTION PASSED**

27934 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of County Invoices in the amount of $949,660.90 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27935 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 6, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of March 6, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27936 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's office, performed an internal examination of the Hays County Development Service Department's financial records, for the period of January 1, 2010 through August 31, 2011. The internal examination consisted of reviewing receipts, deposits refunds, fixed assets, and other supporting documentation. Based on the internal examination, except for the following findings and recommendations, cash receipts and disbursements appear to be adequately accounted for and related records appear to be accurately maintained in accordance with statutory requirements under subsection 112.001 of the Texas Local Government Code. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept the delivery of the Internal Examination Report for the Hays County Development Services Department. All voting "Aye". MOTION PASSED**

County Clerk's Note Agenda Item #5 Re: *APPROVE RENEWAL AGREEMENT FOR PLANNED MAINTENANCE ON THE GENERATOR AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT, 401A BROADWAY, SAN MARCOS, TEXAS* **– was pulled**

27937 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

Goodwill has expressed an interest in receiving the computer equipment from the County. Information Technology has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment as worthless (pursuant to Local Government Code 263.152-Disposition (3) and send to Goodwill for recycling. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Information Technology to dispose of computer equipment. All voting "Aye". MOTION PASSED**

27938 APPROVE UTILITY PERMITS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Utility Permit #846 on Valley Springs Road issued to Time Warner Cable. All voting "Aye". MOTION PASSED

27939 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL OF THE INTERLOCAL AGREEMENT (ILA) BETWEEN THE CITY OF WOODCREEK AND HAYS COUNTY REGARDING ROAD REPAIR AND MAINTENANCE

The Interlocal Agreement between the City of Woodcreek and Hays County has twice expired since its original term. The City has requested renewal of the Agreement. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a renewal of the Interlocal Agreement (ILA) between the City of Woodcreek and Hays County regarding road repair and maintenance. All voting "Aye". MOTION PASSED**

27940 APPROVE THE AUGUST 2011-JANUARY 2012 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the August 2011-January 2012 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

27941 APPROVE RENEWAL CONTRACT FOR RON HOOD, CONSTABLE, PRECINCT 4 WITH THE TEXAS 1033 SURPLUS PROPERTY PROGRAM AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve renewal contract for Ron Hood, Constable, Precinct 4 with the Texas 1033 Surplus Property Program and authorize the County Judge to execute the contract. All voting "Aye". MOTION PASSED

27942 AMEND THE BUDGET OF CONSTABLE, PRECINCT 2 FOR VEHICLE MAINTENANCE FROM LAW ENFORCEMENT EQUIPMENT

Constable Kohler has issues with vehicle maintenance costs for his 2009 Dodge vehicle. The engine seized up; warranty will cover most of the $6,000 cost; however, County cost is $1,600. Constable Kohler has savings from radar & lightbar eqpt. Totaling $1,115, which he wishes to transfer to vehicle maint. to help cover the engine replacement. Amount Required $ 1,115.00 to 001-636-00.5413 Veh Maint from 001-636-00.5717_400 Law Enf. Eqpt. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the Budget of Constable, Precinct 2 for vehicle maintenance from law enforcement equipment. All voting "Aye". MOTION PASSED**

27943 AUTHORIZE THE GOVERNMENT CENTER SECURITY TO ASSUME THE ELECTIONS OFFICE EQUIPMENT LEASE FOR COPIER AND AMEND THE BUDGET FOR THE COST OF THE LEASE AND FOR LAND LINES AND CELL PHONE SERVICE

The Government Center Security Office is in need of a copier in order to maintain the docket schedules on a daily basis. The Elections Office has a copier that is in their old building not being used and is willing to transfer the lease. Also, land lines and cell phones were not originally planned during the budget process and have now all been installed and distributed. Amount Required $3,740.00 (Increase Eqpt. Lease 001-613-00.5473 - $1,040, Increase Telephone 001-613-00.5489 - $2,700, Decrease Staff Salaries 001-613-00.5021 - ($2,400), Decrease Uniforms 001-613-00.5474 - ($1,340). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Government Center Security to assume the Elections Office equipment lease for copier and amend the budget for the cost of the lease and for land lines and cell phone service. All voting "Aye". MOTION PASSED**

27944 ACCEPT A DONATION OF $100.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation in the amount of $100.00 and request to deposit into line item 052-618-00.4610/Contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a donation of $100.00 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27945 APPROVE THE ADJUSTMENT OF THE COUNTY ELECTION PRECINCT BOUNDARIES

Joyce Cowan Elections Administrator spoke. Commissioners Court approved our County Election Precinct boundaries on September 20, 2011 and December 6, 2011. Due to a lawsuit filed in the United States District Court for the Western District of Texas opposing the State's Congressional, Senatorial and State Representative boundaries. A Court Order (March 1, 2012) has been issued adopting Plan C235 (Congressional Districts), Plan S172 (Senatorial Districts) and Plan H309 (State Rep. Districts) changing our original boundary lines therefore causing us to redraw some of our precincts. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the adjustment of the county election precinct boundaries. All voting "Aye". MOTION PASSED**

27946 ACCEPT AND APPROVE THE PROPOSAL FOR THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS – RTU CONTROL UPGRADES AS SUBMITTED BY JE DUNN CONSTRUCTION AND TO WAIVE THE COUNTY PURCHASING POLICY THAT WOULD REQUIRE OBTAINING TWO ADDITIONAL QUOTES

Captain Brad Robinson of the Sheriff's Office spoke. The Commissioners Court approved $2 Million for immediately needed Jail Renovations on August 24, 2010. Hays County contracted with JE Dunn Construction to provide General Contracting Services for the HVAC Upgrades effective October 19, 2010. The installation of 30 RTUs is complete. Additional upgrades (including troubleshooting/repair of existing wiring, and additional transmitter located in the Administration Area, and upgrades to the RTUs to protect and prolong the life of the equipment) are required. JE Dunn, as the General Contractor, and Mtech, as the Subcontractor, performed the original scope of work; thus, it is being requested that the purchasing policy requiring a total of 3 quotes be waived to maintain consistency in the work and to eliminate any potential voids in existing warranties. Discussion included waiving the purchasing policy and acceptance and approval of the Proposal submitted by JE Dunn. This work does not increase the approved $2M budget; funds remaining in the HVAC Upgrades line item will be used to fund the additional scope of work. Amount required $ 17,690.00 from line item 001-645-00.5741 Countywide Miscellaneous Capital Improvements. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept and approve the Proposal for the Law Enforcement Center Immediate Needs – RTU Control Upgrades as submitted by JE Dunn Construction and to waive the County purchasing policy that would require obtaining two additional quotes. All voting "Aye". MOTION PASSED**

27947 ADOPT A RESOLUTION REQUESTING A SALE OF PROPERTY ACQUIRED BY THE CITY OF SAN MARCOS, TEXAS IN TRUST FOR ITSELF, SAN MARCOS CISD AND HAYS COUNTY AT A DELINQUENT TAX SALE

The Tax Office has received an offer to purchase a piece of real property that was bid into trust at a tax sale. The City of San Marcos owns the property in trust for several taxing units, including Hays County. The property is located in Precinct 1. An offer was made to purchase the property from the taxing units for $1,000. The approval of the governing bodies of all the taxing units with an interest in the property is required to accept this offer. The property is described as a .229 acre tract out of Lot 8 Blk 12 D.S. Combs Addition to the City of San Marcos. Unfortunately, the property is landlocked and there does not appear to be a street address. The property was bid into trust because nobody made the minimum bid at the tax sale. The offer of $1,000 is close to the Hays County Appraisal District's 2011 appraised market value of $1,200 for the property. Accordingly, MVBA recommends that Hays County pass a resolution authorizing the City of San Marcos to accept the $1,000 offer. Similar resolutions are being presented to the governing bodies of the City of San Marcos and the San Marcos Consolidated School Dist. If any of the three governing bodies do not approve the resolution, the property will not be sold. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a resolution requesting a sale of property acquired by the City of San Marcos, Texas in trust for itself, San Marcos CISD and Hays County at a Delinquent Tax Sale. All voting "Aye". MOTION PASSED**

27948 APPROVE THE SECURITY AND ACCESS POLICY FOR THE HAYS COUNTY GOVERNMENT CENTER AND FEE AMOUNT FOR THE ISSUANCE OF CARDS TO HAYS COUNTY BAR ASSOCIATION MEMBERS

Gary Cutler Hays County Sheriff spoke. Since the opening of the new Government Center, Legal Counsels and representatives from the Sheriff's Office have been developing the following policy. Introduction of this policy will enable card-carrying local bar members to bypass security for easier access to the Courts. Applications will be taken immediately and badges could be issued within 60 days. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the security and access policy for the Hays County Government Center and fee amount for the issuance of cards to Hays County Bar Association members. All voting "Aye". MOTION PASSED**

27949 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL CONTRACT WITH SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION FOR LICENSING OF PERMITTING SOFTWARE FOR USE IN THE DEVELOPMENT SERVICES DEPARTMENT AND AMEND BUDGET ACCORDINGLY

Clint Garza Director of Development Services spoke. The Development Services Department is beginning the process of updating the database management and permitting system used all permitting and inspection tracking performed by the department. The Interlocal Contract is with The South Central Planning and Development Commission (SCPDC), a regional planning commission and Political Subdivision of the State of Louisiana. Representative from the Capital Area Council of Governments (CAPCOG) introduced staff to the "MyPermitNow" software created and provided by SCPDC. Staff believes the new software and database management system will make the application process friendlier to the public by providing online application tracking, online application and automated permit approval messaging. Internally, the system is much more functional than the current database management system as it will integrate subdivision and planning as well as the 911/GIS information into the permitting software. Funds were budgeted in County Wide contingencies during the budget process for this project and will be moved to the IT Department budget for proper general ledger tracking. Amount Required $ 3,800.00 (Increase Software Maint: 001-680-00.5429 - $3,800, Decrease Co Wide Cont: 001-645-00.5399 – ($3,800.00). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Contract with South Central Planning and Development Commission for licensing of permitting software for use in the Development Services Department and amend budget accordingly. All voting "Aye". MOTION PASSED**

27950 APPROVE THE APPOINTMENT OF ROSALBA MERCHANT TO THE BOARD OF DIRECTORS OF COMMUNITY ACTION INC. OF CENTRAL TEXAS

Ms. Rosalba Merchant will replace James Akers as the Hays County Commissioners Court appointment to the Board of Directors for Community Action Inc. of Central Texas. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the appointment of Rosalba Merchant to the Board of Directors of Community Action Inc. of Central Texas. All 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 THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 10:13 am and reconvened into open court meeting at 10:40 am. In attendance in Executive Session were Commissioners Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Edward Johnson of Johnson True and CBRE Representative. No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, LEASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO THE DAHLSTROM RANCH PROJECT IN PRECINCT 2

Court convened into closed executive session at 10:43 am and reconvened into open court meeting at 11:50 am. In attendance in Executive Session were Commissioners Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted.

27951 TO ACCEPT SOUTHSIDE COMMUNITY CENTER AS THE VENDOR FOR THE GOVERNMENT CENTER

Bob Hinkle spoke of the Steering Committee Evaluation food service contract for the Government Center. Hays County received proposals from two local vendors, Ruben Becerra with Gils Broiler & Manske Roll Bakery and Ruben Garza with Southside Community Center. Both would conduct business from 8-5, both will agree to either a 10% return to the County based on gross sales or negotiate a payment for rent. Gil's Broiler plans to provide all the equipment needed to conduct day to day business. They are also proposing that they pay for the space provided by Hays County in percentage of sales. Gil's Broiler is proposing that 10% of gross sales be paid to Hays County. Southside Community will provide menus for Breakfast and Lunch, Jury Menu, County Meeting Catering Menu, Dessert Menu and To-Go Menus they would also provide: Recycling Bins-staff will remove these at the end of every day, vending machines. **A motion was made by Commissioner Conley, and seconded by Commissioner Whisenant to accept Southside Community Center as the vendor for the Government Center. Commissioner Ingalsbe abstained. Commissioner Jones, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

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

Jeff Watson gave a Progress Report on Hays county Pass Through Financing Program. FM 1626 Southern Section (FM 2270 to FM 967) – Environmental Process (45% Complete/Draft EA Report 90% Complete); Design (Schematic 95% Complete, PS&E 55% Complete), ROW Coordination & Acquisition (10% Complete), Utility Coordination & Relocation (15% Complete), Construction (0% Complete). FM 1626 Northern Section (FM 967 to Brodie Ln) – Jacobs, Environmental Process – TxDOT (98% Complete), Design (Schematic 100% Complete, PS&E 99% Complete), ROW Coordination & Acquisition (65% Complete), Utility Coordination & Relocation (20% Complete), Construction (0% Complete). FM 110 (IH 35 to SH 123) – S&B Infrastructure, Environmental Process – TxDOT (95% Complete), Design (Schematic 100% Complete, PS&E 90% Complete), ROW Coordination & Acquisition (95% Complete), Utility Coordination & Relocation (20% Complete), Construction (0% Complete). US 290 (Nutty Brown road to Trautwein Road) – Construction Complete; IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass, Environmental Process (100% Complete), Design (Schematic 100% Complete), ROW Coordination & Acquisition (98% Complete), Utility Coordination & Relocation (99% Complete), Construction (98% Complete). IH 35 Phase IIA (RM 150 Realignment) – URS, Environmental Process (100% Complete), Design (Schematic 99% Complete, PS&E Complete), ROW Coordination & Acquisition (50% Complete), Utility coordination & Relocation (25% Complete), Construction (0% Complete). IH 35 phase IIB (FM 1626 to Yarrington) – CP&Y, Environmental Process (95% Complete), Design (Schematic 99% Complete PS&E 95% Complete), ROW Coordination & Acquisition (100% Complete), Utility Coordination & Relocation (60% Complete), Construction (0% Complete). FM 2001 (Frontage Road Connector) – Construction Complete.

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke of Hays County Water and Sewer Authority and the LCRA Divestiture will be accepted on Thursday at 10:00 am meeting.

A motion was made by Commissioner Jones, seconded by Judge Cobb 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 March 13, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF MARCH A.D., 2012, 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**

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Alan Cameron 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

Alan Cameron – San Marcos resident, Jack Hollon – Wimberley resident made public comments.

27952 ADOPT A PROCLAMATION DECLARING MARCH 24, 2012 WORLD TB DAY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring March 24, 2012 World TB Day. All voting "Aye". MOTION PASSED

27953 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of $455,982.27 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27954 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 13, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of March 13, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27955 APPROVE MOVING FUNDS FROM COUNTY WIDE TO THE BUILDING MAINTENANCE OPERATING BUDGET FOR UTILITIES AND AMEND BUILDING MAINTENANCE BUDGET FROM SALARY SAVINGS TO JANITORIAL SERVICES FOR THE GOVERNMENT CENTER

Funds will be move from County Wide to the Building Maintenance Operating budget for utilities and amending the Building Maintenance budget from salary savings to Janitorial Services for the Government Center. Amount Required $160,700.00 – Increase Contract Services 001-695-00.5448_008 $41,700, Decrease Salaries 001-695-00.5021($35,000), Decrease FICA 001-695-00.5101_100 ($2,200), Decrease Medicare 001-695-00.5101_200 ($600), Decrease Retirement 001-695-00.5101_300 ($3,900), Increase Utilities 001-695-00.5480_260 -- $119,0000, Decrease Co-Wide Utilities 001-645-00.5480_260 ($119,000). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve moving funds from County Wide to the Building Maintenance Operating budget for utilities and amend Building Maintenance budget from salary savings to Janitorial Services for the Government Center. All voting "Aye". MOTION PASSED**

27956 CALL FOR A PUBLIC HEARING ON APRIL 3, 2012 TO ESTABLISH TRAFFIC REGULATIONS ON HEIDENREICH LANE

This is to establish a speed limit of 40 MPH on Heidenreich Lane between FM 150 and Bunton Lane. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to call for a public hearing on April 3, 2012 to establish traffic regulations on Heidenreich Lane. All voting "Aye". MOTION PASSED**

27957 CALL FOR A PUBLIC HEARING ON APRIL 3, 2012 TO ESTABLISH TRAFFIC REGULATIONS ON ROHDE RD

This public hearing will be held to establish a speed limit of 40 MPH of Rohde Rd between Goforth Rd. and SH 21. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on April 3, 2012 to establish traffic regulations on Rohde Rd. All voting "Aye". MOTION PASSED**

27958 BELTERRA SAWYER RANCH PROPANE SITE [12-4-1 – 2 LOTS] **APPROVE PRELIMINARY PLAN**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Steven Delgado with Texas Engineering Solutions spoke. The Belterra Sawyer Ranch Propane Site is a proposed division of 22.506 acres of land located at the intersection of Belterra Drive and Sawyer Ranch Road in Precinct 4. The division will result in two lots, Lot 1 being 3.173 acres and Lot 2 being 19.333 acres. Both lots will be served by surface water and public sewer by Hays County WCID #2. This property is located within the City of Dripping Springs extra-territorial jurisdiction. The project was approved by the city on November 8, 2011. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Preliminary Plan of Belterra Sawyer Ranch Propane Site 2 Lots. All voting "Aye". MOTION PASSED**

27959 OFFER A REBATE OF DEVELOPMENT FEES TO BHM HIGHPOINTE LTD. AS OUTLINED IN THE HAYS COUNTY SUBDIVISION FEE INCENTIVE PROGRAM

Jacy Warwick of CMA Engineering Inc. spoke. Bill Herzog spoke of money being allocated in a certain line item. Clint Garza Director of Development Services spoke of having documentation for future references. Mark Kennedy spoke of longevity of fund. On July 11, 2006 the Commissioners Court approved a revised subdivision fee schedule and incentive program. At that time, the Court identified development related activities that, if performed, would quality the owner for a partial rebate of development fees submitted at the time of platting. The developer for Highpointe Subdivision Phase 5, is requesting the full rebate of $200 per lot for all 132 lots within that phase. At the time of platting the developer indicated a water quality pond would be constructed with pollutant removal complaint with the minimum for the incentives program. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to offer a $200 per lot rebate of development fees to BHM Highpointe Ltd. as outlined in the Hays County Subdivision Fee Incentive Program. All voting "Aye". MOTION PASSED**

27960 ACCEPT THE ANNUAL REPORT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #3

Buddy Martin from the Hays County Emergency Services Dist # 3 presented the court with the annual report and gave a brief history and explanation. Currently there are 86 volunteers that include 30 Career Certified Firefighters, 31 EMT's, 9 Paramedics, 16 SMART Divers (San Marcos Area Recovery Team). Three full service fire stations located at: San Antonio Street, Ranch Road 12, and Hilliard Road. Rolling Equipment include: 20 apparatus and vehicles, and 2 boats. Activity Levels are: 936 calls, 60% - First responder, 21% - Fire, 19% - Other. Training includes: 2010 – 1528 hours, 2011 – 4308 hours. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the annual report from the Hays County Emergency Services District #3. All voting "Aye". MOTION PASSED**

27961 ACCEPT THE FY 2011 FINANCIAL STATEMENT AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER, & COMPANY, L.L.P.

Pat Wagner with Holt, Wagner, & Company gave brief highpoints of the County's FY2011 Audit. Most Counties are asked to carry 3 months of operating costs and Hays County is in very good standing because we have 6 months worth set aside in reserves. Ms. Wagner stated a lot of counties would envy this. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to accept the FY 2011 Financial Statement Audit for Hays County as prepared by the accounting firm of Holtman, Wagner, & Company, L.L.P. All voting "Aye". MOTION PASSED**

27962 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LOTT BROTHERS CONSTRUCTION COMPANY FOR THE PRE-CONSTRUCTION SERVICES PHASE OF THE PRECINCT 2 TEMPORARY FACILITIES AND PERMANENT BUILDING

Commissioner Jones spoke of amount needed $356,360. Amount Required $356,360 (029-851-94-484.5611_700). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract with Lott Brothers Construction Company for the pre-construction services phase of the Precinct 2 temporary facilities and permanent building. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #12 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH EXPERT RELOCATION SYSTEMS FOR MOVING SERVICES NECESSARY TO RELOCATE THE PRECINCT 2 OFFICES CURRENTLY LOCATED AT 111 N. FRONT ST. IN KYLE, TX TO 5458 FM 2770* **– was pulled**

Clerk's Note Agenda Item #13 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PURCHASE AGREEMENT THROUGH THE BUYBOARD CONTRACT FOR THE PROCUREMENT OF TEMPORARY OFFICE SPACE TO BE UTILIZED DURING THE CONSTRUCTION OF A PERMANENT BUILDING IN PRECINCT 2* **– was pulled**

27963 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH TERRACON FOR CONSTRUCTION MATERIALS OBSERVATION AND TESTING SERVICES DURING THE CONSTRUCTION OF TEMPORARY AND PERMANENT FACILITIES FOR PRECINCT 2

Commissioner Jones spoke. Amount Required $7,658 (029-851-94-4841.5611_700). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Agreement with Terracon for construction materials observation and testing services during the construction of temporary and permanent facilities for Precinct 2. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

27964 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER OF INTENT BETWEEN HAYS COUNTY AND SOUTHSIDE COMMUNITY CENTER FOR FOOD AND DINING SERVICES IN THE HAYS COUNTY GOVERNMENT CENTER

Mark Kennedy spoke. On March 13, 2012, the Commissioner Court approved the selection of Southside Community Center as the vendor for food and dining services in the Hays County Government Center. The Letter of Intent expresses the broad terms of a lease between County and Southside, which is anticipated to begin on (or soon after) April 1, 2012. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Letter of Intent between Hays County and Southside Community Center for food and dining services in the Hays County Government Center. Commissioner Ingalsbe abstained. Commissioner Jones, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27965 APPROVE A PRELIMINARY HAYS COUNTY BUDGET CALENDAR FOR FY 2013

County Auditor Bill Herzog provided the Commissioners Court with a preliminary of the Hays County Budget Calendar for FY 2013. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve a preliminary Hays County Budget Calendar for FY 2013. All voting "Aye". MOTION PASSED**

27966 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 VARIOUS REAL PROPERTIES OWNED BY HAYS COUNTY

Court convened into closed executive session at 11:22 am and reconvened into open court meeting at 11:40 am. In attendance in Executive Session were Commissioners Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt the procedure presented by Legal Counsel for the sale or lease of real property through sealed-bid procedure; and to authorize Legal Counsel to advertise the sale or lease of the county-owned Nicholson Ranch Property, including the option to purchase said property with reservation of a Conservation Easement by Hays County or a mutually-agreed upon third party. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed executive session at 11:40 am and reconvened into open court meeting at 12:45 pm. In attendance in Executive Session were Commissioners Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken

27967 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE APPOINTMENT, DUTIES, AND/OR REASSIGNMENT OF EACH INDIVIDUAL SHERIFF'S OFFICE EMPLOYEE AT THE HAYS COUNTY GOVERNMENT CENTER

Court convened into closed executive session at 10:50 am and reconvened into open court meeting at 11:18 am. In attendance in Executive Session were Commissioners Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Bill Herzog Hays County Auditor, Dee Dee Baen Human Resources Director, Hays County Sheriff Gary Cutler, Capt. Mark Cumberland, Lt. Ronnie Strain, and Yvette Johnson. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to eliminate three Correction Officers positions at the Hays County Government Center and reassign to the Sheriff's Office, effective April 1, 2012. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted due to the recent rains.

Clerk's Note Agenda Item #21 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

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

Alan Crozier gave a brief update on Road Bond Projects. US 290 (Might Tiger to McGregor); RM 12 @ Sports Park Drive Safety improvements (Add left turn lane and other intersection safety improvements); RM 1826 @ Nutty Brown Road – Safety improvements (Left turn lane and other intersection safety improvements); RM 1826 @ Crystal Hill Dr. (Goldenwood) - Safety improvements (Left turn lane and other intersection safety improvements – potential acceleration lane); RM 1826 @ Darden Hill Rd. (CR 162) – Safety improvements (Left turn lane and other intersection safety improvements – realignment of Darden Hill Rd. at Intersection); RM 1826 @ RM 967 – Safety improvements (Left turn lane (RM 1826), right turn lane (RM 967) and other intersection safety improvements); RM 2325 Fisher Store Rd. (CR 181) to Carney Lane – Safety improvements (Left & Right turn lanes)(Preliminary Schematic Complete); RM 12 & RM 32 Junction – Realignment of RR 12 & RR 32 for T-intersection and other safety improvements; RM 12 Parkway Development – ROW Preservation & Environmental Studies for 4 Lane Divided Parkway. The following are completed projects – RM 12 @ Hugo Road (CR 214), RM 12 @ Sink Creek, RM 12 @ Wonder World Drive, SH 21 @ High Road (CR 127), SH 21 @ FM 2001, Lime Kiln Road @ Sink Creek, Post Road (CR 140). Old Bastrop Highway (CR 266) – 1.9 mi. – widen to 3 Lanes (2+CLTL) & 4 shoulders/acquire ROW for an ultimate 4-lane section. SH 21 @ Rhode Road (CR 126) – Safety improvements (Left turn lane and other intersection safety improvements); Dacy Lane (CR 205) Bebee Road to Windy Hill – Engineering/Environmental Studies & ROW Preservation (2-12 lanes, 14 left turn lane, bicycle lanes & sidewalks – 1.5 mi); Lakewood Drive @ FM 1626 – Raise Grade of approach (replace culvert with bridge) on Lakewood Drive @ 1626 Safety improvements.; RM 967 @ Ruby Ranch Road – Safety improvements (turn lanes).

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke of utility agency is now in charge of the water and all is going well.

A motion was made by Commissioner Jones, 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 March 20, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF MARCH A.D., 2012, 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:

Reverend Clint Regen with Wimberley Presbyterian Church 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

Russell Huebner – San Marcos resident spoke.

27968 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve payments of County Invoices in the amount $1,059,783.75 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27969 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 20, 2012

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of March 20, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27970 APPROVE REJECTION OF THE BID FOR IFB 2012-B02, ROW FENCING FOR MT GAINOR, AND AUTHORIZE PURCHASING TO REBID THE PROJECT

Transportation Director Jerry Borcherding spoke. Purchasing received one bid for this project which was over budget. The RPTP recommended that the changes needed to clarify the specifications where there may have been misunderstandings, and rebid the project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve rejection of the bid for IFB 2012-B02, ROW Fencing for Mt Gainor, and authorize Purchasing to rebid the project. All voting "Aye". MOTION PASSED**

27971 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROJECT GRANT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PREVENTIVE MAINTENANCE FUNDING OF $3,000.00 FOR TWO VEHICLES IN THE VETERANS SERVICE OFFICE AND AMEND THE BUDGET ACCORDINGLY

On August 9, 2011 the Commissioners Court authorized a grant application to the Texas Department of Transportation, Section 5310 Program for $3,000.00 in funding for preventive maintenance on two vehicles in the Veterans Service Office, previously purchased through this program. On September 29, 2011 notification was received from TxDot that the project had been approved, pending receipt of federal funds for the program. On January 10, 2012 the Commissioners Court authorized submission of additional documentation (Grant Application Part II) to TxDot for securing these funds. The Project Grant Agreement will formalize acceptance of the funding from TxDot, in the amount of $3,000.00, for preventive maintenance of two vehicles used for transportation for the total project cost- $3,750.00- and this was already allocated in the FY12 Budget. Amount Required $750.00 (already allocated) 001-720-00.5413. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Project Grant Agreement with the Texas Department of Transportation for preventive maintenance funding of $3,000.00 for two vehicles in the Veterans Service Office and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27972 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Utility Permit #848 on Old Bastrop Hwy and Francis Harris Ln. issued to Cooper Communication Line, Utility Permit # 849 on Sprucewood issued to Spec Construction, Utility Permit #850 on Pleasant Valley issued to Spec Construction and Utility Permit #851 on Woodglen issued to Spec Construction as submitted by the Road Department. All voting "Aye". MOTION PASSED

27973 AMEND BUDGET OF JUSTICE COURT TECHNOLOGY FUND FOR ADDITIONAL CONTINUING EDUCATION FROM EQUIPMENT

The Justice Court Technology Fund is used only for Justice of the Peace eqpt & training. Judge Cable is requesting additional transfer for JP Clerks (all offices) training at Tyler Tech in Plano and for balance of year. Amount Required $1,000.00 to 112-628-00.5551 Continuing Ed. from 112-628-00.5712 Computer Eqpt. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend Budget of Justice Court Technology Fund for additional continuing education from equipment. All voting "Aye". MOTION PASSED**

27974 APPROVE BID AWARD FOR IFB 2012-B03 BANK DEPOSITORY TO SAGE BANK

Michele Tuttle Hays County Treasurer and Britney Richey spoke. Purchasing received four bids (1) SAGE, (2) PIONEER, (3) BBVA COMPASS and (4) FROST. The bid award is for a 4 year depository contract for Hays County. The evaluation committee consisted of Michele Tuttle, Bill Herzog, Britney Richey and Cindy Maiorka. After a long evaluation of all the bids it was determined that Sage Bank had the best offer for the County. All of the proposers were evaluated on cost & types of services provided, adherence to application requirements, financial condition of bidder, and interest on deposits. Each proposer offered a very competitive bid. It was very obvious the time and effort that went into each bid and the County appreciated the very competitive/excellent offers from each bank. **A** motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to pull this item for one week. Commissioner Ingalsbe, Commissioner Whisenant voting "Aye" Commissioner Conley abstained. Commissioner Jones and Judge Cobb voting "No". MOTION FAILED **A motion was made by Commissioner Whisenant seconded by Commissioner Jones to approve bid award for IFB 2012-B03 Bank Depository to Sage Bank. Commissioner Ingalsbe voting "No". Commissioner Conley and Commissioner Whisenant Abstained. Commissioner Jones and Judge Cobb voting "Aye". MOTION PASSED**

27975 APPROVE THE AMENDED CONTRACT "STATEMENT OF WORK AND PERFORMANCE MEASURES" BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD) FOR THE FY 2012 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) CARRY FORWARD FUNDS, AND AMEND THE GRANT BUDGET

The purpose of this amendment is to revise due dates for affected reports, extend due dates for equipment purchases, and add carry forward funding of $23,474 to the original contract. An additional match of $2,347 is required and is already budgeted. On January 31, 2012 the court authorized the County Judge to approve Carry-Forward application of this grant award. These amendments were requested by DSHS and increase total funding to $145,902.00 total match to $14,590, and total Direct Charges to $160,492.00 Carry-forward funding is available March 1, 2012, and ends with the original contract term on July 31, 2012. Amount required $2,347.00 (already budgeted). **A motion was made by Commissioner Whisenant seconded by Commissioner Jones to approve the amended contract "Statement of Work and Performance Measures" between the Department of State Health Services (DSHS) and the Personal Health Department (PHD) for the FY 2012 Public Health Emergency Preparedness (PHEP) carry forward funds, and amend the grant budget. Commissioner Ingalsbe voting "No". Commissioner Conley and Commissioner Whisenant Abstained. Commissioner Jones and Judge Cobb voting "Aye". MOTION PASSED**

27976 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OSSF MAINTENANCE CONTRACT WITH D&T SERVICES FOR OSSF MAINTENANCE AT THE PRECINCT 4 OFFICE AT 195 ROGER HANKS PKWY IN DRIPPING SPRINGS

Amount Required $ 1,200.00 from 001-695-00.5448. **A motion was made by Commissioner Whisenant seconded by Commissioner Jones to authorize the County Judge to execute an OSSF Maintenance Contract with D&T Services for OSSF maintenance at the Precinct 4 Office at 195 Roger Hanks Pkwy in Dripping Springs. Commissioner Ingalsbe voting "No". Commissioner Conley and Commissioner Whisenant Abstained. Commissioner Jones and Judge Cobb voting "Aye". MOTION PASSED**

27977 AUTHORIZE THE SHERRIFF'S OFFICE TO PURCHASE EQUIPMENT FOR IDENTITY THEFT INVESTIGATIONS THAT WILL BE REIMBURSED THROUGH THE UNITED STATES SECRET SERVICE, AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office is a member of the Central Texas Financial Crimes Task Force which is managed by the United States Secret Service. As a member of the task force, the U.S Secret Service has offered to purchase equipment for the Sheriff's Office to increase our efficiency while conducting identity theft investigations. The equipment that the Sheriff's Office is looking to purchase is a scanner that will sort documents and create a searchable database (similar to an excel spreadsheet). This will eliminate the time consuming task of manually sorting through records. The second piece of equipment is software that will assist us in downloading video from banks, convenient stores etc. In order for the Sheriff's Office to obtain this equipment needs to be purchase first and subsequently be reimbursed by the Secret Service. The Sheriff's Office is requesting that funds be moved from our Criminal Investigations line-item to Law Enforcement Equipment to pay for the items requested. Once the equipment has been purchased, then our Criminal Investigations line-item will be reimbursed. Amount required $ 895.00 Decrease Criminal Investigations: 001-618-00.5362 ($895.00), Increase Law Enforcement Eqpt: 001-618-00.5717_400- $895.00. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Sherriff's Office to purchase equipment for identity theft investigations that will be reimbursed through the United States Secret Service, and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27978 AUTHORIZE THE COUNTY AUDITOR TO PROCESS PAYMENT OF AN OUTSTANDING INVOICE FROM CONTINGENCIES

The County Auditor's Office has been contacted by the American Society of Civil Engineers (ASCE) regarding and outstanding invoice from 2010 for the previous Commissioner of Precinct 4 webinar fee. The County has verified that the webinar was set up and attended by the Commissioners; however the invoice was never presented to the Auditor's Office for payment and the purchase order inadvertently closed. The County Auditor's recommend that these funds come from County Wide contingencies. Amount Required $349.00 from 001-645-00.5399. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Auditor to process payment of an outstanding invoice from contingencies. All voting "Aye". MOTION PASSED**

27979 BELTERRA PHASE 4 SECTION 13 [11-4-38--125 LOTS] **APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF $1,612,300.00**

Roxie McInnis Subdivision Coordinator gave staff recommendation. The preliminary plan for Belterra Phase 4 was originally approved in January 2006 as a 938 lot phase covering 812.83 acres. Since that time, four sections have been platted with a total of 286 lots. Section 13 covers 116.22 acres. Water and wastewater services will be provided to all lots by Hays County Water Control and Improvement District No. 2. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat and accept Fiscal Surety in the amount of $1,612,300.00 for Belterra Phase 4 Section 13. All voting "Aye". MOTION PASSED**

27980 WAIVE PLAT REQUIREMENTS FOR OWNER(S) OF PROPERTY LOCATED AT 6321 AND 6300 GOFORTH ROAD IN PRECINCT 2

Clint Garza Director of Development Services spoke. The owner of a portion of a former 2.25 acres parcel at the corner of Goforth and Mathias Roads in Precinct 2 has requested a waiver of platting requirements so that permits may be issued on his parcel. The 2.25 acres in question was bisected after county road realignment over 50 years ago. It has since existed as two separate portions of a single parcel and until recent years was not conveyed separately. Commissioners Court has previously adopted exception processes for property divided longer than 10 years ago and under that provision a permit was issued on the 2.25 acre parcel. The parcel was divided along the roadway and would no longer qualify for the 10 year waiver. The owners feel platting is an undue burden since the tract has been divided as two parcels for years but had not been conveyed separately. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to waive plat requirements for owner(s) of property located at 6321 and 6300 Goforth Road in Precinct 2. All voting "Aye". MOTION PASSED**

27981 GRANT A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO R.C. GRAHAM, OWNER OF A 3.61 ACRE PORTION OF LOT 18, RIVER OAKS OF WIMBERLEY UNIT 2

Clint Garza Director of Development Services spoke. Mr. Graham is the owner of a 3.61 acre portion of Lot 18 in Unit 2 of the River Oaks of Wimberley Subdivision in Precinct 3. He applied for a permit to construct an On-Site Sewage Facility to replace his existing failing system. He has been informed that his parcel was part of an illegal division of land and is required to be platted under both the Local Government Code and the Hays County Development Regulations. In addition to the platting requirement, Chapter 715.4.01 of the Hays County Development Regulations prohibits the Department from issuing any development permit on a tract of land that is not in compliance with all current rules. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to grant a variance from Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow permitting of an On-Site Sewage Facility Development Permit to R.C. Graham, owner of a 3.61 acre portion of Lot 18, River Oaks of Wimberley Unit 2. All voting "Aye". MOTION PASSED**

27982 AUTHORIZE THE SHERIFF'S OFFICE TO TRADE IN 63 USED MINI RUGER'S FOR 23 COLT M4 SEMI-AUTOMATICS AND 1 COLT AR15

Capt. Mike Davenport of the Sheriff's Office spoke. In 2010 the Sheriff's office began purchasing "AR-15" style rifles instead of the Mini 14 rifles. This decision was made due to the practicality of the AR-15 and the decrease in the cost effectiveness of the Mini 14. Sheriff Cutler would like to make a full transition by trading Mini 14's for Colt AR-15's. Per Local Government Code 263.152.DISPOSITION (a) The Commissioners Court of a County may: (2) offer the property as a trade-in for new property of the same general type if the Commissioners Court considers that action to be in the best interest of the County. Amount Required $15.82 (001-618-00.5717_400). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant Authorize the Sheriff's Office to trade in 63 Used Mini Ruger's for 23 Colt M4 Semi-Automatics and 1 Colt AR15. All voting "Aye". MOTION PASSED**

27983 APPROVE A PLANNED MAINTENANCE AGREEMENT FOR GENERATOR MAINTENANCE AT THE PERSONAL HEALTH CLINIC, 401-A BROADWAY ST. IN SAN MARCOS

Amount Required $960.00 (001-695-00.5448). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve a Planned Maintenance Agreement for generator maintenance at the Personal Health Clinic, 401-A Broadway St. in San Marcos. All voting "Aye". MOTION PASSED**

27984 APPROVE THE UTILITY ADJUSTMENT AGREEMENT WITH PEDERNALES ELECTRIC COOPERATIVE FOR THE RELOCATION OF THEIR EXISTING FACILITY IN THE VICINITY OF THE RM 1826 AND RM 967 INTERSECTIONS

Allen Crozier with HDR spoke. The Pedernales Electric Cooperative currently has electric supply lines running parallel to RM 1826 within a private utility easement in the vicinity of the intersection with RM. The existing power lines fall within the required TxDot clear zone for the proposed RM 1826 improvements which are currently under construction. Therefore, these lines must be relocated prior to the opening of the facility. Since the utility is located within a private utility easement and the relocation is necessitated by the roadway construction, any costs associated with the relocation are reimbursable to the utility by the County. Please find attached the partially executed PEC utility adjustment agreement in the amount of $117,281.81. Approval of this agreement is required prior to PEC beginning adjustment of their electric lines. Funds are available within the bond program budget. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the utility adjustment agreement with Pedernales Electric Cooperative for the relocation of their existing facility in the vicinity of the RM 1826 and RM 967 intersections. All voting "Aye". MOTION PASSED**

27985 APPROVE INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE CH2M HILL PROFESSIONAL SERVICE AGREEMENT FOR NECESSARY CONSTRUCTION PHASE SERVICES IN ACCORDANCE WITH SUPPLEMENT NO. 2 TO WORK AUTHORIZATION NO. 2 ON THE FM 1826 AT CRYSTAL HILL ROAD PROJECT IN PRECINCT 4

Allen Crozier with HDR spoke. The RM 1826 at Crystal Hill Road was identified as a key project in Precinct 4 as part of the 2008 Priority Road Bond Program. The project design is complete and construction is to begin on April 4, 2012. With construction advancing, it has become necessary to supplement CH2M Hill Work authorization to provide construction phase services. These services were not included in the initial work authorization to permit development of an appropriate scope and fee for these services once it was determined who would be providing construction management/engineering services and a more accurate construction schedule was available. Construction phase services include: (1) attend preconstruction meeting and construction progress meetings, (2) review shop drawing submittals, (3) Respond to contractor requests for information (RFIs), (4) Review contractor change order requests and (5) Prepare alternate bridge foundation design if requested by the contractor and approved by Commissioners Court. (will only be considered if it results in a substantial reduction in construction cost.) Amount Required $30,000.00 (2008 Road Bond Program 025-804-96-884.5621_400). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve increasing the not-to-exceed fee and compensation cap on the CH2M Hill Professional Service Agreement for necessary construction phase services in accordance with Supplement No. 2 to Work Authorization No. 2 on the FM 1826 at Crystal Hill Road project in Precinct 4. All voting "Aye". MOTION PASSED**

27986 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO TABLE X OF TAC 30 CHAPTER 285.91 MINIMUM SEPARATION DISTANCE TABLE OF THE STATE RULES FOR ON-SITE SEWAGE FACILITIES AT 13542 HWY 290 W, DRIPPING SPRINGS, TEXAS

Clint Garza Director of Development Services and Joe Wells, P.E. spoke. JZ Ventures is proposing an OSSF to serve a new convenience store/Burger King at 13542 Hwy 290 W. This property is 3.65 acres. Water will be supplied by Public Water Supply. This OSSF is a non-standard treatment system in which effluent will be treated through a grease trap pretreatment tank, flow equalization, non-standard Hoot MTS Treatment System, followed by a proprietary drip control system to a drip irrigation dispersal field. The system is designed for a maximum of 1095 gpd. The system designer, Joe Wells, P.E is requesting a variance to Table X of TAC30 Chapter 285.91, which requires a minimum separation of 5 feet between treatment tanks and surface improvements, which in this case are a driveway and concrete structures for sign supports and air conditioners. His justification is the traffic bearing lid being proposed on the grease trap will prevent an damage to the tank. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Table X of TAC 30 Chapter 285.91 Minimum Separation Distance Table of the State Rules for On-Site Sewage Facilities at 13542 Hwy 290 W, Dripping Springs, Texas and variance not grant a minimum separation distance of 12 inches. All voting "Aye". MOTION PASSED**

27987 AUTHORIZE THE CRIMINAL DISTRICT ATTORNEY'S OFFICE TO FILL AN ATTORNEY II POSITION ABOVE THE MINIMUM OF THE GRADE

Special Counsel Mark Kennedy spoke of the current policy dictates that Department Heads must request leave of the Court to hire above minimum of the grade. The Criminal District Attorney's Office would like to do so for the existing vacancy created by the resignation of Assistant District Attorney Norris. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Criminal District Attorney's Office to fill an Attorney II position above the minimum of the grade and set salary at $62,602 with money coming out of LSA Funds (Countywide #00-645-00.5200). All voting "Aye". MOTION PASSED**

27988 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO NEGOTIATE AND SIGN AN INTERLOCAL AGREEMENT WITH TXDOT FOR PROVIDING DESIGN SERVICES FOR TXDOT APPROVED PROPOSITION 12 FUNDED PROJECTS ON IH 35 AND FM 2439, AND TO DIRECT STAFF (ROAD DEPARTMENT) TO PROCEED WITH PROCUREMENT OF PROFESSIONAL CONSULTANT SERVICES DESCRIBED IN THE INTERLOCAL AGREEMENT

Mike Aulick consultant spoke. The Texas Transportation Commission on September 29, 2011 approved Proposition 12 funding for major improvement projects on IH 35 and FM 2439 (Hunter Road) in Hays County; and the TxDot Austin District has requested that Hays County provided all preliminary design services for the two approved projects; and The Tx Dot Austin District has proposed and Interlocal Agreement between Hays County and TxDot specifying the scope of services for Hays County to undertake with compensation payment by TxDot for those services; and Hays County intends to procure consultant services to carry out the scope of services outline in the Interlocal Agreement in accordance with established Hays County Procurement practices. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to adopt a resolution authorizing the County Judge to negotiate and sign an Interlocal Agreement with TxDOT for providing Design Services for TxDOT approved Proposition 12 Funded Projects on IH 35 and FM 2439, and to direct staff (Road Department) to proceed with procurement of Professional Consultant Services described in the Interlocal Agreement. All voting "Aye". MOTION PASSED**

27989 APPROVE BID PACKAGE #1 FOR COSTS RELATED TO THE PRECINCT 2 OFFICES

Amount Required $567,099. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Bid Package #1 for costs related to the Precinct 2 offices. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27990 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AGREEMENT THROUGH THE BUYBOARD CONTRACT FOR THE PROCUREMENT OF TEMPORARY OFFICE SPACE TO BE UTILIZED DURING THE CONSTRUCTION OF A PERMANENT BUILDING IN PRECINCT 2

The offices in Precinct 2 will be moving to new property at 5458 Fm 2770. This office space to be purchased will be until the permanent facility is complete. The City of Kyle needs the current space that the Precinct 2 offices occupy at 111 N. Front St. Kyle, Tx for the Police Department. Amount not to exceed $90,000; 029-851-94-484.5611_700. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Lease Agreement through the BuyBoard contract for the procurement of temporary office space to be utilized during the construction of a permanent building in Precinct 2 and money coming out of contingencies. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27991 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LINE EXTENSION AGREEMENT WITH AQUA TEXAS RELATED TO WATER SERVICES FOR THE TEMPORARY AND PERMANENT PRECINCT 2 OFFICES AT 5458 FM 2770

Amount Required $11,000 from Line Item # 029-851-94-484.5611_700. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Line Extension Agreement with Aqua Texas related to water services for the temporary and permanent Precinct 2 offices at 5458 FM 2770. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27992 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH EXPERT RELOCATION SYSTEMS FOR MOVING SERVICES NECESSARY TO RELOCATE THE PRECINCT 2 OFFICES CURRENTLY LOCATED AT 111 N. FRONT ST. IN KYLE, TX TO 5458 FM 2770

Amount Required $7,852.50 – 029-851-94-4841.5448. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with Expert Relocation Systems for moving services necessary to relocate the Precinct 2 offices currently located at 111 N. Front St. in Kyle, TX to 5458 FM 2770. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, and Judge Cobb voting "Aye". MOTION PASSED**

WORKSHOP, DISCUSSION OF THE MEDICAID 1115 WAIVER PROGRAM AND THE FORMATION OF REGIONAL HEALTHCARE PARTNERSHIPS (RHP'S)

Eric Weatherford of Brown-McCarroll gave an update on the 1115 Waiver Program.

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 MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 12:20 pm and reconvened into open court meeting at 1:00 pm. In attendance in Executive Session were Commissioners Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The burn ban will remain lifted at this time. County Judge urges everyone to use extreme caution when burning.

Clerk's Note Agenda Item #29 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #31 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 March 27, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF APRIL A.D., 2012, 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:

Pastor Robin Steele from Promiseland Baptist Church 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

Tim P. Miller – Kyle resident made public comment.

27993 ADOPT A PROCLAMATION DECLARING APRIL 2012 AS CHILD ABUSE AWARENESS MONTH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring April 2012 as Child Abuse Awareness Month. All voting "Aye". MOTION PASSED

27994 ADOPT A PROCLAMATION DECLARING APRIL 2012 AS SEXUAL ASSAULT AND AWARENESS AND PREVENTION MONTH

A motion was made by Commissioner Conley, seconded by Commissioner Jones to adopt a Proclamation declaring April 2012 as Sexual Assault and Awareness and Prevention Month. All voting "Aye". MOTION PASSED

27995 ADOPT PROCLAMATION DECLARING APRIL 8-14, 2012 AS NATIONAL TELECOMMUNICATOR WEEK

The second week of April each year is National Telecommunicator Week. This week is dedicated to the 9-1-1 Dispatchers nationwide to recognize and honor their public safety duties. Specifically, the 9-1-1 Dispatchers with the Hays County Sheriff's Office are recognized for their professional service in emergency response during this CAPCOG Public Safety Telecommunicator Week, April 8-14, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt Proclamation declaring April 8-14, 2012 as National Telecommunicator. All voting "Aye". MOTION PASSED**

27996 ADOPT A PROCLAMATION DECLARING APRIL 2012 AS NATIONAL COUNTY GOVERNMENT MONTH

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring April 2012 as National County Government Month. All voting "Aye". MOTION PASSED

27997 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 $2,937,350.15 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27998 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 27, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioner Court Minutes of March 27, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27999 APPROVE OUT OF STATE TRAINING TO INSTRUCT AND ATTEND NATIONAL ACADEMY OF EMERGENCY DISPATCH CONFERENCE IN BALTIMORE, MARYLAND ON APRIL 18-20, 2012

Erica Carpenter, Director of Communications for the Hays County Sheriff's Office, has been selected to speak at the National Academy of Emergency Dispatch NAVIGATOR Conference in Baltimore, Maryland April 18-20, 2012. NAED will provide free travel, stay and conference attendance at no cost to the Sheriff's Office. This is a request approval for Director Carpenter to travel to Baltimore to attend the NAVIGATOR conference free of charge. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve out of state training to instruct and attend National Academy of Emergency Dispatch conference in Baltimore, Maryland on April 18-20, 2012. All voting "Aye". MOTION PASSED**

28000 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A NOVATION AGREEMENT BETWEEN HAYS COUNTY, CARTER & BURGESS, INC., AND JACOB'S ENGINEERING GROUP, INC., REGARDING TRANSFER OF RESPONSIBILITIES FOR WORK ON HAYS COUNTY ROAD PROJECTS

This agreement will allow Jacob's Engineering to receive transfer of the contractual rights and duties currently held by Cater & Burgess. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Novation Agreement between Hays County, Carter & Burgess, Inc., and Jacob's Engineering Group, Inc., regarding transfer of responsibilities for work on Hays County road projects. All voting "Aye". MOTION PASSED**

28001 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE HAYS COUNTY SHERIFF'S JAIL COMMISSARY

In accordance with subsections 115.002 and 351.0415 of the Texas Local Government Code, the Auditor's office performed an internal examination on the records of the Hays County Sheriff's Jail Commissary for the period of October 1, 2010 to September 30, 2011. The internal examination consisted of reviewing deposits, disbursements, and other supporting documentation. Based on the internal examination, except for the following findings and recommendation, cash receipts and disbursements appear to be adequately accounted for and related records appear to be accurately maintained in accordance with statutory requirements under subsection 112.001 of the Texas Local Government Code. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Reports for the Hays County Sheriff's Jail Commissary. All voting "Aye". MOTION PASSED**

28002 APPROVE AWARD OF BID IFB 2012-B05 METAL PIPE TO CONTECH ENGINEERED SOLUTIONS

Bids were sent out to seven vendors with Contech Engineered Solutions the only vendor that bid. They currently have the contract for Metal Pipe. Their pricing for many items actually decreased from the last bid.(20-710-00.5351). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve award of bid IFB 2012-B05 Metal Pipe to Contech Engineered Solutions. All voting "Aye". MOTION PASSED**

28003 AMEND THE BUDGET OF COUNTY COURTS AT LAW FOR ADDITIONAL JURY EXPENSE FROM CONTINGENCIES

County Courts required additional Jury expenses; the Auditor's Office has identified $6,700 in savings from $10,500 budgeted in Contingencies/Countywide for Development Svcs. Software contract that Court approved on March 13, 2012 for $3,800 and transferred to Information Technology. Judge Rodriguez and Auditor's Office request that the $6,700 savings be transferred to Jury. Amount Required $6,700.00 to 001-612-00.5306 Jury from 001-645-00.5399 Countywide Contingencies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of County Courts at Law for additional Jury expense from Contingencies. All voting "Aye". MOTION PASSED**

28004 CALL FOR A PUBLIC HEARING ON APRIL 17, 2012 TO ESTABLISH TRAFFIC REGULATIONS ON PURSLEY RD

This is to establish a stop sign on Pursley Road at Creek Road, and a speed limit of 35 MPH. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on April 17, 2012 to establish traffic regulations on Pursley Rd. All voting "Aye". MOTION PASSED**

28005 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON HEIDENREICH LANE

Judge Cobb opened public hearing. No public input was received. Public hearing was closed. Jerry Borcherding Transportation Director gave staff recommendation. This is to establish a speed limit of 40 MPH on Heidenreich Lane between FM 150 and Bunton Lane. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to hold a public hearing to establish traffic regulations on Heidenreich Lane. All voting "Aye". MOTION PASSED**

28006 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON ROHDE RD

Judge Cobb opened public hearing. No public input was received. Public hearing was closed. Jerry Borcherding Transportation Director gave staff recommendation. The public hearing will be held to establish a speed limit of 40 MPH on Rohde Rd between Goforth Rd. and SH21. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to hold a public hearing to establish traffic regulations on Rohde Rd. All voting "Aye". MOTION PASSED**

28007 ADOPT THE ELECTION PRECINCT POLLING SITES

Joyce Cowan Elections Administrator presented the 2012 Polling sites. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt the election precinct polling sites. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #16 RE: *AUTHORIZE THE TRANSPORTATION DEPARTMENT TO FILL A BOOKKEEPER POSITION ABOVE THE MINIMUM OF THE GRADE* **– was pulled**

28008 ADOPT A RESOLUTION ACCEPTING THE HAYS COUNTY PARKS, OPEN SPACE AND NATURAL AREAS MASTER PLAN

Jeff Hauff Grants Administrator spoke and gave a powerpoint presentation. Jim Camp spoke. On August 24, 2010 the Commissioners Court authorized solicitation of an RFQ for the purpose of revising the Hays County Parks and Open Space Master Plan originally developed in 2002, with minor updates in 2006. The firm of Design Workshop was selected to facilitate this process, and the Hays County Parks and Open Space Advisory Board (POSAB) served to oversee the project as per the Bylaws of the group. Public input on the Plan was taken at five public meetings located throughout the County, meetings with key stakeholder groups, and an online survey instrument, with additional data gleaned from local community park master plans and previous Hays County Plan, as well as other resources. Numerous revisions were made throughout the planning proves to address concerns from both public and the POSAB. A draft of the plan was posted for public comment on the Hays County web site on December 2, 2011 with the comment period closing on January 11, 2012. A subcommittee of the POSAB reviewed the comments from four respondents, and these comments and a Foreword were integrated into the final draft of the plan. The plan proposes 10 priorities for parks, open space and natural area projects bases on functional, rather than geographic, categories, although some consideration of geographic preference is also related. The Plan also attempts to distinguish between those projects which are more in the realm of local community park development versus those that can be viewed as regional in scope and more suited for County involvement. The plan suggests partnerships in future parks, open space and natural area projects. It is important to keep in mind that this is an evolving document with preferences and priorities changing over time, and serves a snapshot of the current needs and desires of Hays County resident at this time. The Hays County Parks, Open Space and Natural Areas Master Plan are posted on the Hays County Web Site for viewing. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Resolution accepting the Hays County Parks, Open Space and Natural Areas Master Plan for 2012. All voting "Aye". MOTION PASSED**

28009 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COMMERCIAL LEASE AGREEMENT BETWEEN HAYS COUNTY AND SOUTHSIDE COMMUNITY CENTER FOR LEASE OF THE DINING AREA IN THE HAYS COUNTY GOVERNMENT CENTER

Special Counsel Mark Kennedy gave a brief overview of the Lease Agreement. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Commercial Lease Agreement between Hays County and Southside Community Center for lease of the dining area in the Hays County Government Center with the addition of Audit Clause add language giving flex ability after 3-months and a 11 month renegotiation. Commissioner Ingalsbe abstained. Commissioner Jones, 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 THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 10:35 am and reconvened into open court meeting at 11:35 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Ed Johnson. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted.

Clerk's Note Agenda Item #21 RE: *DISCCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #22 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke of meeting that will be held on April 16, 2012 at 5:00 pm in Commissioners Courtroom.

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones 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 April 3, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF APRIL A.D., 2012, 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**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT. 4 RAY O. WHISENANT, JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT

Pastor Paul Buntyn from Abundant Life Church 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

Alan Cameron – Wimberley resident made public comment.

28010 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve payments of County Invoices in the amount of $995,307.64 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28011 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 3, 2012

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of April 3, 2012 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28012 ACCEPT A DONATION OF $250 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received donations totaling in the amount of $250.00 and request to deposit into line item. 052-618-00.4610/Contributions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept a donation of $250 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28013 APPROVE TO HOLD ONLINE AUCTION WITH RENE BATES AUCTIONEERS BEGINNING APRIL 12, 2012 AND ENDING APRIL 30, 2012

The items to be auctioned are currently being stored at the building maintenance warehouse, the old Justice Center, Annex Building, Records Building and Sheriff's Department. These items are no longer of use by the County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve to hold online auction with Rene Bates Auctioneers beginning April 12, 2012 and ending April 30, 2012. All present voting "Aye". MOTION PASSED**

28014 ACCEPT A DONATION OF $1,000 TO THE HAYS COUNTY VETERAN'S ADMINISTRATION OFFICE AND AMEND THE BUDGET ACCORDINGLY

A donation of $1,000 was made to the Hays County VA Office. Amount $1,000/Contributions 001-720-00.4610. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept a donation of $1,000 to the Hays County Veteran's Administration Office and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28015 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEXAS 1033 SURPLUS PROPERTY RENEWAL LETTER AND RELEASE OF LIABILITY FOR THE HAYS COUNTY SHERIFF'S OFFICE

Section 1033 of the National Defense Authorization Act (1997) authorizes the Dept. of Defense to transfer excess military property to State and Local Law Enforcement Agencies. This application and waiver would give Hays County continued access to this program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Texas 1033 Surplus Property Renewal Letter and Release of Liability for the Hays County Sheriff's Office. All present voting "Aye". MOTION PASSED**

28016 APPROVE OUT OF STATE TRAINING FOR DETECTIVE LYNN LUEDERS TO ATTEND THE NATIONAL NARCOTICS DETECTOR DOG ASSOCIATION TRAINING CONFERENCE IN VICKSBURG, MISSISSIPPI

The Sheriff's Office is requesting approval for Detective Lynn Lueders to attend this training on April 28- May 5, 2012. The only cost to the County will be registration fees that total in the amount of $50.00. All other training fees associated with the training will be paid for out of discretionary funds. Amount Required $50.00/001-618-00-5551. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Out of State Training for Detective Lynn Lueders to attend the National Narcotics Detector Dog Association Training Conference in Vicksburg, Mississippi. All present voting "Aye". MOTION PASSED**

28017 ACCEPT DONATIONS FOR THE HISTORICAL COMMISSION DOCUMENTARIES AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECTS, INCLUDING A PROJECTOR FOR $999.00, AND AMEND BUDGET ACCORDINGLY

The Historical Commissioner has received donations for documentaries. These funds will be used for the production and distribution of documentaries and a projector. No matching County Funds needed. Amount required $23,124.00 (funded through donations). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept donations for the Historical Commission documentaries and amend the budget for use of those funds for direct expenses related to the projects, including a projector for $999.00, and amend budget accordingly. All present voting "Aye". MOTION PASSED**

28018 AUTHORIZE THE COUNTY JUDGE TO SIGN AMENDMENT I TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE CEDAR OAK MESA WATER SYSTEM IMPROVEMENT PROJECT TO ACCEPT TIMELY EXPENDITURE INITIATIVE PROGRAM FUNDS

On September 22, 2009 the Commissioners Court authorized a grant contract with the Texas Department of Rural Affairs (now Texas Department of Agriculture, Texas Community Development Block Grant Program) for funding for water system improvement in the Cedar Oak Mesa Water Supply Corporation Service Area. The grant funding was made available under an American Reinvestment and Recovery Act (ARRA) allocation to the Department. The project was completed in March, 2011 and was eligible for incentive funding under the Timely Expenditure Initiative program component of the grant. Hays County requested these funds and has been notified of award. The Amendment will allow Hays County to accept the additional funding, in the amount of $1,880.00, with no additional matching funds required. Amount Required $1,880.00 budgeted as a receivable in FY 11. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to sign Amendment I to the Texas Community Development Block Grant program for the Cedar Oak Mesa Water System Improvement Project to accept Timely Expenditure Initiative program funds. All present voting "Aye". MOTION PASSED**

28019 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE IMMUNIZATION GRANT IN THE AMOUNT OF $192,341.00

This is a renewal between the Personal Health Department and DSHS to fund the immunizations program for FY13. The funding is for September 1, 2012 through August 31, 2013. Any additional cost to the project will be covered with program income generated. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe authorize the County Judge to submit a grant application to the Texas Department of State Health Services (DSHS) for the Immunization Grant in the amount of $192,341.00. All present voting "Aye". MOTION PASSED**

28020 RELEASE OF FISCAL SURETY FOR THE RE-VEGETATION OF STREET AND DRAINAGE IMPROVEMENTS FOR HIGHPOINTE PHASE 4 SECTION 2

Jerry Borcherding Transportation Director gave staff recommendation. Staff recommends release of Fiscal Surety being held for the re-vegetation of street and drainage improvements for HighPointe Phase 4 Section 2. The surety was accepted by court action on October 4, 2011 in the amount $11,936.00. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to consider release of fiscal surety for the re-vegetation of street and drainage improvements for HighPointe Phase 4 Section 2. All present voting "Aye". MOTION PASSED**

28021 GOFORTH DOLLAR GENERAL SUBDIVISION [2-2-6 – 2 LOTS] **APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Goforth Dollar General Subdivision is a proposed subdivision of 2.99 acres of land located at the intersection of Bebee Road and Goforth Road in Precinct 2. The division will result in two lots, Lot 1 being 1.692 acres and Lot 2 being 1.227 acres. Lot 1 is currently developed and is served by Goforth Water Supply and an on-site sewage facility. Lot 2 will also be served by an on-site sewage facility and Goforth Water at the time of development. The property is located entirely within the extraterritorial jurisdiction of the City of Kyle. Approval of the final plat is pending. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of Goforth Dollar General Subdivision 2 Lots. All present voting "Aye". MOTION PASSED**

28022 REPLAT OF LOTS 14, 15, 16, AND 18 MUSTANG VALLEY SECTION 4 [12-3-2 – 5 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. Mustang Valley Section 4 consists of 25 lots located on Mustang Valley Trail in Precinct 3. The proposed replat will result in a net increase of one lot, bringing the total count to 26. All lots will be served by private wells and individual on-site sewage facilities at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hold public hearing and approve Replat of Lots 14, 15, 16, and 18 Mustang Valley Section 4. All present voting "Aye". MOTION PASSED**

28023 AMEND THE TRANSPORTATION DEPARTMENT BUDGET FOR THE PURCHASE OF A ½ TON CHEVROLET TRUCK

Jerry Borcherding Transportation Director spoke. Additional funds are needed in the Vehicles Line item to purchase a ½ ton truck. The vehicle was included in the budget and ordered through Buyboard. However, the advertised equipment package for the vehicle has changed. In order to get the intended equipment package an additional $1540.00 is required. Amount Required $1540.00 to 020-710-00.5713_700 Vehicles; $1549 from 020-710-00.4635 Auction Sales. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to amend the Transportation Department budget for the purchase of a ½ ton Chevrolet truck. All present voting "Aye". MOTION PASSED**

28024 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE CENTURY ACRES PROPERTY OWNERS ASSOCIATION ("CAPOA") RELATED TO THE ACQUISITION OF RIGHT OF WAY ADJACENT TO THE NEW PRECINCT 2 BUILDING PROJECT ON FM 2770 IN KYLE, TEXAS

Court convened into closed Executive Session at 10:03 am and reconvened into opened court meeting at 10:12 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy, Transportation Director Jerry Borcherding, and County Auditor Bill Herzog. The County has been negotiating with CAPOA to achieve another point of ingress and egress for its new Precinct 2 location. CAPOA has agreed to grant a portion on ROW in return for the terms and conditions recited in the Memorandum of Understanding. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Understanding after Special Counsel perfects the language between Hays County and the Century Acres Property Owners Association ("CAPOA") related to the acquisition of Right of Way adjacent to the new Precinct 2 building project on FM 2770 in Kyle, Texas. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones and Judge Cobb voting "Aye". MOTION PASSED**

28025 ADOPT A RESOLUTION TO AMEND THE PASS-THROUGH AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ADDRESS THE LIMITS AND FUNDING OF FM 110 TO REFLECT THE SEGMENT BUILT BY THE CITY OF SAN MARCOS AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDMENT #3

This Amendment adds the Yarrington Road interchange full build alternative (with both turnarounds) to the Hays County Pass-Through Program. The Yarrington Interchange is located at the Northern end of the FM 110 Loop and the reimbursement funding will be reassigned from the section of FM 110 that the City of San Marcos constructed. Under this amendment the County would be responsible for 100% PS&E, right-of-way, utilities, and assistance with shop drawings and change orders. The Austin District would let and oversee construction of the project at the State's cost. The County would still receive 100% of the original payback ($15,175,000.00) allocated to the FM 110 project. Amount required is none. There is no direct change in dollars under the contract. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Resolution to amend the Pass-Through Agreement with the Texas Department of Transportation to address the limits and funding of FM 110 to reflect the segment built by the City of San Marcos and to authorize the County Judge to execute the Amendment #3. All present voting "Aye". MOTION PASSED**

28026 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG FM 1626 IN PRECINCT 2

Court convened into closed executive session at 10:20 am and reconvened into opened court meeting at 10:23 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy, and Elle Dietz. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the use of the power of eminent domain to acquire .005 of an acre (200 sq. ft.) in Huntington Estates Subdivision in Hays County Right of Way and Roadway Improvements to FM 1626 for use by the travelling public. All present 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 THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed Executive Session at 10:23 am and reconvened into opened court meeting at 10:48 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb and Special Counsel Mark Kennedy. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Burn Ban will remain lifted. Conditions are good for burning. Judge Cobb urged everyone to use extreme caution when burning.

Clerk's Note Agenda Item #20 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

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

Jeff Watson of HNTB gave a brief overview of the Progress Report. FM 1626 Southern Section (FM 2270 to FM 967) Environmental Process (45% Complete/Draft EA Report 90% Complete), Design (Schematic 95% complete, PS&E 55% Complete), ROW Coordination & Acquisition (10% Complete), Utility Coordination & Relocation (15% Complete), Construction (0% Complete); FM 1626 Northern Section (FM 967 to Brodie Ln.) Environmental Process – TxDOT (98% Complete), Design (Schematic 100% Complete, PS&E 99% Complete), ROW Coordination & Acquisition (65% Complete), Utility Coordination & Relocation (20% Complete), Construction (0% Complete); FM 110 (IH 35 to SH 123) Environmental Process – TxDOT (95% Complete), Design (Schematic 100% Complete, PS&E 90% Complete), ROW Coordination & Acquisition (95% Complete), Utility Coordination & Relocation (20% Complete), construction (0% Complete); US 290 (Nutty Brown Road to Trautwein Road) Environmental Process (100% Complete), Design (100% Complete), ROW Coordination & Acquisition (100% Complete), Utility Construction & Relocation (100% Complete), Construction (100% Complete); IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass) Environmental Process

(100% Complete), Design (Schematic 100% Complete PS&E 100% Complete), ROW Coordination & Acquisition (98% Complete), Utility Coordination & Relocation (100% Complete), construction (98% Complete); IH 35 Phase IIA (RM 150 Realignment) Environmental Process (100% Complete), Design (Schematic 99% Complete, PS&E 95% Complete), ROW Coordination & Acquisition (50% Complete), Utility Coordination & Relocation (25% Complete), Construction (0% Complete); IH 35 Phase IIB (FM 1626 to Yarrington) Environmental Process (95% Complete), Design (Schematic 99% Complete, PS&E 95% Complete), ROW Coordination & Acquisition (100 Complete), Utility Coordination & Relocation (60% Complete), Construction (0% Complete); FM 2001 (Frontage Road connector) Environmental Process (100% Complete), Design (100% Complete), ROW Coordination & Acquisition (100% Complete), Utility Coordination & Relocation (100% Complete), Construction (100% Complete). Jeff Curren of HDR gave a brief overview of the Hays County Priority Road Bond Program Master Project List: Revised April 9, 2012.

Clerk's Note Agenda Item #22 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 April 10, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF APRIL A.D., 2012, 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Whisenant Precinct 4 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

PRESENTATION TO RECOGNIZE HAYS COUNTY EXTENSION VOLUNTEERS

Hays County Extension agents Richard Parrish and Laura Petty would like to recognize the volunteers that serve Hays County through various Extension Programs. Richard Parrish spoke of this being Hays County Volunteer Week.

28027 ADOPT A PROCLAMATION DECLARING APRIL 21 – 28, 2012 AS NATIONAL INFANT IMMUNIZATION WEEK

Merrilee Storm, RN and Cherri Schmidt, Health Educator spoke of the importance of National Infant Immunization week. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation Declaring April 21-28, 2012 as National Infant Immunization Week. All voting "Aye". MOTION PASSED**

PRESENTATION TO UPDATE THE COMMISSIONERS COURT ON THE PLUM CREEK WATERSHED PROTECTION PLAN

Nikki Dictson from the Texas AgriLife Extension Service gave a presentation and an update of the Plum Creek Watershed Protection Plan. Plum Creek History – Partnership started with public meetings in April 2006, Partnership met monthly to develop the Watershed Protection Pan for 2 years, WPP was completed in February 2008, and Implementation has been ongoing since completion. Plum Creek Watershed Protection Plan-Watershed Protection Plans are Voluntary and have no regulatory authority, a local Steering Committee representing all types of stakeholders throughout the watershed has directed the process, the goals of the plan are to reduce pollution and improve water quality, Plan includes strategies for each of the potential sources in the watershed, Maintain Long-term sustainability. New Watershed Coordinator – Watershed Coordinator Project started November 2011, the request for Qualifications was sent out starting December 5, 2011, qualifications were due by December 20, 201 to GBRA, Received 12 outstanding responses to the RFQ that were sent to Selection Committee. Selection Process – Selection Committee reviewed and ranked the responses and sent results to Debbie by January 5, 2011, Committee met on January 10th and selected the top 4 candidates to interview on January 27, 2012, Developed the interview questions and ranking sheet, decided to ask the candidate to develop a 5-10 minute presentation on why they are most qualified for the position. Watershed Coordinator Position - at the end of the interviews the Selection Committee met and decided on the top candidate, after checking references the position was offered to the top candidate on Jan 31, 2012, Nick Dornak from Wyoming accepted the position and started March 1, 2012.

PRESENTATION TO UPDATE THE COMMISSIONERS COURT ON THE HILLSIDE TERRACE PROJECT

Nikki Dictson from the Texas AgriLife Extension Service gave a presentation and an update of Hillside Terrace Project. The Hillside Terrace Wastewater project is located in Hays County and the ETJ of Buda, but is outside of the current service area. The project is for the entire Subdivision of Hillside Terrace located off of Hillside Terrace Rd south of Buda and along I-35. The project is within Goforth Special Utility District Water CCN but is not within any Wastewater CCN jurisdiction. There are approximately 360 occupied residences within Hillside Terrace, that has 399 platted lots but the remaining lots are located within floodplan and/or have no structures. This subdivision has had many onsite wastewater (septic) violations from the Hays County Development Services Department.

28028 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 $1,080,258.17 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28029 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 10, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of April 10, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28030 AMEND THE SHERIFF'S OFFICE BUDGET TO ORDER A REPLACEMENT PROJECTOR

The Sheriff's Office needs to replace a projector utilized by the Training Division. Rather than replacing with another projector the Sheriff's Office would like to replace it with a T.V. and the proper cabling in order to use it just as the projector was being used. The funds have been identified in the Sheriff's Operating budget. Amount required $605.00/001-618-00.5333 Academy Training – Decrease $605; 001-618-00.5719_400 Misc. Equipment- Increase $605. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Sheriff's Office budget to order a replacement projector. All voting "Aye". MOTION PASSED**

28031 AUTHORIZE THE SHERIFF'S OFFICE TO USE FUNDS RECEIVED FROM THE UNCLAIMED EVIDENCE AUCTION TO PURCHASE SUPPLIES AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received funds from Propertyroom.com for auctioned items of unclaimed evidence. The funds will be used to purchase supplies for the evidence room. Amount required $111.66/ Increase Revenue 001-618-00.4635(Auction Sales) ($111.66); Budget Expense 001-618-00.5362 (Criminal Investigation) $111.66. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to use funds received from the unclaimed evidence auction to purchase supplies and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28032 AUTHORIZE THE COUNTY AUDITOR TO MOVE FUNDS FROM THE GOVERNMENT CENTER SECURITY SALARY/FRINGE TO BUILDING MAINTENANCE FOR GOVERNMENT CENTER JANITORIAL SERVICES AND AMEND THE BUDGETS ACCORDINGLY

On March 20, 2012 the Commissioners Court authorized removing three correction officer positions from the Government Center Security Department effective April 1, 2012. The County Auditor would like to move the salary and fringe benefits savings to the Building Maintenance budget to help offset costs for janitorial services at the Government Center Building. Amount required $56,685.00/001-695-00.5448_008. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Auditor to move funds from the Government Center Security salary/fringe to Building Maintenance for Government Center janitorial services and amend the budgets accordingly. All voting "Aye". MOTION PASSED**

28033 AUTHORIZE THE COUNTY AUDITOR TO MOVE FUNDS FROM COUNTY WIDE TO THE TREASURER'S OPERATING BUDGET FOR EXPENSES RELATED TO THE MAIL ROOM CLERK POSITION AND AMEND THE BUDGETS ACCORDINGLY

During the FY 2012 budget process, a total of $25,000 was budgeted in County Wide contingencies to hire a part-time mail room clerk position. This position has been filed effective April 4, 2012 and expenses for salary and other operating expenses need to be moved from County Wide to the supervising office, Treasurer's Office. Amount required $ 8,929/ Decrease Co-Wide Contingencies 001-645-00.5399 ($8,929), Increase Treasurer Staff Salary: 001-620-00.5021 $5,650; Increase Treasurer FICA: 001-620-00.5101_100 $351; Increase Treasurer MED: 001-620-00.5101_200 $82; Increase Treasurer RET: 001-620-00.5101_300 $616; Increase Treasurer Office Supp: 1-620-00.5211 $1,000; Increase Treasurer Contract SVCS: 1-620-00.5448 $1,000; Increase Treasurer Telephone:-620-00.5489 $180 Increase Treasurer Travel: 1-620-00.5501 $50. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Auditor to move funds from County Wide to the Treasurer's Operating budget for expenses related to the Mail Room Clerk position and amend the budgets accordingly. All voting "Aye". MOTION PASSED**

28034 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 2 TO THE FLOOD PROTECTION PLANNING GRANT CONTRACT BETWEEN THE TEXAS WATER DEVELOPMENT BOARD AND HAYS COUNTY

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute Amendment No. 2 to the Flood Protection Planning Grant Contract between The Texas Water Development Board and Hays County. All voting "Aye". MOTION PASSED

28035 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON PURSLEY RD

Judge Cobb opened public hearing. Ellen Roth made a public comment. Judge Cobb closed public hearing. Jerry Borcherding Transportation Director spoke and gave staff recommendation. This is to establish a stop sign on Pursley Road at Creek Rd, and a speed limit of 35 MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to establish traffic regulations on Pursley Rd. All voting "Aye". MOTION PASSED**

28036 REPLAT OF LOT 16, GREEN ACRES [12-3-5--2 LOTS] **APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING MAY 15, 2012**

Roxie McInnis Subdivision Coordinator spoke and gave staff recommendation. The Green Acres Subdivision is a recorded subdivision located off of F.M 2325 in Precinct 3. Green Acres was originally divided in 1968 as a 25 lot subdivision. Today there are 55 taxable parcels on the CAD records. Lot 16 (5.373 acres) will be divided into two lots- Lot 16A being 3.373 acres, and Lot 16B the remaining 2.00 acres. Both lots will utilize Wimberley Water Supply and individual on-site sewage facilities at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve preliminary plan for Green Acres 2 Lots and call for public hearing May 15, 2012. All voting "Aye". MOTION PASSED**

PURCHASE A QUEUING SYSTEM FOR THE GOVERNMENT CENTER TAX OFFICE

Luanne Caraway Tax Assessor Collector spoke. During planning of the Government Center Tax Office included the need for a Queuing System. This was discussed numerous times and the understanding was that this was included in the plans and should have been installed prior to opening the office. The Tax Office had been told that the Sterring Committee has discussed this item and believed it is an appropriate expenditure of the building funds but felt it needed to be presented to Commissioners Court for approval. This System would allow the Tax Office the ability to process customers in a much more efficient manner. There would also be a recurring annual maintenance fee of $1,750.00 which will be added to the Tax Office or IT budget annually, whichever is appropriate. Amount required $17,656.00. A motion was made by Commissioner Ingalsbe to purchase a Queuing System for the Government Center Tax Office. "MOTION DIED" for lack of seconded.

28037 APPROVE THE PURCHASE OF TWO SCANNERS FOR THE TAX OFFICE SUBSTATIONS AND AMEND THE BUDGET ACCORDINGLY

Prior to moving to the Government Center our substations were faxing their daily reports to the San Marcos Office, but there were many problems with that process, Since moving, the Tax Office has been borrowing scanners from the JP Offices. The Tax Office needs to purchase two scanners for the Dripping Springs and Buda Offices. The Kyle office will temporarily continue to use the JP's scanner until the new building is completed, at which time the scanner from Buda will be moved to the joint Buda/Kyle office. There will be a recurring maintenance cost of $334.00 per year for the two scanners ($167.00 each) which will be added to the Tax Office or IT budget annually, whichever is appropriate. Amount required $1,660.00 Salary Savings. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the purchase of two scanners for the Tax Office substations and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28038 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT #2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC. (FORMERLY CARTER AND BURGESS INC.) AND SUPPLEMENTAL AGREEMENT #2 TO WORK AUTHORIZATION #5 WITH JACOBS ENGINEERING GROUP, INC. FOR ENGINEERING SERVICES RELATED TO THE NORTHERN SEGMENT OF FM 1626

Jeff Watson of HNTB spoke. Jacobs is the Design Engineer for the Northern segment of FM 1626; Supplemental Agreement #2 to the PSA and Supplemental Agreement # 2 to Work Authorization #5 will allow for the completion of: (1) On-going project design management and coordination. (2) Future Construction Engineering Services including but not limited to: project Requests for Information (RFI's) and any design modifications requested by Hays County and/or TxDot. (3) Continued support of survey, ROW acquisition, and utility relocation operations. (4) Costs incurred preparing for the additional 90% Plan review requested by the TxDot Austin District. (5) The maximum amount payable for services under Work Authorization No.5 is requested to be increased from $901,244.00 to $1,045,134.00 (6) The Compensation Cap for the Professional Services Agreement is required to be increased from $3,050,000.00 to $3,350,000.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Contract for Engineering Services Supplemental Agreement #2 to the Professional Services Agreement with Jacobs Engineering Group, Inc. (formerly Carter and Burgess Inc.) and Supplemental Agreement #2 to Work Authorization #5 with Jacobs Engineering Group, Inc. for engineering services related to the northern segment of FM 1626. All voting "Aye". MOTION PASSED**

28039 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO NEGOTIATE AND SIGN AN ADVANCED FUNDING AGREEMENT WITH TXDOT FOR PROVIDING DESIGN SERVICES FOR TXDOT APPROVED PROPOSITION 12 FUNDED PROJECTS ON IH 35 AND FM 2439, AND TO DIRECT STAFF TO PROCEED WITH PROCUREMENT OF PROFESSIONAL CONSULTANT SERVICES DESCRIBED IN THE ADVANCED FUNDING AGREEMENT

On March 27, 2012 the Commissioners Court approved an Interlocal Agreement with TxDot for three Proposition 12 projects in Hays County. However, TxDot has now requested that the County execute the Advanced Funding Agreement for these projects. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a resolution authorizing the County Judge to negotiate and sign an Advanced Funding Agreement with TxDOT for providing design services for TxDOT approved Proposition 12 funded projects on IH 35 and FM 2439, and to direct staff to proceed with procurement of professional consultant services described in the Advanced Funding Agreement. All voting "Aye". MOTION PASSED**

28040 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSENT TO ASSIGNMENT BY THE LOWER COLORADO RIVER AUTHORITY ("LCRA") TO THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (THE "PUA") OF A CERTAIN AGREEMENT RELATED TO THE PROVISION OF WATER AND WASTEWATER SERVICE

Lauren J. Kalisek with Lloyd Gosselink, Jerry V. Kyle Jr. with Andrews Kurth LLP, Special Counsel Mark Kennedy and Commissioner Whisenant spoke. As expected, Hays County, the City of Bee Cave, and Travis County Mud No. 5, all participants via the PUA in the acquisition of some of LCRA's water and wastewater systems, must consent to the assignment of the certain agreement(s) to the PUA by LCRA. This is all part of the checks and balances related to the operation of a Regional PUA. (already budgeted). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Consent to Assignment by the Lower Colorado River Authority ("LCRA") to the West Travis County Public Utility Agency (the "PUA") of a Certain Agreement Related to the Provision of Water and Wastewater Service. All voting "Aye". MOTION PASSED**

28041 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PARTICIPANT AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF BEE CAVE, AND TRAVIS COUNTY MUD NO. 5 RELATED TO THOSE ENTITIES' INTERACTION AND PARTICIPATION IN THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

Lauren J. Kalisek with Lloyd Gosselink, Jerry V. Kyle Jr. with Andrews Kurth LLP, Special Counsel Mark Kennedy and Commissioner Whisenant spoke. This Participant Agreement further defines the rights and obligations of the 3 entities that form the PUA. At the time it was considered by the Commissioner Court, it should have been considered and voted upon by the other participating entities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Participant Agreement between Hays County, the City of Bee Cave, and Travis County Mud No. 5 related to those entities' interaction and participation in the West Travis County Public Utility Agency with revisions noted on the record. All voting "Aye". MOTION PASSED**

28042 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE A WASTEWATER LINE EASEMENT FROM HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND/OR CENTURY ACRES PROPERTY OWNERS ASSOCIATION, RELATED TO THE INSTALLATION OF A WASTEWATER LINE THAT WILL SERVE THE NEW PRECINCT 2 OFFICES ON FM 2770

Special Counsel Mark Kennedy is currently negotiating easements necessary for the permanent installation of the wastewater line depicted. As needed, the County Judge may be required to execute documents that establish the Parties' rights related to those easements. Advanced approval for the County Judge's execution of these documents is desired in order to streamline the process. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute any and all documents necessary to acquire a wastewater line easement from Hays Consolidated Independent School District and/or Century Acres Property Owners Association, related to the installation of a wastewater line that will serve the new Precinct 2 offices on FM 2770. All voting "Aye". MOTION PASSED**

10:00 AM WORKSHOP AND UPDATE ON THE COUNTY'S BOND PROGRAM INCLUDING AN OVERVIEW OF RESULTS FROM THE RECENT DEBT REFUNDING

Dan Wegmiller with Special Public Finance and Julie Houston of Winstead PC Bond Counsel presented an update to the Court on the bond program including the results of the recent debt refunding.

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 MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed Executive Session at 11:15 a.m. and reconvened into opened court meeting at 11:50 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. - No Action Taken

28043 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, SALE, EXCHANGE, OR VALUE OF THE NICHOLSON RANCH PROPERTY (APP. 1005 ACRES) OWNED BY HAYS COUNTY

Court convened into closed Executive Session at 11:50 a.m. and reconvened into opened court meeting at 12:05 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize counsel to negotiate and authorize the County Judge to execute a Farm and Ranch Contract with Longhorn River Ranch, Ltd., as presented in Executive Session pursuant to the competitive sealed bidding process that concluded last week for Hays County's sale of approximately 1005 acres in Western Hays County, known as Nicholson Ranch. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn ban will remain lifted.

County Clerks Note Agenda Item # 25: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

County Clerks Note Agenda Item # 26: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

County Clerks Note Agenda Item #27: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled.**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 April 17, 2012.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH DAY OF APRIL A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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**

WITH COUNTY JUDGE ALBERT H. COBB JR NOT PRESENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Debbie Gonzales Ingalsbe called the meeting to order.

JOINT MEETING OF THE HAYS COUNTY COMMISSIONERS COURT AND THE CITY OF SAN MARCOS CITY COUNCIL

DISCUSS OPPORTUNITIES REGARDING SERVICES OFFERED AND/OR PERFORMED BY THE CITY AND COUNTY INCLUDING, BUT NOT LIMITED TO: VITALS STATISTICS, HEALTH SERVICES, AND REGIONAL DISPATCH

Mark Brinkley, R.S. Assistant Director of Community Services – Environmental Health & Animal Services of the City of San Marcos and Clint Garza Director of Development Services for Hays County spoke of the duties and the responsibilities of the office. Margie Rodriguez and Jade Hoever Nurse Practitioner from the Hays County Health Department spoke of the Indigent Health Care Program. Chad Power and Hays County Sheriff Gary Cutler spoke of the Regional Dispatch.

DISCUSS THE SAN MARCOS COMPREHENSIVE PLAN, DOWNTOWN SAN MARCOS, AND TAX INCREMENT REINVESTMENT ZONE (TIRZ) NO. 5

Kim Porterfield City Council Place 1 spoke of the San Marcos Comprehensive Plan. Matthew Lewis - Development Services Director spoke and Steve Parker – Director of Finance spoke.

DISCUSS TRANSPORTATION PROJECTS AND OPPORTUNITIES IN HAYS COUNTY INCLUDING BUT NOT LIMITED TO THE CITY TRANSPORTATION MASTER PLAN, HAYS COUNTY ROAD PROJECTS, AND ISSUES RELATED TO THE LONE STAR RAIL DISTRICT AND THE PROPOSED LSTAR COMMUTER RAIL SERVICE IN CENTRAL TEXAS

Tom Taggart, Director of the Water/Wastewater from the City of San Marcos spoke. Joe Cantaluope of Parsons Brinkerhoff and Mike Aulick of Aulick and Associates gave a Summary of the Transportation Plan spoke of the projects going through Hays County. Joe Black with Lone Star Rail spoke.

DISCUSS WATER-RELATED ISSUES FOR THE CITY OF SAN MARCOS AND HAYS COUNTY INCLUDING BUT NOT LIMITED TO THE CITY'S PARTICIPATION IN THE HAYS CALDWELL PUBLIC UTILITY AGENCY (HCPUA), HAYS COUNTY'S PARTICIPATION IN THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (WTCPUA), AND ACTIVITIES OF THE HAYS COUNTY WATER AND SEWER AUTHORITY

Tom Taggart, Director of the Water/Wastewater from the City of San Marcos spoke. Commissioner Precinct 4 Ray Whisenant gave an update of the Hays County Public Utility and LCRA Water Authority. Commissioner Precinct 3 Will Conley spoke of the Western Hays County Water concerns.

Commissioner Debbie Ingalsbe thanked the City Council and the public for coming to the meeting.

Meeting Adjourned

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 April 19, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF APRIL A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

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

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

28044 ADOPT A PROCLAMATION DELCARING THE WEEK OF APRIL 22ND TO THE 28TH 2012 NATIONAL CRIMES VICTIMS' RIGHT WEEK

Roya Williamson with San Marcos Victim's Services spoke of meeting tomorrow at the Government Center at 3:00 for a balloon releasing in memory of the victims. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to Adopt a Proclamation declaring the week of April 22nd to the 28th 2012 National Crimes Victims' Right Week. All present voting "Aye". MOTION PASSED**

PUBLIC COMMENTS

Valerie Eisgruber – San Marcos resident spoke.

28045 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $514,700.64 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28046 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 17, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of April 17,2012 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28047 AUTHORIZE THE IT DEPARTMENT TO PURCHASE A SCANNER FOR CONSTABLE PRECINCT 3 WITH SAVINGS FROM LAPTOP AND AMEND THE BUDGET ACCORDINGLY

During the budget process, the Constable Precinct 3 Office was approved to purchase a replacement Itronix Laptop for $6,000.00. Constable Ayres was able to purchase a tablet at a much lower cost, therefore saving the County $5,405.27 and would like to use part of this savings to purchase a scanner in order to help streamline the paperless process in his office. Amount required $1,512.00. Decrease Computer Eqpt Capital – 001-680-00.5712_700 ($1,512) Increase Computer Eqpt Operating – 001-680-00.5712_400 $1,512.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the IT department to purchase a scanner for Constable Precinct 3 with the savings from laptop and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28048 AUTHORIZE THE HAYS COUNTY JAIL TO ORDER A REPLACEMENT BUFFER AND AMEND THE BUDGET ACCORDINGLY

The Building Maintenance Department is in need of a replacement buffer for the Jail. It is more cost effective to replace rather than rent and repair. Funds have been identified in the Jail Operations Budget. Amount Required $ 645.00. 001-618-03.5451 Building Mtc. & Repair ($645.00) 001-618.03.5719_400 $645.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Hays County Jail to order a replacement buffer and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28049 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE FEMA ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE HAYS COUNTY FIRE MARSHAL'S OFFICE IN THE AMOUNT OF $12,346.00

The grant application is for equipment (FLIR thermal imaging camera and Night Vision Monocular) for the Hays County Fire Marshal's Office. The equipment will enhance the ability to conduct investigations during the night and/or under limited lighting conditions. The Fire Marshal is mandated by law to investigate all fires and explosions in unincorporated Hays County. Both the FLIR thermal imaging camera and the Night Vision Monocular will allow the officer to view scenes in total darkness. The FLIR can be used to find crime scene evidence, locate victims trapped in various situations, and can be used during flood events to survey the scene during the night. No matching funds are required. The grant will be submitted electronically and is due April 27, 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to submit a grant application to the FEMA assistance to Firefighters Grant Program for the Hays County Fire Marshal's Office in the amount of $12,346.00. All present voting "Aye". MOTION PASSED**

28050 APPROVE MOVING $1,648.00 FROM COUNTY WIDE TO THE SHERIFF'S OFFICE ANIMAL CONTROL DIVISION BUDGET FOR EXPENSES RELATED TO THE NEW ANIMAL CONTROL ORDINANCE AND AMEND THE BUDGETS ACCORDINGLY

Amount required $1,648.00. Decrease Co-Wide Contingencies 001-645-00.5399 ($1,648) Increase Animal Control Misc. 001-618-04.5391 $1,648.00. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve moving $1,648.00 from County Wide to the Sheriff's Office Animal Control Division budget for expenses related to the New Animal Control Ordinance and amend the budgets accordingly. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #8 RE: *APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE A REQUEST FOR PROPOSALS FOR LEASE AND EQUIPPING OF HAYS COUNTY GOVERNMENT CENTER FITNESS ROOM* **– was pulled**

28051 AUTHORIZE LEGAL COUNSEL TO PUBLISH NOTICE OF HAYS COUNTY'S INTENTION TO SELL REAL PROPERTIES OWNED BY THE COUNTY

While the County's sale of its various real properties is being performed by a brokerage team under Chapter 263 of the Texas Local Government Code ("TLGC"), legal counsel believes that the County should still observe the publication of notice requirements under TLGC Section 272.001(a). Cost for publication should be determined by the time this item is heard on Tuesday, April 24, 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize legal counsel to publish notice of Hays County's intention to sell real properties owned by the county. All present voting "Aye". MOTION PASSED**

28052 PURCHSE A QUEUING SYSTEM FOR THE GOVERNMENT CENTER TAX OFFICE

Luanne Caraway Tax Office Hays County Tax Assessor and Bob Hinkle of Broaddus & Associates spoke. During planning of the Government Center Tax Office we included the need for a queuing system. This was discussed numerous times and that this was included in the plans and should have been installed prior to opening the office. The Tax Office was told that the Steering Committee has discussed this item and believes it is an appropriate expenditure of the building funds but felt it needed to be presented to Commissioners Court for approval. This system would allow the Tax Office to process customers in a much more efficient manner. There would also be a recurring annual maintenance fee of $1,750.00 which will be added to the Tax Office or IT budget annually, whichever is appropriate. Other equipment costs consist of a flat screen, PC, and electrical work. Amount required $17,656.00 plus other equip.costs. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to purchase a Queuing System for the Government Center Tax Office. All present voting "Aye". MOTION PASSED**

28053 AUTHORIZE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. FOR SURVEY TASKS ASSOCIATED WITH THE PHASE 1B FLOOD PROTECTION PLANNING STUDY

Jeff Hauff Grants Administrator and Michael Moya of Halff Associates spoke. On November 3, 2009 the Commissioners Court approved a grant contract with the Texas Water Development Board (TWDB) to initiate a flood protection planning study for tributary drainages of the Colorado River. On August 10, 2010 an Amendment to the TWDB grant was approved, increasing both the award and the scope of the project. Hays County has partnered with the Lower Colorado River Authority (LCRA) and the U.S. Army Corps of Engineers (USACE) to complete the study, and the USACE is providing approximately 50% of the total study cost. Halff Associates, Inc. is a subcontractor to the USACE for the study, and has provided hydraulic and hydrologic engineering for the drainage basins, completing these tasks for the Onion Creek, Bear and Little Bear creek watersheds. Phase 1B of the study includes the Barton Creek and Pedernales River watersheds, and the attached proposal involves Hays County contracting directly with Halff Associates to conduct survey of

structures and channel sections in the Barton Creek watershed as a component of the overall study. Findings will be incorporated into the final study report prepared by the USACE. The cost for the survey work is $65,000, to be shared equally between the TWDB grant and Hays County funds, and will serve as match to the USACE portion of the study costs. The total funds committed by Hays County to this study will not change. Halff Associates was previously contracted by the County to conduct study-related tasks for drainage segments in the Buda and Dripping Springs areas, and is a Hays County pre-approved professional services firm for engineering/survey related services. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement with Halff Associates, Inc. for survey tasks associated with the Phase 1B Flood Protection Planning Study. All present voting "Aye". MOTION PASSED**

28054 AUTHORIZE THE MONETARY SUPPLEMENT OF THE MISDEMEANOR CHIEF POSITION OUT OF THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S ASSET FORFEITURE DISCRETIONARY ACCOUNT AND AMEND THE BUDGET ACCORDINGLY AS PER CODE OF CRIMINAL PROCEDURE, CHAPTER 59.06 (D-1)(7) WITH AN EFFECTIVE DATE AS MAY 1, 2012

Special Counsel Mark Kennedy spoke. The supervision and promotion structure for Assistant District Attorneys of the DA's office dictates that we cannot classify the Misdemeanor Chief position as an Attorney IV as other chiefs within our office are classified. This stipend is meant to compensate and ADA assigned to that position for the additional supervisory duties which are required. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the monetary supplement of the Misdemeanor Chief Position out of the Hays County Criminal District Attorney's Asset Forfeiture Discretionary Account and amend the budget accordingly as per code of Criminal Procedure, Chapter 59.06 (D-1) (7) with an effective date as May 1, 2012. All present voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERTATION REGARDING THE PURCHAS, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO THE MARKETING AND POTENTIOAL SALE OF COUNTY OWNED PROPERTIES

Court convened into Executive Session at 9:37 a.m. and reconvened into open court meeting at 10:43 a.m In Executive Session were Judge Cobb, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy and Lon Shell. No Action Taken

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burning conditions are at Moderate. Please use extreme caution when burning.

County Clerk's Note Agenda Item # 15 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRCINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

County Clerk's Note Agenda Item #16 Re: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDEING UPDATES FROM MIKE WEAVER, PRIME STATEGIES AND JEFF CURREN, HDR* **– was pulled**

County Clerk's Note Agenda Item #17 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTIRUE* **– was pulled**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones 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 April 24, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF MAY A.D., 2012, 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:

Pastor John McComb of San Marcos Community Church 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

Gary Cutler Hays County Sheriff and staff presented David Peterson Constable Pct 1 with a Certificate of Appreciation.

28055 ADOPT A PROCLAMATION DECLARING THE MONTH OF MAY 2012 AS OLDER AMERICANS MONTH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring the month of May 2012 as Older Americans Month. All voting "Aye". MOTION PASSED

28056 ADOPT A PROCLAMATION DECLARING MAY 6 – 12, 2012 AS "NATIONAL NURSES WEEK" WITH THE THEME OF "NURSES: CARING TODAY FOR A HEALTHIER TOMORROW"

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring May 6 – 12, 2012 as "NATIONAL NURSES WEEK" with the theme of "Nurses: Caring Today for a Healthier Tomorrow". All voting "Aye". MOTION PASSED

RECOGNIZE PERSONNEL INVOLVED IN CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) REPORTING COMPLIANCE

Liz Gonzalez County Clerk spoke. All County's around the State have been asked to come into compliance with the CJIS reporting by September 1, 2012. Hays County would like to recognize all the personnel involved in making this happen. The County Employees being recognized are Information Technology - Marva Pearce, County Jail – Julie Schneider and Julie Villapando, District Attorney Office – Emily Sierra, District Clerk Office's – Beverly Crumley, Erica Leonard, Tammy Crosby and Debbie Nash, County Clerk's Office – Linda Duran, Dee Dee Rogers, Karol Boggus and Roxanne Sanchez.

28057 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of $3,111,890.87 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28058 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 24, 2012 AND THE MINUTES OF THE SPECIAL MEETING ON APRIL 19, 2012

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of April 24, 2012 and the minutes of the special meeting on April 19, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28059 ACCEPT THE DISTRICT CLERK FEE COLLECTION REPORT FOR JANUARY – MARCH 2012

Art. 103.005, Code of Criminal Procedure, Required Report of an office listed in Article 103.003 who collects money other than taxes for a county shall report to the Commissioners Court of the County for which the money was collected during each term of the court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the District Clerk Fee Collection Report for January – March 2012. All voting "Aye". MOTION PASSED**

28060 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT AN APPLICATION TO FALLEN OFFICERS REMEMBERED FOR A K-9 BULLETPROOF VEST

Fallen Officers Remembered, a non-profit 501 (C) (3) organization, offers a program for law enforcement agencies to apply for the grant of a bulletproof vest for K-9 units. The Sheriff's Office is requesting authorization to submit an application for consideration of award of a K-9 vest to Hays County. The vest is of the same material used in a human vest- Kevlar- and offers good protection from gunshot, stabbing and blunt force trauma. The K-9 One vest is valued at $625.00 and has a five year manufacturer's warranty. Agreement terms, is a vest is received, included that the vest must be worn by the canine while on duty, and that it be returned to Fallen Officers Remembered if the K-9 can no longer serve. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to submit an application to Fallen Officers Remembered for a K-9 Bulletproof Vest. All voting "Aye". MOTION PASSED**

28061 APPROVE NEW AGREEMENT BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND SENDERO HEALTH PLAN (A MEDICAID PROGRAM)

This contract will allow the Personal Health Department to provide maternity, well child, and immunization services to Sendero Health Plan clients, and bill for those services. Due to new amendments and State requirements, this agreement is considered a new document and replaces the previous one which took effect on March 1, 2012. This new contract will be back-dated to take effect March 1, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve new Agreement between the Hays County Personal Health Department (PHD) and Sendero Health Plan (a Medicaid program). All voting "Aye". MOTION PASSED**

28062 ACCEPT DONATIONS TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM TOTALING IN THE AMOUNT OF $704.10 AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received two donations totaling in the amount of $704.10 from Seton and Central Texas Medical Center and request to deposit into line item 052-618-00.5222. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept donations to the Sheriff's Office Community Outreach Program totaling in the amount of $704.10 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28063 AUTHORIZE THE COUNTY AUDITOR TO PURCHASE SOFTWARE FOR INTERNAL AUDIT PAPERLESS PROCESSING AND AMEND THE BUDGET ACCORDINGLY

The County Auditor's Internal Audit Team would like to implement a paperless process for Internal Examination work papers. In order to begin this process, we will need to purchase two Adobe Professional software licenses. Savings in office supplies have been identified to cover these costs. Amount Required $ 394.00 Decrease Auditor Office Supplies 001-606-00.5211 ($394) Increase IT Software Maint/License 001-680-00.5429 $394.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Auditor to purchase software for internal audit paperless processing and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28064 APPROVE AMENDING THE BUDGET OF JUSTICE OF PEACE PCT. 5 FOR CONTINUING EDUCATION FROM DUES AND BONDS

Judge Cary requires Continuing Ed., and can transfer from his Dues & Bonds line item. Amount Required $405.00 to 001-629-00.5551 Continuing Ed. From 001-629-00.5302 Dues & Bonds. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve amending the Budget of Justice of Peace Pct. 5 for Continuing Education from Dues and Bonds. All voting "Aye". MOTION PASSED**

28065 APPROVE AMENDING THE SHERIFF OFFICES, EMERGENCY SERVICES DISPATCH AND GOVERNMENT CENTER SECURITY DEPARTMENT SALARY/FRINGE BUDGETS TO ALLOCATE TO APPROPRIATE GENERAL LEDGER ACCOUNTS

The County Auditor's Office needs to reallocate budget in the SO, ESD, GSC Department salary/fringe line items in order to appropriately expense positions due to movement between departments. Funds are already budgeted and will be moved within the departments above. No additional funds are required. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve amending the Sheriff Offices, Emergency Services Dispatch and Government Center Security department salary/fringe budgets to allocate to appropriate general ledger accounts. All voting "Aye". MOTION PASSED**

28066 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AT 5750 DACY LANE, IN BUDA, TEXAS

Clint Garza Director of Development Services gave staff recommendation and there are no variances to applicable rules and regulations. Hays County CISD is proposing an OSSF to serve a Food Service Warehouse Facility at 5750 Dacy Lane in Precinct 2. This property is 51.158 acres. Water will be supplied by Public Water Supply. This OSSF is a non-standard treatment system in which the effluent will be pumped to a drip irrigation dispersal field. The system was designed by Joe Wells, P.E for a maximum of 219 gpd flow; equalized over a 7 day period. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize an institutional OSSF permit at 5750 Dacy Lane, in Buda, Texas. All voting "Aye". MOTION PASSED**

28067 ACTION CONSIDER THE SELECTION OF CONSULTING FIRM(S) FOR DESIGN SERVICES ON PROPOSITION 12 FUNDED PROJECTS ON IH 35 AND FM 2439 AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACTS WITH THE SELECTED FIRMS

Mike Aulick spoke. The Consultant Selection Team Commissioner Jones Precinct 2, Transportation Director Jerry Borcherding, Tim Vandevorde from the Road Department , and Blake Dommert of TxDot have interviewed firms and recommend for Project 1 – HNTB, Project 2 – HNTB, and Project 3 - KLOTZ. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to consider the selection of consulting firm(s) for design services on Proposition 12 funded projects on IH 35 and FM 2439 and authorize the County Judge to execute contracts with the selected firms. All voting "Aye". MOTION PASSED**

28068 EXTEND THE CURRENT CONSULTING CONTRACT WITH AULICK & ASSOCIATES AND AMEND THE BUDGET ACCORDINGLY

Jerry Borcherding Transportation Director gave staff recommendation. Michael Aulick with Aulick & Associates is currently being utilized for design procurement and implementation of the CAMPO and TxDOT funded projects, review and analysis of CAMPO issues, representing Hays County on the CAMPO Technical Advisory Committee and seeking additional funding for transportation projects. Amount Required $ 15,000.00 – 020-710-00.5448_008 – Materials. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to extend the current consulting contract with Aulick & Associates and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28069 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 141 S. CANYONWOOD, DRIPPING SPRINGS, TEXAS

Clint Garza Director of Development Services spoke. Steve Harper is proposing an OSSF to serve a towing business at 141 S. Canyonwood in Precinct 4. This property is 1.702 acres. Water will be supplied by Public Water Supply. This OSSF is a standard treatment system in which the effluent will be pumped to a low pressure dosed drainfield. The system is designed for a maximum of 602 gpd. The system designer, Derrick Lormand, R.S. is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities which requires flow equalization. His justification is that the system is designed to treat 60 gallons per day. This number is quite conservative given that this is an office with only two employees. Chapter 285 suggests only 4 gallons per day per occupant. Even with some wastewater flow added for the occasional visitor, the system is oversized by several hundred percent. In order to achieve a reasonable retention time of 24 hours, the septic tank volume is assumed at 3Q. Three times the flow rate in this system would be 180 gallons. The proposed septic tank volume included with our design is 1,000 gallons – again oversized by 500%. It is the opinion of staff that the oversized septic tank volume will act as a baffle and provide the necessary flow equalization required. Adding an equalization tank in front of this septic tank would actually cause more damage than leaving the system as designed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize an Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 141 S. Canyonwood, Dripping Springs, Texas. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG FM 1626 IN PRECINCT 2

Court convened into Executive Session at 9:50 a.m. and reconvened into open court meeting at 10:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Elle Dietz. No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, ALONG RANCH ROAD 12 IN PRECINCT 3

Court convened into Executive Session at 10:00 a.m. and reconvened into open court meeting at 10:15 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Elle Dietz. No Action Taken.

28070 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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into Executive Session at 11:04 a.m. and reconvened into open court meeting at 11:40 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Special Counsel Mark Kennedy to execute all documents necessary to perfect closing of sale on the following properties, for which the County Judge has been or may be authorized to sign Purchase and Sale Agreements: 102 N. LBJ Drive, San Marcos , Texas; 137 N. Guadalupe, San Marcos, Texas, 302 W. San Antonio St. San Marcos, Texas, and the approximately 1005 acres in Western Hays County commonly known as Nicholson Ranch. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute deeds related to the sale of those properties. All voting "Aye". MOTION PASSED

28071 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE OF THE HAYS COUNTY ANNEX BUILDING AT 102 N. LBJ DRIVE IN SAN MARCOS, TEXAS

Court convened into Executive Session at 11:41 a.m. and reconvened into open court meeting at 11:43 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Albacin Investment, LLC related to the sale of 102 N. LBJ Drive, San Marcos, Texas as presented by counsel in Executive Session. All voting "Aye". MOTION PASSED**

28072 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE OF THE HAYS COUNTY RECORDS BUILDING AT 137 N. GUADALUPE STREET IN SAN MARCOS, TEXAS

Court convened into Executive Session at 11:41 a.m. and reconvened into open court meeting at 11:43 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Albacin Investments, LLC related to the Sale of 137 N. Guadalupe, San Marcos, Texas as presented by Counsel in Executive Session. All voting "Aye". MOTION PASSED**

28073 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE OF THE MAX C. SMITH BUILDING AT 302 W. SAN ANTONIO STREET IN SAN MARCOS, TEXAS

Court convened into Executive Session at 11:41 a.m. and reconvened into open court meeting at 11:43 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Albacin Investments, LLC related to the sale of 302 W. San Antonio St., San Marcos, Texas as presented by Counsel in Executive Session. All voting "Aye". MOTION PASSED**

28074 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE OF THE HAYS COUNTY JUSTICE CENTER AT 110 W. MLK DRIVE IN SAN MARCOS, TEXAS

Court convened into Executive Session at 11:44 a.m. and reconvened into open court meeting at 12:02 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Letter of Intent between Hays County and DCI Development LLC related to the purchase and sale of the Hays County Justice Center Building, located at 110 W. MLK. Drive in San Marcos, as presented and discussed in Executive Session. All voting "Aye". MOTION PASSED**

28075 EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING THE EMPLOYMENT OF EACH INDIVIDUAL EMPLOYEE OF THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT AND THE DIRECTOR OF DEVELOPMENT SERVICES

Court convened into Executive Session at 10:00 a.m. and reconvened into open court meeting at 10:55 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Dee Dee Baen Human Resources Director, Shari Miller and Clint Garza Development Services Director. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the reorganization of Building Maintenance Department as a Division of the Development Services Department and to be directly supervised by the Development Services Director, effective immediately. Also, add a Systems Coordinator Position, grade 112 effective May 1, 2012, with authority to fill above the minimum, not to exceed the 50th percentile. Direct Clint Garza to access the organizational structure, duties and assignments of the Building Maintenance Department, with any changes to be proposed on an as needed basis. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted. County Judge recommends if burning for the public to use extreme caution. There is a possibility that the Burn Ban be put in place in the near future; Court recommends that if the public needs to burn they should do it as soon as possible and please contact your local Fire Department to prevent unnecessary visits.

County Clerk's Note Agenda Item #26 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

County Clerk's Note Agenda Item #27 Re: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke of a Joint Meeting with other Utility Districts to be held in June.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 1, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF MAY A.D., 2012, 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:

Assistant Pastor Fred Pratt of Solid Rock Church 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

Laurie Moyer – Managing Director – Community Services for the City of San Marcos and San Marcos resident invited Court to a San Marcos Urban Transit District Meeting.

28076 ADOPT A PROCLAMATION DECLARING MAY 6-12, 2012 AS NATIONAL CORRECTIONAL OFFICERS & EMPLOYEES WEEK

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring May 6-12, 2012 as National Correctional Officers & Employees Week. All voting "Aye". MOTION PASSED

28077 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of $532,100.63 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28078 APPROVE COMMISSIONERS COURT MINUTES OF MAY 1, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of May 1, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28079 APPROVE UTILITY PERMITS

This is to approve Utility Permit #852 on Fitzhugh Road and Crumley Ranch Road issued to Texas Gas Service. Gas line to be installed in Right of way of Fitzhugh Road and Crumley Ranch Road per engineered plans. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Utility Permit # 852 Fitzhugh Rd and Crumley Ranch Road issued to Texas Gas Service as submitted by the Road Department. All voting "Aye". MOTION PASSED**

28080 APPROVAL TO AWARD IFB #2012-B02R REBID OF ROW FENCING FOR MT. GAINOR TO METALINK CORPORATION

Purchasing received 3 Mt. Gainor Fencing Rebid quotes (1) Metalink Corporation for a grand total of $32,856.60 (2) Bobo Construction for a grand total of $38,617.00 (3) BWH Homes Construction for a grand total of $39,960.20 with Metalink having the lowest bid. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve award IFB #2012-B02R Rebid of ROW Fencing for Mt. Gainor to Metalink Corporation. All voting "Aye". MOTION PASSED**

28081 ACCEPT A DONATION FROM THE HISTORICAL COMMISSION AND AMEND THE BUDGET FOR USE OF THOSE FUNDS ON OPERATING EXPENSES, AS WELL AS, CHANGING THE LIGHT FIXTURES IN SUITE 104 AT THE COURTHOUSE

The Historical Commission has received a donation for office and general supplies, contract services, and miscellaneous capital improvements. No matching county funds needed. Amount required $10,000.00 funded through a donation. Increase Revenue: 001-676-00.4610-contributions ($10,000.00) Increase Expense: 001-676-00.5201-general supplies $1,000.00, Increase Expense: 001-676-00.5211-office supplies $2,000.00, Increase Expense: 001-676-00.5448 contract services $4,656.00, Increase Expense: 001-676-00-5741 misc. capital improvements $2,344.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a donation from the Historical Commission and amend the budget for use of those funds on operating expenses, as well as, changing the light fixtures in Suite 104 at the Courthouse. All voting "Aye". MOTION PASSED**

28082 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, UNDER THE FY12 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR SHARED EQUIPMENT FOR THE SHERIFF'S OFFICE, DISTRICT CLERK'S OFFICE, COUNTY CLERK'S OFFICE, AND ADULT PROBATION IN THE AMOUNT OF $11,128.00

Grant funds, if awarded will be used to assist in purchasing a Touch Print Live Scan Appliance for digital collection and processing of fingerprint images. The equipment will be housed in the Government Center and utilized by all Justice System Offices. The equipment supports the "paperless" initiative recently implanted for our justice system records. The Sheriff's Office will be able to obtain fingerprints on individuals that have been arrested in another county and on individuals whose criminal history has not been submitted to DPS. Adult Probation, County Clerk's Office and District Clerk's Office will also benefit from this equipment for obtaining fingerprints on defendant's that are placed on probation and on individuals who are requesting a name change. The County will be able to use the Live Scan for collection of fingerprints for those positions that require investigation background checks on new hires. Additional County funds will be necessary to cover the full purchase price of the system, which is $21,770.00. JAG funds are limited to $11,128.00. Potential funding sources for the County portion included the Records Management and/or Technology Funds, or other County resources. The grant will be submitted electronically and is due by May 14, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to submit a grant application to the U.S. Department of Justice, under the FY12 Edward Byrne Memorial Justice Assistance Grant (JAG) program for shared equipment for the Sheriff's Office, District Clerk's Office, County Clerk's Office, and Adult Probation in the amount of $11,128.00. All voting "Aye". MOTION PASSED**

28083 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE HAYS COUNTY DISTRICT ATTORNEY'S STATE FORFEITURE ASSETS AND THE HAYS COUNTY SHERIFF'S FEDERAL AND STATE FORFEITURE ASSETS

In accordance with subsection 115.0035 of the Texas Local Government Code and Article of the Texas Code of Criminal Procedure, the Auditor's office performed an internal examination on the records of the District Attorney's Forfeiture Fund and the FY2011 Chapter 59 Asset Forfeiture Report for the period of September 1, 2010 to August 31, 2011. The internal examination consisted of reviewing deposits, disbursements, and other supporting documentation. Based on the internal examination, except for the following finding the recommendation, deposits and disbursements appear to be adequately accounted for and the overall condition of financial records and supporting documentation appear to be accurately maintained in accordance with statutory requirements under subsection 115.0035 of the Texas Local Government Code and Article 59.06 of the Texas Code of Criminal Procedure. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to accept the delivery of the Internal Examination Reports for the Hays County District Attorney's State Forfeiture Assets and the Hays County Sheriff's Federal and State Forfeiture Assets. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #9 RE: *APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE A REQUEST FOR PROPOSALS FOR LEASE AND EQUIPPING OF HAYS COUNTY GOVERNMENT CENTER FITNESS ROOM* **– PULLED**

28084 AUTHORIZE THE COUNTY JUDGE TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH HNTB CORPORATION AND KLOTZ ASSOCIATES FOR DESIGN SERVICES ON PROPOSITION 12 FUNDED PROJECTS ON IH 35 AND FM 2439 RESPECTIVELY WITH TXDOT FUNDING REIMBURSEMENT IN ACCORDANCE WITH THE LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT APPROVED BY THE COURT ON APRIL 17, 2012

Jerry Borcherding Transportation Director and Mike Aulick of Aulick and Associates spoke. On May 1, 2012 the Commissioners Court selected HNTB Corporation and Klotz Associates to design the IH 35 and FM 2439 projects respectively with reimbursable funding by TxDot in the maximum obligated amounts as follows: IH 35 project #1 (HNTB) - $750.000, IH 35 Project #2 (HNTB)- $463,435, and FM 2439 (Klotz) - $450,000. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Professional Services Agreements with HNTB Corporation and Klotz Associates for design services on Proposition 12 funded projects on IH 35 and FM 2439 respectively with TxDOT funding reimbursement in accordance with the Local Transportation Project Advance Funding Agreement approved by the Court on April 17, 2012. All voting "Aye". MOTION PASSED**

28085 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND HAYS COUNTY FOR THE PURPOSE OF ACQUIRING PROJECT RIGHTS OF WAY (ROW) AND ASSOCIATED EASEMENTS LOCATED IN TRAVIS COUNTY TO ACCOMPLISH THE FM 1626 SAFETY EXPANSION PROJECT

Mark Kennedy Special Counsel and Jeff Watson of HNTB spoke. This agreement will allow Hays County to acquire the rights of way and associated easements in Travis County necessary for the expeditious completion of the FM 1626 Safety Expansion Project. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between Travis County and Hays County for the purpose of acquiring project Rights of Way (ROW) and associated easements located in Travis County to accomplish the FM 1626 Safety Expansion Project. All voting "Aye". MOTION PASSED**

28086 BELTERRA SAWYER RANCH PROPANE SITE [12-4-1 – 2 LOTS] **APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator spoke. The Belterra Sawyer Ranch Propane Site is a proposed division of 22.506 acres of land located at the intersection of Belterra Drive and Sawyer Ranch Road in Precinct 4. The division will result in two lots, Lot 1 being 3.173 acres and Lot 2 being 19.333 acres. Both lots will be served by surface water and public sewer by Hays County WCID #2. This property is located within the City of Dripping Springs' extra-territorial jurisdiction. The project was approved by the city on November 8, 2011. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat of Belterra Sawyer Ranch Propane Site 2 Lots. All voting "Aye". MOTION PASSED**

28087 BELTERRA PHASE 2 SECTION 7 [11-4-46 – 57 LOTS] **APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF $290,434.75**

Roxie McInnis Subdivision Coordinator spoke. The preliminary plan for Belterra Phase 2 was originally approved in November 2002 as a 589 lot phase covering 812.83 acres. Since that time, nine sections have been platted with a total of 520 lots. Section 7 covers 22.038 acres and will result in 57 (49 residential, 8 open space/greenbelt) lots. Water and wastewater services will be provided to all lots by Hays County Water Control and Improvement District No.1. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Belterra Phase 2 Section 7 and accept Fiscal Surety in the amount of $290,434.75. All voting "Aye". MOTION PASSED**

28088 APPROVE NECESSARY ADDITIONAL CONSTRUCTION PHASE SERVICES IN ACCORDANCE WITH SUPPLEMENT NO. 3 TO WORK AUTHORIZATION NO. 2 ON THE RM 1826 AT CRYSTAL HILL ROAD PROJECT IN PRECINCT 4

Allen Crozier of HDR spoke. Andrew Backus – Hays County resident made public comment. As construction staking began, concerns were raised by residents concerning the proposed construction over a portion of the roots of several large oaks for temporary pavement required to improve safety by maintaining two-way access into the various subdivisions during all phases of construction. The temporary pavement was placed as closed to the existing ROW line as possible to maximize the distance to the trees in an attempt to limit damage. However, it still lied within the drip line and over tree roots. Residents and home owner associations requested that the County investigate the possibility of obtaining a temporary construction easement from an adjacent property owner such that the detour pavement could be shifted away from the roots and limbs. A meeting was held with the adjacent property owner and he agreed to allow the temporary detour pavement to be constructed on his property. This change will required services in the initial CH2M Hill Construction Phase Services supplement as listed below (1) Develop Meet & Bounds for temporary construction easement, (2) Revise detour alignment & profile, and (3) Revise construction phasing plans. In addition, Supplement No 2 reserved funds for the potential redesign of bridge footing should the contractor request an alternate system which substantially

reduced construction cost. The contractor did not make this request. The GEC recommends releasing these funds and applying to the work listed above. Amount required $7,694.00 requested funds are under the Professional Services Agreement compensation cap. Funds are available within the 2008 Road Bond Program. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve necessary additional construction phase services in accordance with Supplement No. 3 to Work Authorization No. 2 on the RM 1826 at Crystal Hill Road project in Precinct 4. All voting "Aye". MOTION PASSED**

28089 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENT SERVICES AMENDMENT WITH BROADDUS & ASSOCIATES FOR SERVICES RELATED TO THE PRECINCT 2 TEMPORARY AND PERMANENT FACILITIES LOCATED AT 5458 FM 2770 IN KYLE, TX IN AN AMOUNT NOT TO EXCEED $140,000

Mark Kennedy Special Counsel spoke. Broaddus & Associates is the project manager for the Precinct 2 Building Project. The project manager agrees to perform professional services to provide strategic planning, procurement, and project management for the project. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Supplement Services Amendment with Broaddus & Associates for services related to the Precinct 2 temporary and permanent facilities located at 5458 FM 2770 in Kyle, TX in an amount not to exceed $140,000. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28090 APPROVE NAMING A PRIVATE DRIVE OFF LOGANS RUN TO ABNER ROSS ROAD

Jerry Borcherding Director of Transportation Services and Clint Garza Director of Development Services spoke. This action would officially name a private drive that intersects Logans Run. There are currently 4 properties that access Logans Run via the shared access driveway. All owners of the aforementioned properties have requested the named designation of Abner Ross Road. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve naming a private drive off Logans Run to Abner Ross Rd. All voting "Aye". MOTION PASSED**

AUTHORIZE THE COUNTY PURCHASING MANAGER TO REVIEW ALTERNATIVE CELLULAR PHONE SERVICES FOR ALL COUNTY OFFICES

Bill Herzog County Auditor spoke. A significant portion of the County Government Center does not have access to an AT&T signal. This prevents employees from receiving or placing cellular calls. This makes the cellular phones ineffective. Some employees are required to leave the building to place or receive phone calls. No action taken today.

28091 ADOPT POLICIES AND PROCEDURES FOR MONITORING ARBITRAGE REQUIREMENTS AND THE USE OF PROCEEDS AND PROPERTY FINANCE FOR PURPOSES OF MAINTAINING TAX-EXEMPT STATUS ON BONDS

Bill Herzog County Auditor spoke. The updated IRS Form 8038-G, which will be filed in connection with, and after closing on, the County's Limited Tax Refunding Bonds, Series 2012, now inquires as to whether an Issuer "has established written procedures to ensure that all nonqualified bonds of (an) issue are remediated according to the requirements under the (Internal Revenue Code). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt policies and procedures for monitoring arbitrage requirements and the use of proceeds and property finance for purposes of maintaining tax-exempt status on bonds. All voting "Aye". MOTION PASSED**

28092 CANCEL COURT MEETING DATES OF MAY 29, JUNE 19, JULY 10, AUGUST 28, AND OCTOBER 2 OF THIS YEAR

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to cancel court meeting dates of May 29, June 19, July 10, August 28, and October 2 of this year. All voting "Aye". MOTION PASSED

28093 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG RM 150 IN PRECINCT 2

Court convened into Executive Session at 10:20 a.m. and reconvened into Executive Session at 10:28 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lori Bible. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Legal Counsel to move forward with condemnation proceedings on Parcels 5 & 5 DE of the RM 150 Project, owned by MNT&S Development Ltd. All 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 THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into Executive Session at 10:37 a.m. and reconvened into open court meeting at 11:30 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Development Services Director Clint Garza and Lon Shell. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb urged public to burn their piles as soon as possible. He also urged the public to use extreme caution when burning.

County Clerk's Note Agenda #23 Re: DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT **– was pulled**

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

Jeff Watson of HNTB gave a brief overview of all the projects. Allen Crozier of HDR gave an overview of all projects. US 290 – Continuous Left Turn Lane (fill in gaps) and improve shoulders (approx 3.7 mi), RM 12 @ Sports Park Drive – Safety improvements (add left turn lane and other intersection safety improvements), RM 1826 @ Nutty Brown Rd – Safety Improvements (left turn land and other intersection safety improvements), RM 1826 @ Crystal Hill Dr – Safety Improvements (left turn lane and other intersection safety improvements(potential acceleration lane)), RM 1826 @ Darden Hill Rd – Safety Improvements realignment of Darden Hill Rd at intersection), RM 1826 @ RM 967 – Safety improvements (left turn lane (RM 1826) right turn lane (RM 967) and other intersection safety improvements, RM 2325 Fischer Store Rd (CR 181) to Carney Lane – Safety improvements (left & right turn lanes) (preliminary schematic complete), RM 12 @ Old Kyle Road – Mobility/safety improvements at Wimberley Business District (turn lanes/planters/drainage), RM 12 & RM 32 Junction – Realignment of RR 12 & RR 32 for T-intersection and other safety improvements, RM 12 Parkway Development – ROW preservation & Environmental studies for 4 lane divided parkway, RM 12 @ Hugo Road (CR 214) – Project Complete, RM 12 @ Sink Creek – Project Complete, RM 12 @ Wonder World Dr. – Project Complete, Old Bastrop Highway (CR 266) – 1.9 mi – widen to 8 lanes (2+ cltl) & 7 shoulders/acquire ROW for an ultimate 4-lane section, SH 21 @ High Road (CR 127) – Project Complete, SH 21 @ Rhode Road (CR 126) – Safety improvements (left turn lane and other intersection safety improvements), Dacy Lane (CR 205) Bebee Rd. to Windy Hill – Engineering/Environmental Studies & ROW preservation (2-12' lanes, 14' left turn lane, bicycle lanes & sidewalks)(1.5 mi), Lime Kiln Road @ Sink Creek – Feasibility Analysis and Environmental Studies (LWC replacement in SM River watershed and Edwards Aquifer Recharge Zone), Post Road (CR 140) – Feasibility Analysis and planning study for the replacement of Low Water Crossing over the Blanco River, Lakewood Drive @ RM 1626 – Raise grade of approach (replace culvert with bridge) on Lakewood Drive @ 1626 Safety improvements, RM 967 @ Ruby Ranch Road – Safety improvements (turn lanes).

County Clerk's Note Agenda 25 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley 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 8, 2012.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15TH DAY OF MAY A.D., 2012, 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:

Pastor Bob Smith of the Power House Christian Center 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

Valerie Eisgruber – San Marcos resident made public comment. Jude Prather Veterans Services Officer spoke of the Vietnam Monument on display in the Courthouse Rotunda. It will be here through the end of the month.

28094 ADOPT A PROCLAMATION DECLARING MAY 15, 2012 AS PEACE OFFICERS MEMORIAL DAY AND MAY 14-18, 2012 AS LAW ENFORCEMENT OFFICERS WEEK

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring May 15, 2012 as Peace Officers Memorial Day and May 14-18, 2012 as Law Enforcement Officers Week. All voting "Aye". MOTION PASSED

28095 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of County Invoices in the amount of $612,561.66 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28096 APPROVE COMMISSIONERS COURT MINUTES OF MAY 8, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of May 8, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28097 AMEND THE BUDGET OF COMPLIANCE FOR POSTAGE FROM CONTINUING EDUCATION

Compliance Department requires additional postage and can fund from Continuing Ed. savings. Amount required $550.00 to 001-648-00.5212 Postage from 001-648-00.5551 Continuing Ed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Budget of Compliance for Postage from Continuing Education. All voting "Aye". MOTION PASSED**

28098 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT AN AMENDMENT TO TJJD GRANT A STATE AIDE FY 2012-2013 TO INCREASE FUNDING BY $3,500 TO PURCHASE EQUIPMENT AND AMEND THE BUDGET ACCORDINGLY

The Texas Juvenile Department amended Grant A to increase by $3,500 to purchase equipment to support the implementation of Juvenile Case Management System (JCMS), new software system being rolled out to all Juvenile Probation Departments across Texas. Hays County began the new system this month, May 2012. Funds will be used to purchase a laptop, scanner, and camera. No County Funds needed. Amount required $3,500 (funded by grant) Budget Amendment: Increase Intergovernmental Revenue: 001-686-99-027.4301 $3,500.00, Increase General Supplies Expenses 001-686-99-027.5201 $513.00, Increase Computer Eqpt Expense; 001-686-99-027.5712_400 $2,987.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Juvenile Probation Department to accept an amendment to TJJD Grant A State Aide FY 2012-2013 to increase funding by $3,500 to purchase equipment and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28099 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT AN AMENDMENT TO TJJD GRANT A STATE AIDE FY 2012-2013 TO INCREASE FUNDING BY $3,500 TO PURCHASE EQUIPMENT AND AMEND THE BUDGET ACCORDINGLY

Juvenile Probation applied for and received a mini-grant to support the Hays County Youth Initiative Art Project. Global Youth Services Day is an annual campaign that celebrates the millions of children and youth across the globe who improve their communities through service and service-learning. No County funds needed. Amount Required $150.00 / 001-686-99-027.5391(Increase Intergovernmental Revenue: 001-686-99-027.4301 $150.00, Increase Miscellaneous Expense: 001-686-99-027.5391 $150.00.) **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Juvenile Probation Department to accept an amendment to TJJD Grant A State Aide FY 2012-2013 to increase funding by $3,500 to purchase equipment and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28100 AUTHORIZE THE JUVENILE PROBATION TJJD GRANT A, TO REMOVE A COUNTY ISSUED CELL PHONE AND ADD A TELEPHONE ALLOWANCE PAID WITH GRANT FUNDS, TO THE SR. JUVENILE PROBATION OFFICER, SLOT 0957-001 AND AMEND THE BUDGET ACCORDINGLY

Move Texas Juvenile Department Grant money from telephone expense to telephone allowance line item from cell phone stipend effective 06/01/2012, for Sr. Juvenile Probation Officer, slot 0957-001. No County funds needed. Amount required $140.00 / 001-686-99-027.5194 (grant funds) Budget Amendment: Increase Telephone Expense: 001-686-99-027.5489 ($140.00) Increase Telephone Allowance; 001-686-99-027.5194 $140.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Juvenile Probation TJJD Grant A, to remove a County issued cell phone and add a telephone allowance paid with grant funds, to the Sr. Juvenile Probation Officer, slot 0957-001 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28101 AMEND THE HISTORICAL COMMISSION BUDGET AND WAIVE THE COUNTY PURCHASING POLICY FOR THE PURCHASE OF AN INSPIRON COMPUTER FOR $930.00 AND VIZIO HDTV FOR $1,455.00

Commissioners Court accepted a donation for the Historical Commission operating budget on May 8, 2012. This budget amendment is requested for the purchase of a computer to be used for daily office activities, and an HDTV to show the Historical Commission's documentaries in the Courthouse. Amount required $2,385.00(funded through donations accepted previously) Budget Amendment: Increase Expense: 001-676-00.5712_400-computer equip operating: Increase Expense: 001-676-00.5211-office supplies ($930.00) Increase Expense: 001-676-00.5448-contract service: ($1,455.00). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Historical Commission budget and waive the County Purchasing Policy for the purchase of an Inspiron computer for $930.00 and Vizio HDTV for $1,455.00. All voting "Aye". MOTION PASSED**

28102 AMEND THE BUDGETS OF DEPARTMENTS IN THE GENERAL FUND FOR FUEL INCREASES FROM THE COUNTYWIDE FUEL BUDGET LINE

Possible increases in fuel costs were set aside in Countywide at Budget adoption; that amount needs to be transferred to various General Fund Departments. Amount required $150,000.00 to Various Depts. In General Fuel. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budgets of Departments in the General Fund for fuel increases from the Countywide Fuel budget line. All voting "Aye". MOTION PASSED**

28103 AMEND THE BUDGET OF D.A. DRUG FORFEITURE FUND FOR TRAVEL FROM MISCELLANEOUS

The District Attorney needs travel for an ADA for pre-trial work to California and wishes to pay from discretionary funds in Drug Forfeiture. Funds are available, but require transferring. Amount required $890.00 to 081-607-00.5501 Travel from 081-607-00.5391 Misc. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of D.A. Drug Forfeiture Fund for Travel from Miscellaneous. All voting "Aye". MOTION PASSED**

28104 AUTHORIZE THE COUNTY JUDGE TO RENEW MEMORANDUM OF AGREEMENT BETWEEN HAYS COUNTY, PERSONAL HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DSHS requests the renewal of the MOA so that, if needed, DSHS may request the use of Emergency Preparedness staff, supplies, or equipment during and emergent event. According to the MOA, DSHS will reimburse the PHD for any services used according to the projected budget submitted with the MOA. This MOS was originally entered into for the period of July 1, 2010 thru June 30, 2011.Renewal will commence July 1, 2012 and terminate June 30, 2013. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to renew Memorandum of Agreement between Hays County, Personal Health Department and the Texas Department of State Health Services. All voting "Aye". MOTION PASSED**

28105 APPROVAL TO RENEW IFB #2010-B09 EMULSION OILS FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

There will be a $0.18 cent increase per gallon for SS-1 and SS-1H and HFRS-2 emulsion oils from ERGON due to the increase in oil prices. EGON has provided justification for the increase as shown in backup. Due to the volatile market for oil prices, if the County rebids we could be subjected to much higher pricing. The original specifications provide or a price increase or decrease, based upon price changes the vendor receives for the established price of product to be furnished. Jerry Borcherding, Director of Transportation, is in agreement that renewing the bid at the price increase stated is the best interest of the County at this time. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approval to renew IFB #2010-B09 Emulsion Oils for one additional year as provided for in original bid. All voting "Aye". MOTION PASSED**

28106 AUTHORIZE THE COUNTY JUDGE TO SIGN AMENDMENT NO. 2 WITH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, STATE ENERGY CONSERVATION OFFICE (SECO) FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

On March 9, 2010 the Commissioners Court authorized acceptance of an Energy Effective and Conservation Block Grant from the State Energy Conservation Office (SECO), Texas Comptroller of Public Accounts. The purpose of the grant was to conduct energy audits of various County buildings and perform energy upgrades. The contract was amended on September 21, 2010 to account for the full cost of the energy audit phase of the project, and the audit has been completed. This Amendment (Number 2) will allow the County to proceed with lighting efficiency improvements within six County Buildings, including replacement of lamps, ballasts and some fixtures. Savings in annual energy costs are expected with an estimated reduction of over 86,000 KWH/yr in electrical usage with the upgrades. This Amendment is necessary to include the identified lighting project within the scope of the project, and does not change the grant amount. Funding from the grant will fully cover the upgrades and no County matching funds are required. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to sign Amendment No. 2 with the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO) for the Energy Efficiency and Conservation Block Grant. All voting "Aye". MOTION PASSED**

28107 AUTHORIZE THE CORRECTION OF A SALARY/FRINGE CALCULATION ERROR FOR THE JUVENILE PROBATION TJJD GRANT A AND AMEND THE BUDGET ACCORDINGLY

This budget is necessary to correct a calculation error in the Salaries & Fringe Benefits Category on the grant application. Salaries for 6 Probation Officers and 1 Chief Probation Officer were calculated incorrectly from September through May, and used for payroll processing. This amendment will authorize the Treasurer's Office to process corrections on May 31st payroll and correct rates effective June 1, 2012. No County Funds needed. Budget Amendment: Decrease TJJD Grant Office Supplies: 001-686-999-027.5211 ($3,333), Increase TJJD Grant Salaries:001-686-99-027.5021 $2,812, Increase TJJD Grant FICA:001-686-99-027.5101_100 $174.00, Increase TJJD Grant Medicare: 001-686-99-027.5101_100 $41.00, Increase TJJD Grant Retirement: 001-686-99-027.5101_100 $306.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the correction of a salary/fringe calculation error for the Juvenile Probation TJJD Grant A and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28108 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE A REFRIGERATOR AND AMEND THE BUDGET ACCORDINGLY

Mike Davenport spoke of the need for a new refrigerator. The Sheriff's Office would like to purchase a new refrigerator for the Evidence Room. Purchasing a new one would allow for additional storage of evidence. No additional funds are needed as they have been identified in the Sheriff's Operating budget. Amount required $650.00/ 001-618-00.5719_400. Budget Amendment: 001-618-00.5362 Criminal Investigation Expense ($650) 001-618.03.5719_400 Misc. Equipment $650. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the correction of a salary/fringe calculation error for the Juvenile Probation TJJD Grant A and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28109 AMEND THE SHERIFF DRUG FORFEITURE FUND BUDGET TO PURCHASE EQUIPMENT

The Sheriff's Drug Forfeiture funds may be used at his discretion. In order to follow County policy, we are requesting to move the funds into the appropriate general ledger account to purchase 22 stop sticks for the safety of officers. Amount required $9,573.00 / 053-618-00.5717_400. Budget Amendment: 053-618-00.5391 Miscellaneous decrease ($9,573), 053-618-00.5717_400 Law Enforcement Equipment increase $9,573.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Sheriff Drug Forfeiture Fund budget to purchase equipment. All voting "Aye". MOTION PASSED**

28110 APPROVE MOVING INSURANCE AND CONTRACT SERVICES SAVINGS TO THE JUVENILE DETENTION CENTER OPERATING STAFF SALARIES, OVERTIME AND FRINGE BENEFIT BUDGETS DUE TO INCREASED JUVENILE POPULATION AND REQUIRED STAFF TO JUVENILE RATIO AND AMEND THE BUDGET ACCORDINGLY

Due to the increase number of juvenile intakes, our part-time shared position and overtime hours are close to or over the budget. The Juvenile Department must maintain a certain staff to Juvenile Ratio in order to comply with State Requirements. This part-time shared position is where the department hires multiple officers without paying out benefits. Insurance savings for unfilled positions and contract services will cover this amendment. Amount required $98,590 / 070-685-00]. Budget Amendment: Decrease Medical Insurance: 070-685-00.5160_400($84,142), Decrease Salary Adj: 070-685-00.5091 ($4,448), Decrease Contract Services: 070-685-00.5448 ($10,000), Increase Staff Salaries 070-685-00.5021 $65,169, Increase Overtime:070-685-00.5031 $18,000, Increase FICA: 070-685-00.5101_100 $5,157, Increase Medicare: 070-685-00.5101_200 $1,206, Increase Retirement: 070-685-00.54101_300 $9,058. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve moving insurance and contract services savings to the Juvenile Detention Center Operating staff salaries, overtime and fringe benefit budgets due to increased juvenile population and required staff to juvenile ratio and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28111 REPLAT OF LOT 16, GREEN ACRES [12-3-5 – 2 LOTS] **HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened public hearing. No public input was received. Public hearing was closed. Roxie McInnis Subdivision Coordinator gave staff recommendation. The Green Acres Subdivision is a recorded subdivision located off of F.M. 2325 in Precinct 3. Green Acres was originally divided in 1968 as a 25 lot subdivision. Today there are 55 taxable parcels on the CAD records. Lot 16 (5.373 acres) will be divided into two lots – Lot 16A being 3.373 acres, and Lot 16B the remaining 2.00 acres. Both lots will utilize Wimberley Water Supply and individual on-site sewage facilities at the time of development. This subdivision is located entirely within the City of Wimberley's extra-territorial jurisdiction and was approved by the city on November 17, 2011. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve replat of Lot 16 Green Acres Final Plat. All voting "Aye". MOTION PASSED**

28112 CALL FOR A PUBLIC HEARING ON JUNE 12, 2012 TO DISCUSS POSSIBLE CANCELLATION OF TRIPLE CREEK RANCH SECTION THREE

Triple Creek Ranch Section Three consists of three parcels covering 64.038 acres. The proposed cancellation will convert these tracts back into acreage. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on June 12, 2012 to discuss possible cancellation of Triple Creek Ranch Section Three. All voting "Aye". MOTION PASSED**

28113 ACCEPT FISCAL SURETY FOR REUNION RANCH PHASE 1A IN THE AMOUNT OF $1,078,736.00 AND FOR REUNION RANCH PHASE 1B IN THE AMOUNT OF $807,822.50

Roxie McInnis Subdivision Coordinator gave staff recommendation. The final for Reunion Ranch Sections 1 & 2 were approved on July 19, 2005, however the subdivision was never built. The property was recently sold to a new developer and amended plats indicating minor changes have been approved by the City of Dripping Springs (March 6, 2012) as well as the Development Services Department. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept fiscal surety for Reunion Ranch Phase 1A in the amount of $1,078,736.00 and for Reunion Ranch Phase 1B in the amount of $807,822.50. All voting "Aye". MOTION PASSED**

28114 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PRIME STRATEGIES EXTENDING THE CONTRACT TO MARCH 31, 2015 AND INCREASING THE NOT-TO-EXCEED FEE FOR SERVICES RELATED TO THE HAYS COUNTY PASS-THROUGH FINANCE PROGRAM

Prime Strategies, Inc. Program Management contract for the Hays County Pass-Through Finance Program expires on June 1, 2012. When the Commissioners Court originally approved the PSI contract in February 2009 they limited the timeframe to three years in order to determine how the program and specific projects would process as it related to budget and schedule. Based on the recent reports to the Commissioner Court all of the projects are under budget; the TxDot payback is ahead of schedule; and with the exception of a few environmental approval delays the projects are on schedule. The Supplemental No. 2 would extend the PSI Project Management contract until March 31. 2015 (the estimated date after completion of all projects and TxDot quarterly invoicing is in place). The Supplemental would also add $1,700,000.00 for that additional time period to the compensation cap. Amount required $295,600 for 06/01/2012 through 09-30-2012. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant authorize the County Judge to execute Supplemental Agreement No. 2 to the Professional Services Agreement with Prime Strategies extending the contract to March 31, 2015 and increasing the not-to-exceed fee for services related to the Hays County Pass-Through Finance Program. All voting "Aye". MOTION PASSED**

28115 APPROVE THE PROPOSED APPLICATION FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT, IN THE AMOUNT OF $132,632.00

This is an application by the Hays County Personal Health Department, to the Texas Department of State Health Services, for Public Health Emergency Preparedness (PHEP) grant program funds. This grant funds the County's Emergency Preparedness program for FY 13. Contract dates are September 1, 2012 through August 31, 2013, with an award amount of $132,632.00. The grant requires 10% matching funds from the recipient to quality for the award. This match is met through health department operating funds totaling $9900.00 and existing salary and benefits for the Epidemiology Nurse, totaling $3364.00. The two combined match amounts equal $13,264.00. Amount required $13,264.00 in matching funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the proposed application for the Public Health Emergency Preparedness Grant, in the amount of $132,632.00. All voting "Aye". MOTION PASSED**

28116 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RESOLUTION FOR PARTICIPATION IN THE PACE 2013 PURCHASING COOPERATIVE BY HAYS COUNTY

Jeff McGill Director of Information Technology spoke. The PACE 2013 Purchasing Cooperative is organized and administered by the Education Service Center, Regions 20 and 13. Participation in the program will facilitate the purchasing process for the Hays County Information Technology Department, for the acquisition of electric devices to be used in Hays County Offices. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Resolution for participation in the PACE 2013 Purchasing Cooperative by Hays County. All voting "Aye". MOTION PASSED**

28117 APPROVE THE GMP BID PACKAGE #2 FOR COSTS RELATED TO THE PRECINCT 2 OFFICES

Brenda Jenkins with Broaddus & Associates spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the GMP Bid Package #2 for costs related to the Precinct 2 offices. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28118 ADOPT A RESOLUTION REGARDING THE HOLDING OF MENTAL HEALTH PATIENTS IN OUR COUNTY JAILS

Commissioner Debbie Ingalsbe Precinct 1 and John Henry Cavanaugh with the Sheriff's Department Medical Unit Supervisor spoke. This Resolution was recently passed at the West Travis County Judges and Commissioners Annual Conference and will most likely be passed at the North and East Conference and South Texas Conference as well as our State Conference. This is a problem that the County's are dealing with locally, and as of the deadline to submit agenda items, the statistical information was not available. The Sheriff's Office is gathering the information and making it available to the Commissioners Court. This is another unfunded mandate that needs to be resolved. Local governments cannot continue to bear the burden of State responsibilities. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Resolution regarding the holding of Mental Health Patients in our County Jails. All voting "Aye". MOTION PASSED**

28119 APPROVE THE APPOINTMENTS OF CALE AND CHRISTINA BAESE AS CO-CHAIRS TO THE KYLE LOG HOUSE COMMISSION TO REPLACE MARILYN BEALS

Commissioner Debbie Ingalsbe spoke. Due to medical reasons, Marilyn Beals has stepped down as Chairwoman of the Kyle Log House Commission. These appointments will establish co-chairs to this commission. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the appointments of Cale and Christina Baese as Co-Chairs to the Kyle Log House Commission to replace Marilyn Beals. All voting "Aye". MOTION PASSED**

28120 ALLOW A VARIANCE TO DRIVEWAY SEPARATION REQUIREMENTS FOR SAN MARCOS COMMUNITY CHURCH

Jerry Borcherding Transportation Director spoke. This is a request for variance from driveway spacing requirements (110' requested vs. 150' requested). The location of this property is 3461 Old Bastrop Road. Due to the pending safety improvements to Old Bastrop Road, this variance is a reasonable consideration. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to allow a variance to driveway separation requirements for San Marcos Community Church. All voting "Aye". MOTION PASSED**

28121 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE APPOINTMENT, DUTIES, AND/OR REASSIGNMENT OF EACH INDIVIDUAL EMPLOYEE WITHIN THE VICTIM SERVICES DIVISION OF THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE

Court convened into closed Executive Session at 11:05 a.m. and reconvened into open court meeting at 11:38 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Shari Miller and Letty Nino. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to eliminate the Victim's Assistance Coordinator position (Salary Grade 109) effective June 1, 2012, and create and additional Victim's Assistance Advocate position (Salary Grade 108), also effective June 1, 2012, with the understanding that the Criminal District Attorney's Office will not fill the new Advocate position until October 1, 2012. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant in lieu of allowing the Criminal District Attorney's Office to promote Megan Jobe to the Victim's Assistance Coordinator position, leave Ms. Jobe in her current Advocate position (Grade 108) and grant her a 6% increase on her current salary, effective June 1, 2012. All voting "Aye". MOTION PASSED

28122 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE APPOINTMENT, DUTIES, AND/OR REASSIGNMENT OF THE HAYS COUNTY LAW LIBRARIAN

Court convened into closed Executive Session at 12:45 p.m. and reconvened into open court meeting at 12:55 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Melody Barron, current Hays County Law Librarian, to work an additional 10 hours per week for a total of 3 months at her current rate of pay, ending on August 15, 2012, for the purchase of performing a Comprehensive Records Preservation Plan and Assessment. Amend the budget accordingly, with input from the Hays County Auditor. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT INFORMATION, TO BE CALLED "PROJECT AMP"

Court convened into closed Executive Session at 10:15 a.m. and reconvened into open court meeting at 11:00 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Amy Madison and Warren Ketteman. No Action Taken.

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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into closed Executive Session at 12:55 p.m. and reconvened into open court meeting at 1:20 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed Executive Session at 12:48 p.m. and reconvened into open court meeting at 1:20 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted.

County Clerk's Note Agenda Item #34 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

County Clerk's Note Agenda Item #35 Re: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

County Clerk's Note Agenda Item #36 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 15, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF MAY A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	**COUNTY JUDGE**
MARK JONES	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE & COMMISSIONER PCT.4 COMMISSIONER RAY O. WHISENANT JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Michael Higgins with Promise Land Church gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

CLERK'S NOTE: AUDIO/VIDEO COMPUTER PROBLEMS AND WAS BROUGHT UP ON RESOLUTION #28133

PUBLIC COMMENTS

County Clerk's Note Agenda #1 Re: *RECOGNIZE MARILYN BEALS FOR 25 YEARS OF SERVICE AS CHAIRMAN OF THE CLAIBORNE KYLE LOG HOUSE* **– Postponed until next Commissioners Court.**

28123 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve County Invoices in the amount of $684,359.67 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28124 APPROVE COMMISSIONERS COURT MINUTES OF MAY 15, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve Commissioner Court Minutes of May 15, 2012 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28125 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 13419 FITZHUGH ROAD, AUSTIN, TEXAS

John and Ruth Wright are proposing an OSSF to serve their home and attached magic theater at 13419 Fitzhugh Road in Precinct 4. This property is 1.1.237 acres, Fitzhugh Trails Subdivision lot 2 (platted in 1990). Water will be supplied by Public Water Supply. This OSSF is a flow equalized aerobic treatment system with drip irrigation dispersal designed for 400 gpd. The system designer is Steve Wenzel, P.E. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize Institutional OSSF Permit at 13419 Fitzhugh Road, Austin, Texas. All present voting "Aye". MOTION PASSED**

28126 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AT 10100 FM 967, BUDA, IN PRECINCT 2

Mr. Mathew Gorman, is proposing an OSSF to serve a residential rehab facility located at 10100 FM 967, Buda in Precinct 2. The property is 10.041 acres. It is a Low Pressure Dosing system (subsurface) that was designed by David Boston, R.S. The On Site Sewage Facility is designed for a maximum wastewater flow of 960 gpd. The water is supplied by private water well. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize an institutional OSSF Permit at 10100 FM 967, Buda, in Precinct 2. All present voting "Aye". MOTION PASSED**

28127 AMEND THE BUDGET OF D.A. DRUG FORFEITURE FUND FOR TRAVEL FROM CONTRACT SERVICES

The District Attorney needs travel expenses for an ADA for pre-trial work to California and wishes to pay from discretionary funds in Drug Forfeiture. Funds are available, but require transferring. Amount required $2,000 to 081-607-00.5501 Travel from 081-607-00.5448 Contract Svcs. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to amend the Budget of D.A. Drug Forfeiture Fund for Travel from Contract Services. All present voting "Aye". MOTION PASSED**

28128 APPROVE SPECS FOR BID NO. 2012-B04 FM 1626, AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISEMENT

The approval of Public Notice will allow for (1) advertisement of Invitation for bids (2) Scheduling of non-mandatory pre-bids meeting (3) Scheduling of bid meeting. Hays County will be accepting bids for FM 1626, Bid No. 2012-B04. Seal Bids will be received by Hays County, Purchasing Office, 712 South Stagecoach Trail, Ste. 1071, San Marcos, Texas 78666 until 2:00 p.m. local time on Tuesday, June 19, 2012 at which time and place the bids will be publicly opened and read. **A motion was made by Commissioner Jones**, **seconded by Commissioner Conley to approve specs for Bid No. 2012-B04 FM 1626, and authorize Purchasing to solicit for bid and advertisement. All present voting "Aye". MOTION PASSED**

28129 APPROVE THE FEBRUARY 2012 AND MARCH 2012 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the February 2012 and March 2012 Treasurer's Reports and Investment Reports. All present voting "Aye". MOTION PASSED

28130 APPROVE A SUPPLEMENTAL AMENDMENT TO THE MASTER AGREEMENT BETWEEN LOCKWOOD, ANDREWS & NEWNAM, INC. (LAN) AND HAYS COUNTY FOR ADDITIONAL CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR THE DACY LANE PROJECT

Jerry Borcherding, Director of Transportation, Commissioner Jones Precinct 2 and Graham Moore with LAN Engineers spoke. LAN is requesting additional services related to the Construction Phase of the Dacy Lane Phase 1 project. The duration of the project is going to extend primarily due to delays by Verizon. This will necessitate additional site visits and bi-weekly construction meetings to see the project through to completion. LAN also spent considerable time in coordinating and redesigning to accommodate the changes imposed by Verizon. Amount required $ 29,321.48 funds from the Dacy Lane Improvement Project. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve a supplemental amendment to the Master Agreement between Lockwood, Andrews & Newnam, Inc. (LAN) and Hays County for additional Construction Administration and Inspection Services for the Dacy Lane project. All present voting "Aye". MOTION PASSED**

28131 REPLAT OF LOTS 1 & 2, BLOCK A, RUBY RANCH PHASE TWO [12-2-13--1 LOT] **WAIVE PUBLIC HEARING AND PRELIMINARY PLAN; APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Ruby Ranch is a platted subdivision located off of FM 967 in Precinct 2. The owners of Lots 1 and 2 wish to dissolve the lot line dividing the two lots and create one larger lot (22.67 acres). Water and wastewater services will be provided to Lot 1A by existing private wells and permitted on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to waive public hearing, Preliminary Plan and approve final plat of Replat of Lots 1 & 2 Blk A Ruby Ranch Phase 2. All present voting "Aye". MOTION PASSED**

28132 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF MOUNTAIN CITY REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF MOUNTAIN CITY, PURSUANT TO HB1445 (2001)

Commissioner Jones Precinct 2 and Special Counsel Mark Kennedy spoke. This 1445 Agreement was originally approved on May 14, 2012 by the City of Mountain City. Court action will finalize the agreement and allow staff to continue finalize the remaining agreements within the County. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute an agreement with the City of Mountain City regarding subdivision and development regulation in the extraterritorial jurisdiction of Mountain City, pursuant to HB1445 (2001). All present voting "Aye". MOTION PASSED**

28133 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND OSRAM SYLVANIA LIGHTING SERVICES, INC., FOR LIGHTING REPLACEMENT AND/OR INSTALLATION AT SIX (6) COUNTY FACILITIES

Bill Herzog, Hays County Auditor explained this would be reimbursed. Work is being facilitated under a Federal American Recovery and Reinvestment Act (ARR), Energy Efficiency and Conservation Block Grant administered through the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO) and is subject to federal and state requirements for funding under this program. The Grants Office will coordinate with Development Services to ensure that installation and /or replacement goes smoothly and meets the rather restrictive end of June schedule. The work involves supplying and installing energy efficient lamps, ballasts and, in limited cases, lighting fixtures in six (6) County Buildings, including the Personal Health Safety, Juvenile Detention, and Road and Bridge facilities in the San Marcos area; the Precinct #4 Office Building in Dripping Springs; and the Precinct #5 Office located in Buda. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement between Hays County and OSRAM Sylvania Lighting Services, Inc., for lighting replacement and/or installation at six (6) County facilities. All present voting "Aye". MOTION PASSED**

28134 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG FM 1626 IN PRECINCT 2

Court convened into Executive Session at 9:45 a.m. and reconvened into open court meeting at 9:50 a.m. In Executive Session were Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Ellie Dietz and Jerry Borcherding Transportation Director. **A motion was made by Commissioner Jones, seconded by Commissioner Conley that the Hays County Commissioner's Court, on behalf of Hays County, Texas authorized the use of the power of eminent domain to acquire .729 of an acre located at 700 N. FM 1626 for Right of Way and Roadway Improvements to 1626 for the use and benefit of the traveling public. All present voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute a Purchase Agreement between Hays County and James M. Huckaby, as presented in Executive Session and related to the acquisition of .614 acres of Right of Way along FM 1626. All present 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 THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into Executive Session at 9:50 a.m. and reconvened into open court meeting at 10:45 a.m. In Executive Session were Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken

ACTION RELATED TO THE BURN BAND AND/OR DISASTER DECLARATION

Burn Ban will remain lifted. Judge Cobb encouraged the public to use the guide lines issued by the Fire Marshal to burn safely outdoors. Judge Cobb also recommended that if the public needs to burn they should do it as soon as possible and please contact your local Fire Department to prevent unnecessary visits.

County Clerk's Note Agenda Item #16 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

County Clerk's Note Agenda Item #17 Re: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

County Clerk's Note Agenda Item #18 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Conley 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 22, 2012.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

LIZ Q GONZALEZ, 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 JUNE A.D., 2012, 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:

Commissioner Precinct 2 Mark Jones 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

Jane Dojutrek – Buda resident, Alan Cameron – Wimberley resident, and Kate Johnson – Kyle resident made public comments.

RECOGNIZE 25 YEARS OF SERVICE BY MARILYN BEALS TO THE CLAIBORNE LOG HOUSE IN KYLE, TEXAS

Commissioner Jones gave a brief history of Marilyn Beals and the work she has done at the Claiborne Log House. Kate Johnson of the Hays County Historical Commission also spoke of how Marilyn has made a difference in a lot of people's lives. Commissioners all gave their thanks and appreciation to Ms. Beals.

28135 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of $1,588,652.89 and add an invoice in the amount $214,587.00 to Gracy Title Company for Right of Way of FM 1626 as submitted be the County Auditor. All voting "Aye". MOTION PASSED

28136 APPROVE COMMISSIONERS COURT MINUTES OF MAY 22, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of May 22, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28137 APPROVE UTILITY PERMITS

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Utility Permit #853 on 687 Falconwood Drive issued to PEC, Permit #854 on 1025 Spoke Hollow Drive and Permit #855 on Woodacre Dr. issued to Verizon as submitted by the County Road Department. All voting "Aye". MOTION PASSED

28138 AMEND BUDGET OF JUVENILE CENTER FOR CONTINUING EDUCATION FROM OTHER LINE ITEMS

Juvenile Center requires additional training expense; can fund from several line items within its budget. Amount Required $1,000 to 070-685-00.5551 Continuing Ed. from several line items. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend Budget of Juvenile Center for Continuing Education from other line items. All voting "Aye". MOTION PASSED**

28139 APPROVE CONTRACT AMENDMENT BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD) FOR THE FY 12 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT AND AMEND THE BUDGET ACCORDINGLY

The Amendment (Categorical Budget Change Request) will increase the grant amount by $10,201.00 from $145,590,103.00 to $156,103.00 and the County match by $1,020.00 Match is an in-kind contribution of staff salaries/benefits and other budgeted program costs. Budget Amendment: Increase Revenue 120-675-99-058.4301 $10,201. This budget amendment increase revenue for additional funding to cover salaries/benefits for the month of August. It is not necessary to budget additional salaries and fringe because these expenses are already budgeted. Increase Expense 120-675-99-058.5429 $7,000; Increase Expense 120-675-99-058.5501

$1,200; Decrease Expense 120-675-99-058.5551 ($1,782); Decrease Expense 120-675-99-058.5712_400 ($1,418); Decrease Expense 120-675-99-058.5719_700 ($5,000) this budget amendment decrease equipment expense in order to cover travel and software & maintenance expense. Decrease Expense 120-675-00.5021($4,651); Decrease Expense 120-675-00.5101_100 ($288); Decrease Expense 120-675-00.5101_200 ($68); Decrease Expense 120-675-00.5101_300 ($507); Increase Expense 120-765-00-058.5021 $4,651; Increase Expense 120-675-00-058.5101_100 $288; Increase Expense 120-675-00-058.5101_300 $507; Contract amendment 001B states that Hays County will contribute $8,977 in salaries and fringe as part of the match. DSHS requires the County to record this match separate from the Personal Health operating budget (120-675-00). This budget amendment moves $5,514.00 in salaries and fringe from Personal Health operating. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Contract Amendment between the Department of State Health Services (DSHS) and the Personal Health Department (PHD) for the FY 12 Public Health Emergency Preparedness (PHEP) Grant and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28140 APPROVE AND RECOGNIZE THE ATTACHED SLIDING FEE SCHEDULE PROVIDED FOR OUR PRIVATE PAY, WELL-CHILD AND WOMEN'S HEALTH CLIENTS

Due to the agreement with the National Health Service Corps (NHSC) the County is required to maintain a sliding fee schedule for all program services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve and recognize the attached sliding fee schedule provided for our Private Pay, Well-Child and Women's Health clients. All voting "Aye". MOTION PASSED**

28141 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE HAYS COUNTY JUSTICE OF THE PEACE PRECINCT 1, PLACE 1 OFFICE, JUSTICE OF THE PEACE PRECINCT 4 OFFICE, AND THE HAYS COUNTY RECYCLING AND SOLID WASTE DEPARTMENT

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's Office performed an internal examination of the Hays County Justice of the Peace Precinct 1, Place 1 financial records for the period of October 1, 2010 to December 31, 2011. The internal examination consisted of reviewing disbursements, receipts, deposits, fixed assets, and other supporting documentation. Based on the internal examination, except for the following findings and recommendations, cash receipts and disbursements appear to be adequately accounted for and related records appear to be accurately maintained in accordance with stator requirements under subsection 112.001 of the Texas Local Government Code. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Reports for the Hays County Justice of the Peace Precinct 1, Place 1 Office, Justice of the Peace Precinct 4 Office, and the Hays County Recycling and Solid Waste Department. All voting "Aye". MOTION PASSED**

28142 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT AN APPLICATION TO THE MARY BONNER COMMUNITY NEEDS GRANTS PROGRAM FOR A GRANT TO FUND TRAINING FOR VICTIM ASSISTANCE VOLUNTEERS

The Bonner Program is a grant award program through the First Presbyterian Church of San Marcos, Texas with an aim to improve the quality of life for people in need. The Hays County Sheriff's Office Victim Assistance Division was invited to apply for this grant by the Chair of the Bonner Program. The grant application requests funding for victim assistance volunteers to attend three separate training conferences with a budget of $4,540.00. Approved proposals with be funded from July 1, 2012 through June 30, 2013. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to submit an application to the Mary Bonner Community Needs Grants Program for a grant to fund training for victim assistance volunteers. All voting "Aye". MOTION PASSED**

28143 AMEND THE GOVERNMENT CENTER BUILDING FUND TO REFLECT ACTUAL EXPENSES IN THE APPROPRIATE BUDGET LINE ITEM

Total funds were budgeted in the construction line item and need to be reallocated to record the expenses in the appropriate general ledger line item. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Government Center Building Fund to reflect actual expenses in the appropriate budget line item. All voting "Aye". MOTION PASSED**

28144 MOVE BUDGETED FUNDS FROM THE FM110 PASS THROUGH FINANCE PROJECT TO THE IH35 AT YARRINGTON PROJECT AS APPROVED PER THE RESOLUTION DATED APRIL 10, 2012

On April 10, 2012 the Commissioners Court adopted a resolution to amend the PTF Agreement to address the FM 110 segment and add the IH 35 Yarrington Project. Funds need to be moved from the FM 110 project into the Yarrington project to appropriately track the expenses. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to move budgeted funds from the FM110 Pass Through Finance project to the IH35 at Yarrington project as approved per the resolution dated April 10, 2012. All voting "Aye". MOTION PASSED**

28145 ACTION TO AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 3461 SOUTH OLD BASTROP HWY

San Marcos Community Church is proposing and OSSF to serve the church located at 3461 South Old Bastrop HWY in precinct 1. The property is 22.99 acres. Water will be supplied by Public Water Supply. This OSSF is a low Pressure Dosing System in which the effluent will be pumped with an equalization tank to a Low Pressure Dose Field. The system is designed for a maximum of 300 gpd. No variances are requested. The system designer is Andy Grubbs. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit at 3461 South Old Bastrop Hwy. All voting "Aye". MOTION PASSED**

28146 AUTHORIZE AMENDMENT #3 FOR BROADDUS & ASSOCIATES PROJECT MANAGEMENT FEES AND THE PURCHASE OF THE IDENTISYS CARD READERS FOR THE JAIL IMMEDIATE NEEDS PROJECT USING OWNER CONTINGENCY SAVINGS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Amendment #3 for Broaddus & Associates project management fees and the purchase of the IdentiSys Card Readers for the Jail Immediate Needs project using owner contingency savings. All voting "Aye". MOTION PASSED

28147 APPROVE A PROFESSIONAL SERVICE AGREEMENT (PSA) BETWEEN HAYS COUNTY AND CMA ENGINEERING FOR PRELIMINARY ENGINEERING OF IMPROVEMENTS TO ELDER HILL ROAD – THIS WILL BE BROUGHT BACK IN THE NEXT 6-8 WEEKS

Commissioner Whisenant and Jerry Borcherding Transportation Director, Felix J. Manka of CMA Engineering, and Mike Aulick of Aulick & Associates spoke. Major safety improvements are needed on Elder Hill Road. This project will provide alignment recommendations and related ROW requirements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to move this item for discussion in the next 6-8 weeks. All voting "Aye". MOTION PASSED**

28148 KYLE PROJECT LLC SUBDIVISION [12-2-12 – 1 LOT] APPROVE PRELIMINARY PLAN

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Kyle Project, LLC Subdivision is a proposed division of land located at the intersection of Mathias Lane and Windy Hill Road in Precinct 2, resulting in one 2.9545 acre lot. The subdivision will be served by an on-site sewage facility and Goforth Water at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan for Kyle Project LLC Subdivision. All voting "Aye". MOTION PASSED**

28149 ADOPT AN ORDER AUTHORIZING ALTERNATIVE PROCEDURES FOR PLAT REVISION, PURSUANT TO CHAPTER 232.0095 IN THE TEXAS LOCAL GOVERNMENT CODE

Clint Garza Director of Development Services spoke. Chapter 232.0095 of the Texas Local Government Code allows Texas Counties to adopt provisions from Chapter 212 of the TLGC as alternatives to the provisions in section 232.009 (plat revisions). Specifically, the authorized sections are 212.013, 212.014, 212.015, and 212.016 which govern plat vacations, replatting and plat amendments. Staff feels adopting these alternate procedures to 232.009 are appropriate because they will establish a uniform set of state established guidelines throughout the county regardless of geographic or jurisdictional location. Development within the extraterritorial jurisdiction of any Hays County municipality will already be subject to these provisions; this would simply apply to the outlying areas. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt an order authorizing alternative procedures for plat revision, pursuant to Chapter 232.0095 in the Texas Local Government Code. All voting "Aye". MOTION PASSED**

28150 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 2630 GOFORTH RD, KYLE, TEXAS

Clint Garza Director of Development Services spoke. Isidro and Maria Morales are proposing an OSSF to serve a Dollar General Store at 2630 Goforth Rd. in Pct. 1. This property is 1.25 acres. Water will be supplied by Public Water Supply. This OSSF is a standard treatment system in which the effluent will be pumped with an equalization tank to a drip irrigation dispersal field. The system is designed for a maximum of 320 gpd. The system designer, Russell Cain, R.S. is requesting a variance to Section 10-M(B) of the Hays County rules for on-site sewage facilities which requires flow equalization prior to the treatment tank. His justification for the variance is : "Tanks are oversized by 25% to eliminate the need for flow equalization. Standard treatment is not susceptible to upset from slight flow variations, as are aerobic treatment units. Variations in flow are expected to be slight with this type of business. A variance is requested for the purpose of using the oversize septic tank without flow equalization, equal protection to public health and safety will be achieved by using flow equalized drip irrigation dispersal." **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 2630 Goforth Rd, Kyle, Texas. All voting "Aye". MOTION PASSED**

28151 AUTHORIZE THE FIRE MARSHAL TO PURCHASE IDENTIFICATION CARDS FOR EMERGENCY RESPONDERS USING FUNDS FROM COUNTY WIDE CONTINGENCIES AND AMEND THE BUDGET ACCORDINGLY IN AN AMOUNT OF $1,300

Mark Chambers Hays County Fire Marshall spoke. The cards are needed for implementation of a county wide credentialing program. This program is needed due to the fact that most emergency workers are required by state statute to be identified while performing duties. We currently do not have any standardized system for the identification of emergency workers. This system will be utilized by all emergency services throughout Hays County which will readily identify emergency responders. During the past, ID cards were issued without any checks and balances. This system will give the county a full database of emergency responders and certification levels. All Hays County Fire Chiefs and EMS Coordinators have agreed to utilize the system. After implementation, the system will be introduced into the law enforcement side of emergency responders. This is a web based system and the County already owns the printers, therefore the only cost associated with this program will be for the identification cards. Budget Amendment: Increase Fire marshal General Supplies – 001-665-00.5201 $1,300, Decrease County Wide contingencies – 001-645-00.5399 ($1,300). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Fire Marshal to purchase identification cards for emergency responders using funds from County Wide contingencies and amend the budget accordingly in an amount of $1,300. All voting "Aye". MOTION PASSED**

28152 APPROVE INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE CH2M HILL PROFESSIONAL SERVICE AGREEMENT FOR NECESSARY CONSTRUCTION PHASE SERVICES IN ACCORDANCE WITH SUPPLEMENT NO. 3 TO WORK AUTHORIZATION NO. 1 ON THE RM1826 AT NUTTY BROWN ROAD PROJECT IN PRECINCT 4

Commissioner Whisenant Precinct 4 and Allen Crozier with HDR spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve increasing the not-to-exceed fee and compensation cap on the CH2M Hill Professional Service Agreement for necessary construction phase services in accordance with Supplement No. 3 to Work Authorization No. 1 on the RM1826 at Nutty Brown Road project in Precinct 4. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #20 RE: *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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES* **– was pulled**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Mark Chambers Hays County Fire Marshall spoke of the drought index at 280. He advises to not impose the Burn Ban at this time.

Clerk's Note Agenda Item #22 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #23 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #24 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 June 5, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF JUNE A.D., 2012, 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:

Roy Erdahl of Good Shepherds Ministries in Buda, TX gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

28153 ADOPT A PROCLAMATION DECLARING JUNE, 2012 AS JUNETEENTH MONTH IN HAYS COUNTY

Constable Pct. 1 David Peterson introduced Rose Brooks. Ms. Brooks spoke of the parade being cancelled because of the loss of Nelvia (Nell) Burleson. The cake auction has been changed and will be held on Tuesday June 19, 2012 at 5:00 at the Dunbar Recreation Center. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to Adopt a Proclamation declaring June, 2012 as Juneteenth month in Hays County. All voting "Aye". MOTION PASSED**

28154 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve payments of County Invoices in the amount of $1,831,486.40 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve an invoice for the amount of $3,789 to Independence Title for the McGregor Lane Bridge.

28155 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 5, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve Commissioners Court Minutes of June 5, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28156 APPROVE THE CONTRACT FOR PHYSICIANS TO PROVIDE CONSULTATION AND SUPERVISORY SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC, FAMILY PLANNING CLIENTS

Dr. Charles Anderson has been the physician providing consultation and supervisory services to Family Planning to our Women's Health Clinic for the past many years. He would like to step down from this responsibility. Discussions have taken place with the contracted physicians the County presently have in place. They have agreed to provide the same services and will be responsible on an as needed basis during their usual visits. These are services rendered after delivery. This is a contract for Doctors Barrett Blaue, Kari Fay, Teresa Irwin, Beth D. Reid, John Bosco, Jennifer Goss and Genoveva Priscaru to provide consultation and supervisory services to the Hays County Personal Health Department Women's Health clinic and it's Family Nurse Practitioner. The physicians will provide these services for the clinic's Family Planning clients. These services will be provided from July 1, 2012 through June 30, 2013. Amount required $100.00 per visit 120-675-00.5448. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the contract for physicians to provide consultation and supervisory services for the Hays County Personal Health Department Women's Health Clinic, Family Planning clients. All voting "Aye". MOTION PASSED**

28157 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT TWO GRANT APPLICATIONS TO THE NATIONAL TACTICAL OFFICERS ASSOCIATION FOR EQUIPMENT AND TRAINING FOR THE SWAT TEAM

The National Tactical Officers Association is a non-profit organization for SWAT teams which offers several equipment and training grants to association members. The Hays County Sheriff's Office is requesting authorization to submit two grant applications to this organization for equipment and training. The first grant is for SLR15 rifles and training/certification. Two SLR15 Rifles will be provided to the awarded agency. In addition to receiving the Rifles, the awarded agency will receive training and certification for two people as an Armorer on the AR15/M16/M4 weapons system. The training provided for this grant is to ensure the awarded applicant

will be able to maintain the rifles for many years. The second grant application is for two members of the Hays County SWAT team to attend Explosive Breach training. The Explosive Breaching Course is geared toward personnel wishing to gain the knowledge and expertise to design an Explosive Breaching Program for their agency, or expand on an existing Explosive Breaching Program already in place. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the Sheriff's Office to submit two grant applications to the National Tactical Officers Association for equipment and training for the SWAT team. All voting "Aye". MOTION PASSED**

28158 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT A GRANT APPLICATION TO TARGET ON BEHALF OF THE COMMUNITY OUTREACH DIVISION TO FUND A DISTRACTED AND IMPAIRED CLASSROOM KIT

Each year Target offers the Target Blue grant for law enforcement agencies to apply for funding for equipment or community outreach events. The Hays County Sheriff's Office is requesting authorization to apply for a Target Blue grant to fund a Distracted and Impaired Classroom Kit. The Distracted and Impaired Classroom Kit provides tools to demonstrate and educate about the dangers of impaired and distracted driving using an engaging and hands-on approach. The kit is valued at $2,195.00 and includes Fatal Vision® goggles; educational DVD's; zip-up PVC bags for cell phones to reduce to distraction of cell phones while driving, 12 distracted driver posters; Distract-A-Match® game which demonstrates the impact of distractions on our reaction time and judgment; Fatal Reaction® Unit ; six foam stress balls to promote the message "balls bounce, people don't"; germicidal disposable wipes, Fatal Vision® program guide on CD; Fatal Vision® carrying case; three Fatal Vision® goggle bags; Fatal Reflections® , which is a computer software system which allows people to see how they would look after being in a car accident; three yellow and black "Walk-the-Line" tape. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Sheriff's Office to submit a grant application to Target on behalf of the Community Outreach Division to fund a Distracted and Impaired Classroom Kit. All voting "Aye". MOTION PASSED**

28159 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT AN APPLICATION TO VESTED INTEREST IN K-9'S, INC. FOR A K-9 BULLET PROOF VEST

Vested Interest in K-9's, Inc. is a 501 c (3) non-profit fundraising organization dedicated to providing bullet and stab resistant vests for law enforcement K-9's throughout the United States. The Sheriff's Office is requesting authorization to submit an application for a donation of a K-9 vest for Hays County. The vest provided by Vested Interest in K-9's, Inc. is a K-Max Tactical Armor Vest made by Protective Products Enterprise. The vest is stab resistant and bullet proof. The K-Max Tactical Armor Vest is valued at $1,006.00 and has a five year warranty. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Sheriff's Office to submit an application to Vested Interest in K-9's, Inc. for a K-9 Bullet Proof Vest. All voting "Aye". MOTION PASSED**

28160 APPROVE MOVING FUNDS BUDGETED IN THE DEVELOPMENT SERVICES OPERATING BUDGET TO THE INFORMATION TECHNOLOGY BUDGET FOR SOFTWARE MAINTENANCE

The Development Services Department is in the process of changing permitting software to a new provider. We did, not renew the maintenance agreement with the old provider as we did not expect to use it this long. At this time software support and maintenance is required but funds have not been allocated. There are adequate savings in continuing education to pay for the maintenance fee. Amount required $300.00 Decrease Dev Services Cont Education: 001-657-00.5551 - ($300) Increase IT Software Maintenance: 001-680-00.5429 - $300. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve moving funds budgeted in the Development Services Operating Budget to the Information Technology budget for software maintenance. All voting "Aye". MOTION PASSED**

28161 APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE REQUEST FOR PROPOSALS RELATED TO RENTAL AND/OR OUTFITTING OF THE FITNESS ROOM IN THE HAYS COUNTY GOVERNMENT CENTER

Special Counsel Mark Kennedy spoke. After performing a recent survey Departments within Hays County, the Civil Division and the Hays County Building Committee are prepared to receive and review RFPs for the provision of equipment within the Fitness Room of the Hays County Government Center. As has been done in the past, after RFPs are considered by the Building Committee, recommendations would be brought to the Commissioners Court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve specifications and authorize purchasing to advertise Request for Proposals related to rental and/or outfitting of the Fitness Room in the Hays County Government Center. All voting "Aye". MOTION PASSED**

28162 AMEND THE HISTORICAL COMMISSION BUDGET FOR THE PURCHASE OF A LENOVO LAPTOP FOR $1,037.00 AND REIMBURSEMENT FOR AN ANTIQUE DISPLAY CABINET FOR $450.00

In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total $300 or more. Therefore, this invoice cannot be paid until it is granted by the court. The display cabinet will be used for historical objects and the laptop will be used for daily office activities. This Amendment does not require a match from the county. Amount required $1,487.00 Increase Expense 001-676-00.5712_400 computer equip operating $1,037.00 Increase Expense 001-676-00.5719_400 misc equip operating $450.00 Decrease Expense 001-676-00.5448 contract services ($1,487.00). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to amend the Historical Commission budget for the purchase of a Lenovo laptop for $1,037.00 and reimbursement for an antique display cabinet for $450.00. All voting "Aye". MOTION PASSED**

28163 HOLD PUBLIC HEARING AND CANCEL TRIPLE CREEK RANCH SECTION THREE

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. Triple Creek Ranch Section Three consists of three parcels covering 64.038 acres. The proposed cancellation will convert these tracts back into acreage. Lot 2 is of the original plat recorded in Book 7, pages 1-2. Lot 1-A was re-platted and is recorded in Book 8, Pages 31-32. Lot Pt of 1 was excluded from the subdivision plat when Lot-1A was re-platted. Lot 1-A is owned by Kurt T. Haus, Lot Pt of 1 is owned by Arroyo Mesa Ranch Co Ltd, Clare Stedman and Lot 2 is owned by AUSTIN JSB LTD., Sinclair Black. Kurt T. Haus, Arroyo Mesa Ranch Co Ltd and AUSTIN JSB LTD., who collectively constitute the owners of the lots in the Triple Creek Ranch Section Three subdivision desire to cancel said subdivision plats so as to destroy the force and effect of the recording of such subdivision plats. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley cancel Triple Creek Ranch Section Three. All voting "Aye". MOTION PASSED**

28164 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M (B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 6905 S. OLD BASTROP ROAD, SAN MARCOS, TEXAS

Clint Garza Director of Development Services spoke. Kenellie Properties, LLC is proposing an OSSF to serve a Concrete Precast Plant and fabrication business at 6905 S. Old Bastrop Road in Precinct 1.This property is 45.6 acres. Water will be supplied by Public Water Supply. This OSSF is a standard treatment system in which the effluent will be pumped to a non- standard low pressure dosed dispersal field. The system is designed for a maximum of 496 gpd. The system designer, Greg Johnson, P.E. is requesting a variance to Section 10-M(B) of the Hays County rules for on-site sewage facilities which requires flow equalization prior to the treatment tank. His justification for the variance is: (1) Flow from the business is expected to be uniform throughout the day and flow equalization will not provide any Benefit (2) Design includes a septic tank that is larger than required (1250 gallon required-1500 gallon provided) (3) An equalization tank may cause solids to be emulsified and may prevent proper separation in the septic tank causing entrained solids to be pumped to the disposal field (4)Installation of a hydraulic equalization tank prior to the septic tank will provide no benefit to the operation of this type of system (5)This type of system treats the wastewater in the disposal field and my design utilizes flow equalization to the field. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 6905 S. Old Bastrop Road, San Marcos, Texas. All voting "Aye". MOTION PASSED**

28165 ADOPT A RESOLUTION REQUESTING THE AUSTIN CITY COUNCIL TO CONTINUE SUPPORT FOR AND ADOPTION OF SH 45 (SW) IN THE IMAGINE AUSTIN COMPREHENSIVE PLAN AND THE AUSTIN METROPOLITAN AREA TRANSPORTATION PLAN

Commissioner Mark Jones spoke of the support received. Michael Aulick of Aulick & Associates and consultant for Hays County spoke. The Austin City Council is scheduled to hold a public hearing on the draft Imagine Austin Comprehensive Plan on June 14. The Austin Planning Commission has recommended that the City Council delete SH 45 (SW) from the Comprehensive Plan and the adopted Austin Metropolitan Area Transportation Plan, even though the roadway is adopted in the current CAMPO 2035 Regional Transportation Plan and is the subject of ongoing implementation studies by CAMPO and TxDOT staff. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt a resolution requesting the Austin City Council to continue support for and adoption of SH 45 (SW) in the Imagine Austin Comprehensive Plan and the Austin Metropolitan Area Transportation Plan. All voting "Aye". MOTION PASSED**

28166 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THOMAS STAUDT, D/B/A STAUDT SURVEYING, FOR SURVEY WORK AND AMEND THE BUDGET ACCORDINGLY

Commissioner Conley spoke of needing additional parking. Clint Garza Director of Development Services spoke. A citizen in Precinct 3 has agreed to donate approximately one-half acre of property at the corner of Winters Mill Parkway and R.M. 3237 to be dedicated and used as a public parking area for citizens using the exercise trail along Winters Mill to Blue Hole. This dedication will require replatting of previously platted lots, through the City of Wimberley. Future court action to accept dedication will be required after plat revisions are made. Mr. Staudt's services would be required for the plat submittal as well as the survey work required. Park bond savings will be used to pay for the work performed under this agreement. Amount required $3,000.00 Budget Amendment 150-813-97 048.5621_400 – $600 Engineering-operating, 150-813-97-048.5621_700 – $2,400 Engineering-capital. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with Thomas Staudt, d/b/a Staudt Surveying, for survey work and amend the budget accordingly. Commissioner Whisenant abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

28167 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ERIN BANKS, D/B/A BANKS AND ASSOCIATES, FOR ENGINEERING SERVICES AND AMEND THE BUDGET ACCORDINGLY

A citizen in Precinct 3 has offered to donate approximately one-half acre of property at the corner of Winters Mill Parkway and R.M. 3237 to be dedicated and used as a public parking area for citizens using the exercise trail along Winters Mill to Blue Hole. This dedication will require replatting of previously platted lots, through the City of Wimberley. Ms. Banks engineering services would be required for the plat submittal as well as site plan requirements in the City of Wimberley. Savings from Park Bond funds will be used to pay for services performed as a part of this agreement. Amount required $5,800.00 Budget Amendment 150-813-97-048.5621_400 - $1,160 Engineering-operating, 150-813-97-048.5621_700 – $4,640 Engineering-capital. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with Erin Banks, d/b/a Banks and Associates, for engineering services and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28168 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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into Executive Session at 10:15 am. and reconvened into open court meeting at 10:55 am. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Commercial Contract between Hays County and DCI Developers, LLC for the purchase of the Justice Center property located at 110 W. San Antonio St. in San Marcos. All voting "Aye". MOTION PASSED**

Amended motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to execute a Commercial Contract between Hays County and DCI Developers, LLC for the purchase of the Justice Center property located at 110 E. MLK in San Marcos. Commissioner Ingalsbe, Commissioner Jones, and Judge Cobb voting "Aye". Commissioner Conley and Commissioner Whisenant not present. MOTION PASSED

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb stated the burn ban will remain lifted. He mentioned that we are still in a maintained level.

County Clerk's Note Agenda Item #18 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

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

Jeff Watson of HNTB spoke. FM 1626 Southern Section (FM 2270 to FM 967) – Environmental Process (45% complete/draft EA Report 90% Complete), Designs (schematic 95 complete, PS&E 55% complete), ROW Coordination & Acquisition (10% complete), Utility Coordination & Relocation (15% complete), Construction (0% complete); FM 1626 Northern Section (FM 967 to Brodie Ln) –Environmental Process – TxDOT (Complete), Design (schematic 100 complete, PS&E 99% complete), ROW Coordination & Acquisition (70% complete), Utility Coordination & Relocation (25% complete), Construction (0% complete); Yarrington Road Bridge – Environmental Process (complete), Design (schematic 100% complete PS&E 30% complete), ROW coordination & Acquisition (0% complete), Utility coordination & relocation (5% complete), Construction (0% complete); FM 110 (IH 35 to SH 123) – Environmental Process – TxDOT (99% complete), Design (schematic 100% complete PS&E 95% complete), ROW coordination & acquisition (98% complete), Utility coordination & relocation (50% complete), Construction (0% complete); US 290 (Nutty Brown Rd. to Trautwein Rd.) – Construction complete; IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass) –

Environmental process (100% complete), Design (schematic 100% complete PS&E 100% complete), ROW Coordination & acquisition (98% complete), Utility coordination & Relocation (100% complete), Construction (98% complete); IH 35 Phase IIA (RM 150 Realignment) – Environmental Process (100% complete), Design (schematic 100% complete PS&E 100% complete), ROW coordination & acquisition (75% complete), Utility coordination & Relocation (40% complete), Construction (0% complete); IH 35 Phase IIB (FM 1626 to Yarrington) – Environmental Process (95% complete), Design (schematic 100% complete PS&E 100% complete), ROW coordination & acquisition (100% complete), Utility coordination & relocation (95% complete), Construction (0% complete); FM 2001 (Frontage Rd. connector) – Construction Complete. Jeff Curren of HDR spoke. US 290 (Mighty Tiger to McGregor) – continuous left turn lane (fill in gaps) and improve shoulder (approx 3.7 mi.); RM 12 @ Sports Park Drive – Safety improvements (add left turn lane and other intersection safety improvements); RM 1626 @ Nutty Brown Rd. (CR 163) – Safety improvements (left turn lane and other intersection safety improvements); RM 1826 @ Crystal Hill Dr. (Goldenwood) – Safety improvements (Left turn and other intersection safety improvements (Potential acceleration lane)); RM 1826 @ Darden Hill Rd. (CR 162) - Safety improvements (left turn and other intersection safety improvements – Realignment of Darden Hill Rd. at intersection); RM 1826 @ RM 967 – Safety improvements (left turn lane (RM 1826), right turn lane (RM 967) and other intersection safety improvements); RM 2325 Fisher Store Rd. (CR 181) to Carney Lane – Safety improvements (left & right turn lanes)(preliminary schematic complete); RM 12 @ Old Kyle Road – Mobility/safety improvements at Wimberley Business District (turn lanes/planters/drainage); RM 12 & RM 32 Junction – Realignment of RR 12 & RR 32 for T-intersection and other safety improvements; RM 12 Parkway Development – ROW preservation & environmental studies for 4 lane divided parkway; RM 12 @ Hugo Road (CR 214) – Safety improvements (Left Turn Lane and other intersection safety improvements); RM 12 @ Sink Creek – Multibox culvert replaced by a bridge with replacement with 3,760' of approach work on RM 12; RM 12 @ Wonder World Drive – Safety Improvements (Right & Left Turn Lanes) – This project has been addressed by COSM Wonderworld Dr Ext.; Old Bastrop Highway (CR 266) 1.9 Mi.-Widen to 3 lanes (2+CLTL) & 4' Shldrs / Aquire ROW for a ultimate 4-lane section; SH 21 @ High Road (CR127) – Safety Improvements (Turn Lanes); SH 21 @ FM 2001 – Safety Improvements (Turn Lanes); SH 21 @ Rhode Road (CR 126) - Safety Improvements (Left turn lane and other intersection safety improvements); Dacy Lane (CR 205 Bebee Rd to Windy Hill – Engineering /Environmental Studies & ROW Preservation (2-12' Lanes, 14' Lt Turn Lane, Bicycle Lanes & Sidewalks) (1.5 mi.); Lime Kiln Road @ Sink Creek – Feasibility Analysis and Environmental Studies (LWC Replacement in SM River watershed and Edwards Aquifer Recharge Zone); Post Road (CR 140) – Feasibility Analysis and Planning Study for the replacement of Low Water Crossing over the Blanco River; Lakewood Drive @ FM 1626 – Raise Grade of approach (replace culvert with bridge) on Lakewood Drive @ 1626. Safety Improvements; RM 967 @ Ruby Ranch Road – Safety Improvements (Turn Lanes).

County Clerk's Note Agenda Item #20 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 June 12, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26TH DAY OF JUNE A.D., 2012, 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

WITH COMMISSIONER PCT. 4 RAY O. WHISENANT, JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Carl Clark from the Driftwood United Methodist in Kyle 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

James Havis - Kyle Resident made a public comment.

PRESENTATION BY THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT INCLUDING BUT NOT LIMITED TO AN UPDATE ON THE DISTRICT'S ACTIVITIES AND A REVIEW OF TECHNICAL DATA

Joan Jernigan, Director and Board Member of the Hays Trinity Groundwater Conservation District spoke of the Coordination of Information for Education for Western Hays County Citizens. During the past year there have been two videos - one explaining the function of the Groundwater Conservation District and the other Trinity Aquifer. Rick Broun, General Manager and Volunteer Geologist gave a presentation and introduced Alex S. Broun District Geologist to the court.

28169 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve payments of County Invoices in the amount of $3,115,743.18 and add an invoice by Sylvania Lighting Services in the amount of $35,171.24 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28170 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 12, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve Commissioners Court Minutes of June 12, 2012 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28171 AUTHORIZE ADDING A TELEPHONE ALLOWANCE TO THE SYSTEMS COORDINATOR POSITION IN THE BUILDING MAINTENANCE DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY

On May 1, 2012, Commissioner's Court authorized adding a new Systems Coordinator position to the Building Maintenance Department. The position is responsible for monitoring, troubleshooting, and programming the Automated Systems at the Hays County Government Center. The nature of the systems coordinator's duties will often require work outside of the traditional business day, as those systems are operational 24 hours per day. It is imperative that the systems coordinator be available regardless of physical location in the building or after hours. This availability shall include by phone, text, or email which will require the use of a smart phone. Amount required $115.00 (decrease Medical Supplies: 001-695-00.5231 ($115.00) increase Telephone Allowance: 001-695-00.5194 $115.00). **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize adding a telephone allowance to the Systems Coordinator position in the Building Maintenance Department and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28172 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A RENEWAL GRANT APPLICATION TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR FUNDING IN THE AMOUNT OF $51,463 FOR THE REGIONAL AND LOCAL SERVICES SYSTEM/LOCAL PUBLIC HEALTH SERVICES (RLSS/LPHS) PROGRAM IN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Funding is requested annually from the State to support communicable disease surveillance, tracking and reporting, as well as to develop plans and policies to improve the delivery of public health services and communicate with health care partners by the Hays County Personal Health Department (HCPHD). Funds will be utilized to pay for an RN supervisor position to administer the program. The program has been in place in HCPHD for a number of years, and this is a renewal application for the period of September 1, 2012 - August 31, 2013. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to submit a renewal grant application to the Texas Department of State Health Services for funding in the amount of $51,463 for the Regional and Local Services System/Local Public Health Services (RLSS/LPHS) program in the Hays County Personal Health Department. All present voting "Aye". MOTION PASSED**

28173 APPROVE AN INVOICE FOR A FLOOD INUNDATION STUDY FOR THE BELL SPRINGS DAM

The work was required by TCEQ, was authorized by Jerry Borcherding, was completed, and was accepted by TCEQ. No PO for this portion of was obtained. In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total $300 or more. Therefore, this invoice cannot be paid until it is granted by the court. Amount required $4,792 from 5448-008. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve an invoice for a Flood Inundation Study for the Bell Springs Dam. All present voting "Aye". MOTION PASSED**

28174 ACCEPT A $250.00 DONATION TO THE SHERIFFS' OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation in the amount of $250.00 and request to deposit into G/L 052-618-00.5222. **A motion was made by Commissioner Conley**, **seconded by Commissioner Jones to accept a $250.00 donation to the Sheriffs' Office Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28175 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR 2012 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)

This is a renewal grant that the county has been receiving to off-set the Jail operations expenses which includes Correctional Officer salary costs. To be eligible to apply for SCAAP funds states and local units of government that have a correctional facility and incarcerate or detain undocumented criminal aliens for a minimum of 4 consecutive days are eligible to apply for SCAAP funds. The application is submitted electronically and is due on July 6, 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to submit a grant application to the Bureau of Justice Assistance (BJA) for 2012 State Criminal Alien Assistance Program (SCAAP). All present voting "Aye". MOTION PASSED**

28176 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS FOR UP TO $26,400.00 FOR THE PURCHASE OF BULLETPROOF VESTS

This application is to purchase custom bulletproof vests for County Deputies, Constables, and other Law Enforcement Officers. This program will provide reimbursement for 50% of the cost of each vest. Hays County will have to provide an equal amount of matching funds in the amount of $13,200. The application is submitted electronically and is due on June 27, 2012. Amount required $13,200.00 – 50% match (001-618-99-001.4301 Intergovernmental Revenues; 001-618-99-001.5717_400 Law Enforcement Operating. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to submit a grant application to the U.S. Department of Justice, Office of Justice Programs for up to $26,400.00 for the purchase of bulletproof vests. All present voting "Aye". MOTION PASSED**

28177 APPROVAL TO HOLD AN ON-LINE AUCTION WITH RENE BATES STARTING JUNE 29TH AND RUNNING THROUGH JULY 13TH FOR FURNITURE NO LONGER IN USE LOCATED AT THE JUSTICE CENTER

This auction will be held to dispose of the furniture that is no longer of use to the County that is currently being stored at the old Justice Center. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve to hold an on-line auction with Rene Bates starting June 29th and running through July 13th for furniture no longer in use located at the Justice Center. All present voting "Aye". MOTION PASSED**

28178 APPROVE SPECIFICATIONS FOR RFP 2012-P06 FACILITIES MANAGEMENT SOFTWARE AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

Hays County is issuing a Request for Proposal to procedure and implements a turnkey Facility Management Software solution which will be an enterprise wide software system for facilities management and computerized maintenance systems (CMMS). This RFP is the official request for vendors to submit their offerings and qualifications to Hays County to contract for equipment and services to meet the needs outlined here. Proposers are requested to submit a proposal offering their total line of available products and services that are commonly purchased by governmental entities. Product(s) considered for award shall equal or exceed the technical, environmental and performance standards and specifications as defined within this RFP and further described in the scope and specification section. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve specifications for RFP 2012-P06 Facilities Management Software and authorize Purchasing to solicit for proposal and advertise. All present voting "Aye". MOTION PASSED**

28179 APPROVE THE 2012 INVESTMENT POLICY AND AUTHORIZED BROKER DEALER LIST

The minor descriptive changes to the policy that are being proposed are marked in blue. These changes coincide with recent changes in the law. We are proposing to add CDs and Money Markets to our broker dealer list based on competitive rates. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the 2012 Investment Policy and Authorized Broker Dealer List. All present voting "Aye". MOTION PASSED**

28180 AMEND THE AGREEMENT(S) FOR REAL ESTATE SERVICES BETWEEN HAYS COUNTY AND CB RICHARD ELLIS TO INCLUDE ONE (1) ACRE OF RAW LAND OWNED BY HAYS COUNTY, LOCATED AT THE INTERSECTION OF HUNTER ROAD AND CENTERPOINT ROAD

Hays County, Hays County ESD #3, and Brookfield Properties have been negotiating the proposed exchange of land between Hays County ESD #3 and Brookfield, which will result in the relocation of the South Hays Fire Department from its current location on San Antonio Street to a larger, more-centrally-located property near the Intersection of Hunter and Centerpoint Road. Adding the 1-acre tract to the CB Richard Ellis contract will allow the County to participate in this exchange via the fair-market-value sale of its property to ESD#3, which will be added to ESD #3's offering in the exchange contract with Brookfield. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Agreement(s) for Real Estate Services between Hays County and CB Richard Ellis to include one (1) acre of raw land owned by Hays County, located at the intersection of Hunter Road and Centerpoint Road. All present voting "Aye". MOTION PASSED**

28181 AUTHORIZE THE PLACEMENT OF AULICK AND ASSOCIATES, MICHAEL AULICK, ON THE HAYS COUNTY PRE-QUALIFIED ENGINEER CONSULTANT LIST

Jerry Borcherding Transportation Director and Special Counsel Mark Kennedy spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe not to authorize Aulick and Associates, Michael Aulick, on the Hays County Pre-Qualified Engineer Consultant list. All present voting "No". MOTION FAILED**

28182 APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE RFQ FOR ENGINEERING AND CONSULTING SERVICES RELATED TO SPECIALLY-FUNDED ROADS PROJECTS AND COORDINATION OF THOSE PROJECTS WITH VARIOUS STATE ENTITIES

Jerry Borcherding Transportation Director and Special Counsel Mark Kennedy spoke. To date, the Road and Bridge Dept. has utilized the services of a few consultants for the above-cited projects. Most recently, Aulick and Associates has been used. In the event that the Commissioners Court do not add Mr. Aulick to the list of pre-approved engineers, then the advertisement of an RFQ for this type of services will be necessary. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve specifications and authorize Purchasing to advertise RFQ for engineering and consulting services related to specially-funded roads projects and coordination of those projects with various state entities. All present voting "Aye". MOTION PASSED**

28183 AUTHORIZE COUNSEL TO NOTIFY JIM PENDERGAST WITH SMI LEASING, INC. OF TERMINATION RELATED TO HAYS COUNTY LEASE ON 2019 CLOVIS BARKER

In effort to streamline the resources within the Hays County Building and Maintenance Department, Clint Garza, in collaboration with other staff members, determined that the county can relocate the personnel and items currently located at 2019 Clovis Barker. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize counsel to notify Jim Pendergast with SMI Leasing, Inc. of termination related to Hays County lease on 2019 Clovis Barker. All present voting "Aye". MOTION PASSED**

28184 KYLE PROJECT LLC SUBDIVISION [12-2-12 – 1 LOT] **APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator spoke and gave staff recommendation. The Kyle Project LLC Subdivision is a proposed division of land located at the Intersection of Mathias Lane and Windy Hill Road in Precinct 2, resulting in one 2.945 acre lot. The subdivision will be served by an On-Site Sewage Facility and Goforth Water at the time of development. This final plat was approved by the City of Kyle on May 1, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of Kyle Project LLC Subdivision 1 lot. All present voting "Aye". MOTION PASSED**

28185 CALL FOR A PUBLIC HEARING ON JULY 17, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 22A, ROLLING OAKS RANCH

The proposed Resubdivision of Lot 22A Rolling Oaks Ranch will divide the existing 13.11 acre lot into two lots: Lot 22A-1 being 8.50 acres and Lot 22A-2 the remaining 4.61 acres. Lot 22A-1 is served by an existing private well and on-site sewage facility. Lot 22A-2 will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to call for a public hearing on July 17, 2012 to discuss final plat approval of the Replat of Lot 22A, Rolling Oaks Ranch. All present voting "Aye". MOTION PASSED**

28186 CALL FOR A PUBLIC HEARING ON JULY 17, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE RESUBDIVISION OF LOT 2 AND ADDITIONAL ACREAGE AT RED HAWK ESTATES

The proposed Resubdivision of Lot 2 in the Red Hawk Estates subdivision will bring in additional acreage from a contiguous tract and will result in three lots ranging in size from 2.32 to 3.00 acres. Lot 2C is served by existing wells and on-site sewage facilities. Lots 2A and 2B will also be served by private wells and on-site sewage facilities at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to call for a public hearing on July 17, 2012 to discuss final plat approval of the Resubdivision of Lot 2 and Additional Acreage at Red Hawk Estates. All present voting "Aye". MOTION PASSED**

28187 KEY RANCH SECTION 1 [12-4-16 – 43 LOTS] **APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF $849,470.25**

Roxie McInnis Subdivision Coordinator spoke and gave staff recommendation. The Preliminary Plan for the Key Ranch Subdivision was originally approved on May 31, 2011 as a 156 lot subdivision located off of Trautwein Road in Precinct 4. This is the first section to be final platted and includes 37 single-family residential lots, 5 open space lots, and 1 private street lot. All lots will be served by public water supplied by West Travis County Public Utility Agency (formerly LCRA) and individual on-site sewage facilities to be permitted by Hays County. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve final plat and accept fiscal surety in the amount of $849,470.25 of Key Ranch Section 1 43 lots. All present voting "Aye". MOTION PASSED**

28188 ADOPT A RESOLUTION FOR THE DESIGNATION OF AN ESTABLISHED TRUCK ROUTE ON WIMBERLEY'S WINTERS MILL PARKWAY

Commissioner Conley and Jerry Borcherding Transportation Director spoke of this Resolution is for the use of certain streets in the City of Wimberley by truck traffic can cause severe and costly damage to street infrastructure. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Resolution for the designation of an established truck route on Wimberley's Winters Mill Parkway. All present voting "Aye". MOTION PASSED**

County Clerk's Note Agenda # 22 Re: *DISCUSSION AND POSSIBLE ACTION TO WAIVE THE FEES FOR THE HAYS COUNTY TRANSFER STATION FOR THE FOLLOWING NONPROFIT ORGANIZATIONS: WIMBERLEY VALLEY HABITAT FOR HUMANITY, THE VILLAGE THRIFT STORE ON RIVER ROAD, THE SENIOR COMMUNITY THRIFT STORE ON RR 12 AND THE EMILY ANN THEATER* **– was pulled**

DISCUSSION ON VACATION AND COMPENSATORY TIME POLICIES

Constable James Kohler Precinct 2, Michele Tuttle Hays County Treasurer and DeeDee Baen Human Resources Director spoke. Summary: Section 6.18, Overtime, CURRENTLY READS; when operating needs of other requirements cannot be met during regular working hours, employees may be scheduled to work hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage an hour restrictions. Overtime pay is based upon actual hours work. For the purposes of overtime compensation, only actual hours worked in excess of forty during a workweek will be counted. Time off on sick leave, vacation leave, holiday or any leave of absences will not be considered worked for the purposes of performing overtime calculations. Failure to work scheduled overtime or overtime worked without prior written authorization from the supervisor may result in disciplinary action up to and including possible termination of employment. Non-exempt employees except for Law Enforcement Officers at the Hays County Sheriff's Department may be compensated for overtime in the ways listed. Equal time off within the same official work week. Compensatory time off at one and one-half times the number of hours worked up to al maximum number of 60 hours that may be accrued. Election Office non-exempt employees are exempt from the 60 hours maximum. This number represents 40 hours of overtime worked. THE PROPOSED CHANGED: Employees are encouraged to use compensatory time within 12 months after it was accrued. Cash payment may be at anytime, when authorized in department budgets. Payment at the rate of one and one-half times the employee's regular hourly rate if specifically authorized by order of the Commissioners' Court and approved by the department head normally only in emergency situations ADDING THIS: Compensatory time off must be in compliance before employees can use accrued vacation. THE PROPOSED CHANGE: If the employee has earned in excess of 60 hours of overtime without the written consent of the Commissioners Court. (120 hours for law enforcement) the manager over the employee must identify a deliberate course of action to reduce the accrued hours to below 60 (120 Law Enforcement) in a reasonable amount of time. It is the Elected Official and/or Department Heads responsibility to monitor the plan and comply with following the Overtime policy.

28189 ADOPT THE EARLY VOTING SCHEDULE FOR THE JULY 31, 2012, DEMOCRATIC AND REPUBLICAN RUNOFF ELECTIONS

Joyce Cowan Elections Administrator spoke of the locations, dated and hours of Republican and Democratic Primary Runoff Election. The dates will begin Monday, July 23rd through Wednesday, July 25th, 2012 from 8:00 a.m. to 5:00 p.m. and Thursday, July 26th through Friday, July 27th, 2012 from 7:00 a.m to 7:00 p.m. The locations will be at the Hays County Elections Office, Kyle City Hall, Wimberley Community Center and Dripping Springs ISD Administration Building. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt the Early Voting Schedule for the July 31, 2012, Democratic and Republican Runoff Elections. All present voting "Aye". MOTION PASSED**

28190 GRANT A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO MICHAEL GLASCO, OWNER OF A 1.53 ACRE PORTION OF LOT 8, LEA ACRES

Clint Garza Director of Development Services spoke. Mr. Glasco is the owner of a 1.53 acre portion of a lot in the Lea Acres subdivision in Precinct 3. He has applied for both flood hazard area and on-site sewage facility permits in order to build an additional house on his property for his family. His parcel was divided by metes and bounds rather than the requisite plat revision in 1982 and is therefore considered a non-compliant parcel. Chapter 715.4.01 of the Hays County Development Regulations prohibits the Department from issuing any development permits on tracts of land that are not in compliance with all current County rules. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to grant a variance from Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow permitting of an On-Site Sewage Facility Development Permit to Michael Glasco, owner of a 1.53 acre portion of lot 8, Lea Acres. All present voting "Aye". MOTION PASSED**

28191 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #11 WHICH IS DEDUCTING $2,692,879.80 AND FINALIZING AND CLOSING OUT THE DESIGN BUILT CONTRACT WITH BALFOUR BEATTY AND ALSO AUTHORIZE PROCESSING THE FINAL TWO APPLICATIONS

Commissioner Ingalsbe, Commissioner Conley and Bob Hinkle with Broadus and Associates spoke. The Balfour Beatty Construction Change Order 11, Final Contract Value Reconciliation deduction of $2,692,879.80 in savings to Hays County acknowledges that Balfour Beatty has properly completed their contract responsibilities (contract dated October 27, 2009) as the Design Builder for the Hays County Government Center. Therefore pay application #25 will be processed and has been presented to the Court. Final pay application #26 will be processed and released upon obtaining Architect Certification. Balfour Beatty continues to have Warranty responsibility through December 5, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Change Order #11 which is deducting $2,692,879.80 and finalizing and closing out the design built contract with Balfour Beatty and also to authorize processing the final two paid applications which are now correct. All present 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 THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 11:10 a.m. and reconvened into open court meeting at 11:50 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell - No Action Taken

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed executive session at 11:50 a.m. and reconvened into open court meeting at 12:34 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell - No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE DUTIES OF ALL POSITIONS WITHIN THE HAYS COUNTY BUILDING AND MAINTENANCE DEPARTMENT

Court convened into closed executive session at 12:34 p.m. and reconvened into open court meeting at 1:00 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Clint Garza - No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Mark Chambers Hays County Fire Marshall spoke of the drought index being at 495. He advises to not impose the Burn Ban at this time.

County Clerk's Note Agenda Item #31 Re: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

County Clerk's Note Agenda Item #32 Re: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

County Clerk's Note Agenda Item #33 Re: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 June 26, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF JULY A.D., 2012, 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:

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

PUBLIC COMMENTS

Pat Chisholm – Buda resident made a public comment.

28192 PROCLAMATION RECOGNIZING THE WEEK OF JULY 1ST-8TH AS WIMBERLEY 4TH OF JULY RODEO/JACK TATUM WEEK

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a Proclamation recognizing the week of July 1st – 8th as Wimberley 4th of July Rodeo/Jack Tatum Week. All voting "Aye". MOTION PASSED

28193 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of $1,367,588.13 as submitted by the County Clerk. All voting "Aye". MOTION PASSED

28194 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 26, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Courts Minutes of June 26, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28195 AUTHORIZE THE JUDGE TO EXECUTE AN AMENDMENT TO THE PRINT SERVICES CONTRACT BETWEEN HAYS COUNTY AND XEROX

Xerox has been working with staff to reconcile its Print Services Agreement with the existing situation after the move into the Government Center. After reconciliation, the County will be charged for 67 printers in the program instead of 80. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Judge to execute an amendment to the Print Services contract between Hays County and Xerox. All voting "Aye". MOTION PASSED**

28196 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE HAYS COUNTY JUSTICE OF THE PEACE PRECINCT 5 OFFICE AND THE HAYS COUNTY ELECTION ADMINISTRATION DEPARTMENT

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the delivery of the Internal Examination Reports for the Hays County Justice of the Peace Precinct 5 Office and the Hays County Election Administration Department. All voting "Aye". MOTION PASSED

28197 APPROVE CHANGES TO SECTION 6.18-OVERTIME IN THE HAYS COUNTY PERSONNEL POLICY

Summary: Section 6.18, Overtime, CURRENTLY READS; when operating needs of other requirements cannot be met during regular working hours, employees may be scheduled to work hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime compensation is paid to all nonexempt employees in accordance with federal and

State wage an hour restrictions. Overtime pay is based upon actual hours work. For the purposes of overtime compensation, only actual hours worked in excess of forty during a workweek will be counted. Time off on sick leave, vacation leave, holiday or any leave of absences will not be considered worked for the purposes of performing overtime calculations. Failure to work scheduled overtime or overtime worked without prior written authorization from the supervisor may result in disciplinary action up to and including possible termination of employment. Non-exempt employees except for Law Enforcement Officers at the Hays County Sheriff's Department may be compensated for overtime in the ways listed. Equal time off within the same official work week. Compensatory time off at one and one-half times the number of hours worked up to al maximum number of 60 hours that may be accrued. Election Office non-exempt employees are exempt from the 60 hours maximum. This number represents 40 hours of overtime worked. Employees are encouraged to use compensatory time within 12 months after it was accrued. Cash payment may be paid at anytime, when authorized in department budgets. Payment at the rate of one and one-half times the employee's regular hourly rate if specifically authorized by order of the Commissioners' Court and approved by the department head normally only in emergency situations ADDING THIS: Compensatory time off must be in compliance before employees can use accrued vacation. THE PROPOSED CHANGE: If the employee has earned in excess of 60 hours of overtime without the written consent of the Commissioners Court. (120 hours for law enforcement) the manager over the employee must identify a deliberate course of action to reduce the accrued hours to below 60 (120 Law Enforcement) in a reasonable amount of time. It is the Elected Official and/or Department Heads responsibility to monitor the plan and comply with following the Overtime policy. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve changes to Section 6.18-Overtime in the Hays County Personnel Policy. All voting "Aye". MOTION PASSED**

28198 ACCEPT A $200.00 DONATION TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a $200.00 donation to the Sheriff's Office Community Outreach program and amend the budget accordingly. All voting "Aye". MOTION PASSED

28199 APPROVE THE APRIL 2012 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the April 2012 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

28200 AMEND THE IMMUNIZATION GRANT BUDGET TO INCREASE THE CONTINUING EDUCATION LINE ITEM

This budget amendment will allow five Personal Health Department staff to attend the 2012 Texas Immunization Summit in Houston in September. No matching funds required. Amount required $560.00. Decrease expense 120-675-99-018.5501 Travel ($560 Increase expense 120-675-99-018.5551 Continuing Education $560.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Immunization grant budget to increase the continuing education line item. All voting "Aye". MOTION PASSED**

28201 AUTHORIZE THE SHERIFF'S OFFICE TO AMEND THE JAIL BUDGET FOR THE PURCHASE OF MISCELLANEOUS COMPUTER SOFTWARE AND EQUIPMENT

The Jail would like to purchase computers and software with funds currently located in jail/misc. revenue. The equipment will be ordered by Information Technology. Amount required $4,359.00. $1544.00 Increase 001-618-03.5712_400 Increase Revenue 001-618-03.4630; $ 456.00 Increase 001-618-03.5202 Increase Revenue 001-618-03.4630; $2359.00 Increase 001-618-03.5718_400 Increase Revenue 001-618-03.4630. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to amend the Jail budget for the purchase of miscellaneous computer software and equipment. All voting "Aye". MOTION PASSED**

28202 APPROVE AN INCREASE IN JUVENILE DETENTION CENTER REVENUE DUE TO JUVENILE POPULATION AND BUDGET FOOD EXPENSES RELATED TO INCREASED INTAKE

Additional funds are needed to cover food cost associated with increased number of juvenile intakes. Additional revenue generated from this increased intake will cover the amendment needed. Amount required $40,000. Increase Revenue: 070-685-00.4430 - ($40,000); Increase Food Supplies: 070-685-99-017.5232 - $40,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve an increase in Juvenile Detention Center Revenue due to Juvenile population and budget food expenses related to increased intake. All voting "Aye". MOTION PASSED**

28203 ACCEPT A GRANT AWARD FROM THE MARY BONNER COMMUNITY NEEDS GRANT PROGRAM ON BEHALF OF THE HAYS COUNTY SHERIFF'S OFFICE FOR $1,969.00 AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office has received a $1,969.00 grant award from the Mary Bonner Community Needs Program for the Victim Assistance Program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a grant award from the Mary Bonner Community Needs Grant Program on behalf of the Hays County Sheriff's Office for $1,969.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28204 AMEND THE DISTRICT COURT BUDGET FOR INDIGENT PRETRIAL/TRIAL AND JURY EXPENSE FROM CONTINGENCIES

Savings from the funds set aside for the mail clerk position amounting to $16,000 is funding part of this amendment. Funds were set aside at adoption for District Court expense in Contingencies (32,000) and savings from other items will cover balance. Amount required $48,000. 001-608-00.5304 increase 28,000 Indigent Pretrail/Trail; 001-608-00.5306 Jury increase 20,000; From 001-645-00.5399 Contingencies decrease (48,000). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the District Court budget for Indigent Pretrial/Trial and Jury expense from Contingencies. All voting "Aye". MOTION PASSED**

28205 AMENDED PLAT OF LOT 18, SECTION 3, HILL COUNTRY ESTATES [12-3-24 – 1 LOT] **APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Hill Country Estates is a recorded subdivision located off of Hugo Road in Precinct 3. The owner of lot 18 would like to build in the platted drainage easement that runs across the northeastern portion of the lot. A flood study has been performed and a finished floor elevation has been established in order for that portion of the lot to be developed. The final amended plat illustrates the results of the flood study and moves the existing platted easement which will now allow the homeowner to build in that area. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to amend and approve final plat of Lot 18, Section 3 Hill Country Estates (1 Lot). All voting "Aye". MOTION PASSED**

28206 CALL FOR A PUBLIC HEARING ON JULY 24, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 1, FLINT RIDGE

Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed resubdivision of Lot 1, Flint Ridge will divide the existing 30.25 acre lot into three lots sized as follows: Lot 1A, 5.06 acres; Lot 1B, 14.67 acres; and Lot 1C, 10.51 acres. Lot 1B is served by an existing private well and on-site sewage facility. Lots 1A and 1C will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to call for a public hearing on July 24, 2012 to discuss final plat approval of the Replat of Lot 1, Flint Ridge. All voting "Aye". MOTION PASSED**

28207 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE ADVANCE FUNDING AGREEMENT - CSJ #0914-00-292 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE RM 12/RM 32 INTERSECTION PROJECT

RM12/RM32 was identified as a key project in precinct 3 as part of the 2008 Priority Road Bond Program. The Advance Funding Agreement will provide funding for a traffic signal at the RM 12/RM 32 intersection. Amount required $206,651.00. Funds are available within the project's bond program budget. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to accept and execute Advance Funding Agreement - CSJ #0914-00-292 with the Texas Department of Transportation for the RM 12/RM 32 Intersection Project. All voting "Aye". MOTION PASSED**

28208 ADOPT THE LIMITED ENGLISH PROFICIENCY PLAN (LEPP) FOR THE HAYS COUNTY VETERAN SERVICES OFFICE, AS REQUIRED UNDER GRANT FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION, PUBLIC TRANSPORTATION PROGRAM

Jeff Hauff Grants Administrator spoke. The Veteran Services Office has received, and anticipates future receipt, of grant funding under the Section 5310 (public transportation) program - administered by the Texas Department of Transportation - for operation of veteran medical transportation services within this office. These are federal funds that require that Title VI (Civil Rights Act) requirements be followed as a condition of funding, including non-discrimination in regards to race, color, national origin, and sex. Executive Order 13166, a companion to this legislation, addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English. While we have maintained long-standing compliance

in regards to non-discrimination and accommodated those whose primary language is not English (primarily Spanish speakers) by having bilingual staff in most offices and providing translation services where necessary, a more formal written plan is now necessary that demonstrates our steps to provide access to programs and services to those who may not be proficient in the English language. The attached Limited English Proficiency Plan addressed the necessary components of assessment and accommodation of those persons who may have difficulties understanding English and, while generated specifically for the programs of the Veteran Services Office, may serve as a general guide to other departments within the County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt the Limited English Proficiency Plan (LEPP) for the Hays County Veteran Services Office, as required under grant funding from the Texas Department of Transportation, Public Transportation Program. All voting "Aye". MOTION PASSED**

DISCUSSION ON VEHICLE MAINTENANCE AND REPAIR FOR CONSTABLE VEHICLES AT THE SHERIFF'S OFFICE FACILITY

Constable James Kohler Precinct 2 spoke of needing repairs to his vehicles. Mark Kennedy Special Counsel spoke of a meeting between Sheriff's Office, Special Counsel and Constable Pct 2.

28209 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT INFORMATION, TO BE CALLED "PROJECT AMP."

Court convened into Executive Session at 9:40 a.m. and reconvened into open court meeting at 10:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Amy Wilkerson. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute an Agreement under Chapter 381 of the Texas Local Government Code, once the Agreement is finalized by Legal Counsel, between Hays County and Ampersand Art Supply, Inc., including a provision permitting the city of Buda to execute a Chapter 380 Agreement in its Extraterritorial Jurisdiction. All voting "Aye". MOTION PASSED**

28210 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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into Executive Session at 10:04 a.m. and reconvened into open court meeting at 10:25 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, and Special Counsel Mark Kennedy. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase Agreement, once a final draft is approved by Legal Counsel, between Hays County and Primus Real Estate Services, LLP for their purchase of the Justice Center Building located at 110 E. MLK Blvd., San Marcos, TX. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb asked that if you burn trash/brush to notify the Fire Marshal and to use extreme caution.

Clerk's Note Agenda Item #22 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #23 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #24 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Judge Cobb 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 July 3, 2012.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF JULY A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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:

Commissioner Ingalsbe called the meeting to order.

INTRODUCTION OF STAKEHOLDERS

Deputy Mayor Pro Tem Kim Porterfield, City of San Marcos; Debbie Ingalsbe, Hays County Precinct 1; Ernest "Neto" Madrigal, Caldwell County Precinct 3; Kyle Kutscher, Guadalupe County Precinct 2; Mayor Doyle Mosier, City of Martindale

APPROVE THE PUBLIC HEARING RESULTS FROM JUNE 21, 2012.

A motion was made by Commissioner Ingalsbe, seconded by Mayor Mosier to approve the June 21, 2012 Public Hearing Results of Urban Transmit District Public Hearing.

PRESENTATION – SAN MARCOS URBANIZED AREA / URBAN TRANSIT DISTRICT

Laurie Moyer, City of San Marcos presented a brief overview of the Urban Transit District.

PRESENTATION – CAPITAL METRO'S POTENTIAL ROLE

Todd Hemmingson, Vice President of Strategic Planning and Development presented a brief overview on San Marcos Urbanized Area Transit (METRO). Capital Metro began operation in July 1985, funded by a 1-cent sales tax within service area, 500 square mile service area, 400+ fleet size, multiple service providers, eight member Board of Directors, Highest per capita ridership in state: 112K trips per day (27K on UT shuttles), 30M+trips per year.

PRESENTATION – ALAMO REGIONAL TRANSIT (ART)'S POTENTIAL ROLE

Dean Danos, Executive Director, Alamo Area Council of Governments presented a brief overview of the Alamo Regional Transit (ART)'s Potential Role.

PRESENTATION – CAPITAL AREA RURAL TRANSPORTATION SYSTEM'S (CARTS) POTENTIAL ROLE

David Marsh, General Manager presented a brief overview on the Benefits of CARTS Urban-Rural Transit District. (1) Better efficiency, Seamless Customer Service, Less Strain on Local Taxpayers (2) Local Control for San Marcos (3) Experience and Established Partnerships (4) Flexibility and Time to Plan.

CITIZEN COMMENT

Shawn K. Blakeley – San Marcos resident and Rob Roarke – San Marcos resident gave a public comment.

APPROVE A RESOLUTION TO CREATE EITHER AN URBAN/RURAL TRANSIT DISTRICT OR URBAN TRANSIT DISTRICT (AND DISTRICT BOUNDARY)

A motion was made by Commissioner Kutscher, seconded by Mayor Moiser to approve a Resolution in support of the City of San Marcos requesting the Capital Area Rural Transit District (CARTS) to create a combined Urban/Rural Transit District, in Accordance with Section 458 of The Texas Transportation Code. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Conley 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 July 16, 2012.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF JULY A.D., 2012, 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:

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

PUBLIC COMMENTS

Karen Brown – San Marcos resident spoke.

PRESENTATION OF THE TEXAS HISTORICAL COMMISSION'S DISTINGUISHED SERVICE AWARD CERTIFICATE TO THE HAYS COUNTY HISTORICAL COMMISSION

Kate Johnson Chairwoman of the Hays County Historical Commissioner spoke. The Hays County Historical Commission is a recipient of the Distinguished Service Award for outstanding preservation work accomplished in the 2011 year of service.

PRESENTATION BY HALFF ASSOCIATES, INC. ON THE STATUS OF THE FLOOD PROTECTION PLANNING/DRAINAGE BASIN STUDY

Michael Moya, Vice President of Halff Associates provided an update on the status of the flood protection planning/watershed basin study. He gave a Powerpoint Presentation.

28211 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve payments of county invoices of in the amount of $1,481,625.18 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28212 APPROVE COMMISSIONERS COURT MINUTES OF JULY 3, 2012

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of July 3, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28213 AMEND THE BUDGET OF JUSTICE OF THE PEACE, PCT 3 FOR JURY EXPENSE FROM CONTINUING EDUCATION

Justice of the Peace Precinct 3 Andy Cable requires additional Jury expense, and can be funded from Continuing Ed. Amount required $500.00 from 001-628-00.5551 Continuing Ed to 001-628-00.5306 Jury. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to amend the budget of Justice of the Peace, Pct 3 for Jury expense from Continuing Education. All voting "Aye". MOTION PASSED**

28214 APPROVE MOVING FUNDS BUDGETED IN THE SHERIFF'S OFFICE OPERATING BUDGET TO INFORMATION TECHNOLOGY BUDGET FOR SOFTWARE MAINTENANCE

The Sheriff's Office would like to renew software maintenance that is currently being used by vehicle maintenance. The software allows for diagnostic testing on vehicles. Funds have been identified in the Sheriff's Office budget. Amount required $ 1,300.00 decrease Sheriff's Office Law Enforcement Supplies 001-618-00.5201 – ($1,300) increase IT Software Maintenance 001-680-00.5429- $1,300. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve moving funds budgeted in the Sheriff's Office Operating Budget to Information Technology budget for software maintenance. All voting "Aye". MOTION PASSED**

28215 APPROVE PROVIDER AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION INC., OF HAYS, CALDWELL AND BLANCO COUNTIES HEAD START PROGRAM

This is a renewal contract between Community Action Inc. of Central Texas County Personal Health Department to outline the roles and responsibilities of Head Start and the Hays County Personal Health Department as they partner to provide comprehensive health services to Head Start eligible children. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Provider Agreement between Hays County Personal Health Department and Community Action Inc., of Hays, Caldwell and Blanco Counties Head Start Program. All voting "Aye". MOTION PASSED**

28216 APPROVE UTILITY PERMITS

This is to approve Utility Permit #856 on Ledgerock Road. Pedernales Electric Cooperative Inc. proposes to place a single phase overhead power line within the right of way of Ledgerock Road. Propose to install one 45 ft tall pole on Ledgerock and install primary wire over to private property. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Utility Permit #856 on Ledgerock Road issued to Pedernales Electric Coop. as submitted by the Road Department. All voting "Aye". MOTION PASSED**

28217 APPROVE OUT OF STATE TRAVEL FOR CHUCK CHAPMAN, EMERGENCY PREPAREDNESS COORDINATOR, TO ATTEND THE PROGRAM F, 12-06 ITC CLASS, AUGUST 12 TO AUGUST 18, 2012 AT THE CENTER FOR DOMESTIC PREPAREDNESS (CDP) IN ANNISTON, ALABAMA

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve out of state travel for Chuck Chapman, Emergency Preparedness Coordinator, to attend the Program F, 12-06 ITC Class, August 12 to August 18, 2012 at the Center for Domestic Preparedness (CDP) in Anniston, Alabama. All voting "Aye". MOTION PASSED

28218 ACCEPT A $100.00 DONATION TO THE HAYS COUNTY SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Community Outreach division received a donation in the amount of $100.00 for National Night Out and request to deposit into 052-618-00.5222 Crime Prevention. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a $100.00 donation to the Hays County Sheriff's Office Community Outreach program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28219 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CLERK'S OFFICE

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's Office performed an internal examination of the Hays County Clerk's Office financial records for the period of May 1, 2010 to September 30, 2011. The internal examination consisted of reviewing disbursements, receipts, deposits, fixed assets, and other supporting documentation. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Report for the Hays County Clerk's Office. All voting "Aye". MOTION PASSED**

28220 APPROVE RENEWAL AWARD FOR BID 2011-B06 "CEMETERY MAINTENANCE" TO GREATER TX LANDSCAPE

The previous vendor, Dripping Springs Lawn, has been released from the contract. Greater Texas Landscape has been selected as the new vendor. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the Renewal Award for bid 2011-B06 "Cemetery Maintenance" to Greater TX Landscape. All voting "Aye". MOTION PASSED**

28221 APPROVE THE MAY 2012 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the May 2012 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

28222 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND SCOTT H. YARBROUGH FOR THE PERFORMANCE OF INSURANCE-RELATED CONSULTING SERVICES

This amendment simply extends the time of Mr. Yarbrough's existing contract with Hays County. All other items and conditions remain the same. Amount budgeted $18,000.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to a Professional Services Agreement between Hays County and Scott H. Yarbrough for the performance of insurance-related consulting services. All voting "Aye". MOTION PASSED**

28223 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE CUSTOMER AGREEMENT WITH THE TEXAS DEPARTMENT OF RESOURCES AND TEXAS NICUSA FOR EFILING SERVICES THROUGH TEXAS.GOV.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to the Customer Agreement with the Texas Department of Resources and Texas NICUSA for eFiling services through Texas.gov.All voting "Aye". MOTION PASSED

28224 CONSIDER THE RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR MUSTANG VALLEY SUBDIVISION, SECTION II

Jerry Borcherding Transportation Director is requesting that Hays County release the maintenance bond and accept the maintenance of roads in Mustang Valley Section II. The Transportation Department has inspected and recommends its acceptance for maintenance. Road segment includes a portion of Mustang Valley Trail (1,331 feet). **A motion was made by Commissioner Conley, seconded by Commissioner Jones to consider the release of the maintenance bond and accept for maintenance all road and drainage improvements within County ROW for Mustang Valley subdivision, Section II. All voting "Aye". MOTION PASSED**

28225 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO NEGOTIATE AND SIGN A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH TXDOT, FOR AN AMOUNT NOT TO EXCEED $1,230,000.00, FOR PROVIDING DESIGN SERVICES FOR THE CAMPO APPROVED STP MM FUNDED PROJECT AT THE INTERSECTION OF SH 21 AND FM 150, AND TO DIRECT STAFF TO PROCEED WITH PROCUREMENT OF PROFESSIONAL CONSULTANT DESIGN SERVICES FOR PLANS, SPECIFICATIONS AND ESTIMATES (PS&E)

Mike Aulick Hays County Consultant spoke. The CAMPO Board on December 12, 2011 approved a Surface Transportation Program Metropolitan Mobility reimbursable grant for FY 2013 to Hays County for $1,230,000 for intersection improvements at SH 21 and FM 150 (E). TxDot will let the project for construction in FY 2013 and has requested that Hays County procure the PS&E design services for the project. The $1,230,000 is composed of $984,000 in federal funds and a $246,000 TxDot match. Hays County will be reimbursed for the cost of the design services. TxDot is drafting the LPAFA and will provide it to the County as soon as it is available. Upon Commissioners Court approval staff will begin the procurement process in compliance with TxDot requirements in order to begin the design work as soon as possible and meet the FY 2013 deadline. No County funds are required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a resolution authorizing the County Judge to negotiate and sign a Local Project Advance Funding Agreement (LPAFA) with TxDOT, for an amount not to exceed $1,230,000.00, for providing design services for the CAMPO approved STP MM funded project at the intersection of SH 21 and FM 150, and to direct staff to proceed with procurement of professional consultant design services for Plans, Specifications and Estimates (PS&E). Judge Cobb recused himself. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant voting "Aye". MOTION PASSED**

28226 CALL FOR A PUBLIC HEARING ON JULY 31, 2012 TO ESTABLISH A TRAFFIC REGULATION ON SPRINGLAKE DRIVE

Jerry Borcherding Transportation Director spoke. This is to remove a stop sign on Springlake Drive at the intersection with Springlake Circle. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on July 31, 2012 to establish a traffic regulation on Springlake Drive. All voting "Aye". MOTION PASSED**

28227 RESUBDIVISION OF LOT 2 AND ADDITIONAL ACREAGE AT RED HAWK ESTATES [11-3-31 – 3 Lots] **APPROVE FINAL PLAT; HOLD PUBLIC HEARING**

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed resubdivision of Lot 2 in the Red Hawk Estates Subdivision will bring in additional acreage from a contiguous tract and will result in three lots ranging in size from 2.32 to 3.00 acres. Lot 2C is served by existing wells and on-site sewage facilities. Lot 2A and 2B will also be served by private wells and on-site sewage facilities at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final plat of Resubdivision of Lot 2 and Additional Acreage at Red Hawk Estates. All voting "Aye". MOTION PASSED**

28228 REPLAT OF LOT 22A, ROLLING OAKS RANCH [12-3-19 – 2 LOTS] **APPROVE FINAL PLAT; HOLD PUBLIC HEARING**

Judge Cobb opened the public hearing. Judge Cobb read a letter in protest from Keith and Anita McNabb. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed Resubdivison of Lot 22A Rolling Oaks Ranch will divide the existing 13.11 acre lot into two lots: Lot 22A-1 being 8.50 acres and Lot 22A-2 the remaining 4.61 acres. Lot 22A-1 is served by an existing private well and on-site sewage facility. Lot 22A-2 will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final plat of Replat of Lot 22A, Rolling Oaks Ranch. All voting "Aye". MOTION PASSED**

28229 VACATE AND REPLAT OF LOTS 27 & 28, RIVER OAKS OF WIMBERLEY UNIT 1, SECTION 2 [12-2-25 – 1 LOT] **APPROVE VARIANCES FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND TABLE 721.02 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS; APPROVE PRELIMINARY PLAN; CALL FOR A PUBLIC HEARING ON AUGUST 7, 2012**

Roxie McInnis Subdivision Coordinator spoke. The proposed vacate and replat will combine the existing lots into one 1.707 acre lot for a more favorable building site. While this is a combination of existing lots, it does not meet the Hays County minimum lot size of 2.00 acres and therefore requires a formal variance. The property owner is also asking for a variance from Table 721.02 regarding building line setbacks. The Hays County Rule for building line setbacks is 25'; however, after platting in the 1970's this portion of Oak Knob was not completed. At this time Oak Knob only exists as dedicated right of way. The owner is requesting a 10' setback from the right of way. The proposed Lot 27R will be served by a private well and advanced OSSF. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to vacate and Replat of Lots 27 & 28, River Oaks of Wimberley Unit 1, Section 2 and approve variances from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities and Table 721.02 of the Hays County Development Regulations; approve preliminary plan; call for a public hearing on August 7, 2012. All voting "Aye". MOTION PASSED**

28230 CALL FOR A PUBLIC HEARING ON AUGUST 7, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE VACATE AND REPLAT OF LOTS 18 & 19, RUBY RANCH PHASE 7

Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed vacate and replat will combine the existing lots into one 4.715 acre lot. The proposed Lot 18R is served by public water supply and existing on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to hold a public hearing on August 7, 2012 to discuss final plat approval of the Vacate and Replat of Lots 18 & 19, Ruby Ranch Phase 7. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #23 RE: *SHADOW CREEK PHASE SIX, SECTION TWO [12-2-14--50 LOTS] APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF $541,945.69* **– was pulled**

28231 ADD ONE DAY OF MOBILE VOTING AT BUDA CITY HALL FOR THE JULY 31, 2012, DEMOCRATIC & REPUBLICAN RUNOFF ELECTIONS AND SET THE DATE OF JULY 27, 2012

Pat Chisholm – Buda resident and Darryl Swann – Buda resident made public comments. Joyce Cowan Elections Administrator spoke of the locations, dated and hours of Republican and Democratic Primary Runoff Election. The dates will begin Monday, July 23rd through Wednesday, July 25th, 2012 from 8:00 a.m. to 5:00 p.m. and Thursday, July 26th through Friday, July 27th, 2012 from 7:00 a.m. to 7:00 p.m. The locations will be at the Hays County Elections Office, Kyle City Hall, Wimberley Community Center and Dripping Springs ISD Administration Building. Commissioner Whisenant gave a presentation on an overview of the Primary Election. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to add one day of mobile voting at Buda City Hall for the July 31, 2012, Democratic & Republican Runoff Elections and set the date of July 27, 2012. Commissioner Whisenant voting "No". Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

AUTHORIZE THE SHERIFF'S OFFICE TO CONVERT ADMINISTRATIVE ASSISTANT I, SLOT 0273-032 TO AN ADMINISTRATIVE ASSISTANT III, PLACING IT AT A GRADE 110

Hays County Sheriff Gary Cutler spoke. This position will perform complex, sensitive administrative/secretarial work and provide administrative support to the Sheriff, Chief, Office of Professional Responsibility and Three Bureau Captains. The current job description has been revised and the level of work is not appropriate for the current grade. Funds have been identified in the Sheriff's Office salary savings. 2.5 month salary $2,122, fringe $394, for a total of $2,516 (salary savings). Fiscal impact to add to the FY13 budget year will be; Salary $10,183, Fringe $1,921 for a total of $12,104. Amount required none – due to salary savings 001-618-00.5021. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Sheriff's Office to convert Administrative Assistant I, slot 0273-032 to an Administrative Assistant III, placing it at a grade 110. Commissioner Conley and Commissioner Whisenant voting "Aye". Commissioner Ingalsbe, Commissioner Jones and Judge Cobb voting "No". MOTION FAILED**

28232 TO HIRE TEMPORARY HELP IN THE HUMAN RESOURCES OFFICE

Dee Dee Baen Human Resources Director spoke. The Human Resource Department has been operating with a reduced staff since March 2012 due to an employee out on leave. The HR Department approaches their 4th month of operating with 20% reduction in force, and can no longer continue to keep up. The position would take on a variety of tasks, working approximately 30 hours per week through September 28, 2012. At a rate of $10.00 per hour, this temporary fill would cost $3,300 in labor and $252.45 in fringe for a total of $3552.42. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to hire temporary help in the Human Resources office. All voting "Aye". MOTION PASSED**

28233 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES FOR HAYS COUNTY TO HOST AN AUTISM RECOGNITION, RESPONSE AND RISK MANAGEMENT TRAINING FOR FIRST RESPONDERS AND COMMUNITY MEMBERS

Jeff Hauff Grants Administrator spoke. The Texas Department of Aging and Disability Services (DADS) has contacted Hays County to host a training session in recognition, response and risk management of those diagnosed with Autism for first responders and other community members. This training is being offered free of charge to sponsoring organizations throughout the State, with a nationally recognized professional trainer provided by DADS. Hays County will provide the training facility (Government Center Conference Rooms), actively promote and advertise the training, and conduct registration for attendees. The Hays County District Attorney's Office, Fire Marshal's Office, and Sheriff's Office have agreed to serve as co-sponsors of the event. Continuing education credits may be available for attendees. The training has been tentatively scheduled on August 22, 2012.This training will be of benefit to those who would normally respond to public safety incidents, emergency situations and disaster management, including fire fighters, law enforcement officers, emergency medical services staff, andothers, where they may encounter and have to manage those diagnosed with Autism. Being trained to recognize and work with those with special needs can serve to minimize risks involved to both the responder and the individual. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to enter into a Memorandum of Understanding with the Texas Department of Aging and Disability Services for Hays County to host an Autism Recognition, Response and Risk Management training for first responders and community members. All voting "Aye". MOTION PASSED**

28234 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 10700 FM 150 WEST, DRIFTWOOD, TEXAS

Clint Garza Development Services Director spoke. Richard Anthony Steinbrink is proposing an OSSF to serve an office/warehouse 10700 FM 150 West Precinct 4. This property is 15 acres. Water will be supplied by a private water well. This OSSF is a standard treatment system in which the effluent will be pumped to a non-standard low pressure dosed dispersal field the system is designed for a maximum of 100 gpd. The system designer, Emily Farias, R.S. is requesting a variance to Section 10-M(B) of the Hays County rules for on-site sewage facilities which requires flow equalization prior to the treatment tank. Her justification for the variance is: (1) Flow from the business is expected to be uniform throughout the day and flow equalization will not provide any benefit (2) Design includes a septic tank that is larger than required (750 gallon required-1000 gallon provided). (3) An equalization tank may cause solids to be emulsified and may prevent proper separation in the septic tank causing entrained solids to be pumped to the disposal field (4) Installation of a hydraulic equalization tank prior to the septic tank will provide no benefit to the operation of this type of system. (5) This type of system treats the wastewater in the disposal field and the design utilizes flow equalization to the field. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 10700 FM 150 West, Driftwood, Texas. All voting "Aye". MOTION PASSED**

28235 AUTHORIZE INSTITUTIONAL OSSF PERMIT #2012-303 AND GRANT A VARIANCE TO SECTION 10-Q(7) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 86 S. OLD SPANISH TRAIL, UHLAND, TEXAS

Clint Garza Development Services Director spoke. K&J Woodworks is proposing two new On-Site Sewage Facility's to replace a failing on-site sewage facility. This permit number is 2012-303. This property is 10.01 acres. Water will be supplied by Public Water Supply. This OSSF is an aerobic treatment system, with equalized influent, in which the effluent will be pumped to a spray irrigation dispersal field. The system is designed for a maximum of 140 gpd. The system designer, Dora Fogle, R.S. is requesting a variance to Section 10-Q (7) of the Hays County rules for on-site sewage facilities which prohibits spray irrigation for non-residential or commercial operations. Her justification for the variance is: The current system has failed due to seasonal shallow water table intrusion into the treatment tanks. In order to mitigate this, the owner is going to install two separate systems that will not have to be installed as deep and dividing the flow to two systems will reduce the load on the system. Due to shallow depth of seasonal groundwater (30"), clay soil, and not enough slope across the property to install a French drain, which could divert water away from a subsurface drainfield, a spray irrigation system that sprays at night and exceeds the required setback distance from property lines is the best choice for dispersal of the effluent. The current spray irrigation system is working well, during dry periods, and a combination of splitting the system into two and providing flow equalization will be an improvement to the current on-site sewage facility. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit #2012-303 and grant a variance to Section 10-Q(7) of the Hays County Rules for On-Site Sewage Facilities at 86 S. Old Spanish Trail, Uhland, Texas. All voting "Aye". MOTION PASSED**

28236 AUTHORIZE INSTITUTIONAL OSSF PERMIT #2012-302 AND GRANT A VARIANCE TO SECTION 10-Q(7) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 86 S. OLD SPANISH TRAIL, UHLAND, TEXAS

Clint Garza Development Services Director spoke. K&J Woodworks is proposing two new On-Site Sewage Facility's to replace a failing on-site sewage facility. This permit number is 2012-302. This property is 10.01 acres. Water will be supplied by Public Water Supply. This OSSF is an aerobic treatment system, with equalized influent, in which the effluent will be pumped to a spray irrigation dispersal field. The system is designed for a maximum of 140 gpd. The system designer, Dora Fogle, R.S. is requesting a variance to Section 10-Q (7) of the Hays County rules for on-site sewage facilities which prohibits spray irrigation for non-residential or commercial operations. Her justification for the variance is: The current system has failed due to seasonal shallow water table intrusion into the treatment tanks. In order to mitigate this, the owner is going to install two separate systems that will not have to be installed as deep and dividing the flow to two systems will reduce the load on the system. Due to shallow depth of seasonal groundwater (30"), clay soil, and not enough slope across the property to install a French drain, which could divert water away from a subsurface drainfield, a spray irrigation system that sprays at night and exceeds the required setback distance from property lines is the best choice for dispersal of the effluent. The current spray irrigation system is working well, during dry periods, and a combination of splitting the system into two and providing flow equalization will be an improvement to the current on-site sewage facility. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize institutional OSSF Permit #2012-302 and grant a variance to section 10-q(7) of the hays county rules for on-site sewage facilities at 86 s. Old Spanish Trail, Uhland, Texas. All voting "aye". Motion passed**

28237 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 4901 MCGREGOR LANE, DRIPPING SPRINGS, TEXAS

Clint Garza Development Services Director spoke. Rex Baker is proposing an OSSF to serve an event center at 4901 McGregor Lane in Precinct 4. This property is 30 acres. Water will be supplied by a private water well. This OSSF is a standard treatment system in which the effluent will be pumped to a non- standard low pressure dosed dispersal field. The system is designed for a maximum of 1000 gpd. The system designer, Erin Banks, P.E. is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities which requires flow equalization prior to the treatment tank. Her justification for the variance (1) An equalization tank may cause solids to be emulsified and may prevent proper separation in the septic tank causing entrained solids to be pumped to the disposal field (2) Installation of a hydraulic equalization tank prior to the septic tank will provide no benefit to the operation of this type of system. (3) This type of system treats the wastewater in the disposal field and the design utilizes flow equalization to the field by use of a timer. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 4901 McGregor Lane, Dripping Springs, Texas. All voting "Aye". MOTION PASSED**

28238 APPOINT THREE NEW MEMBERS TO THE HAYS COUNTY CHILD PROTECTION BOARD: JUDITH BURNS FROM BUDA, CINDY KRUDOP FROM DRIPPING SPRINGS AND JEANNE WORRELL FROM WIMBERLEY TO FILL (3) VACANT POSITIONS

The Hays County Child Protective Board has been looking to fill these positions with representatives from all Precincts of Hays County and this appointment will satisfy that objective. These three individuals have credentials that will be an asset to the Board. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to appoint three new members to the Hays County Child Protection Board: Judith Burns from Buda, Cindy Krudop from Dripping Springs and Jeanne Worrell from Wimberley to fill (3) vacant positions. All voting "Aye". MOTION PASSED**

28239 AUTHORIZE THE COUNTY JUDGE TO ADOPT A RESOLUTION AND EXECUTE AN AGREEMENT IN SUPPORT OF HAYS COUNTY'S PARTICIPATION IN THE REGION 7 REGIONAL HEALTHCARE PARTNERSHIP (RHP) RELATED TO THE 1115 WAIVER PROGRAM

Sam Unigard CEO of CTMC spoke. Lon Shell gave a handout and a brief overview. The State has been granted a section 1115(a) waiver under the Social Security Act. The waiver provides for the Creation of Regional Healthcare Partnerships (RHP) that will develop health plans to accomplish the goals of the waiver. Several documents have been attached that provide information related to the RHP and the implementation of the 115 Waiver Program. The final attached document outlines the time frame for development of the regional health plan. It is proposed that the Hays County Commissioners Court follow the timeline below during this process: July 17-Consider participation in the RHP and receive information on the waiver and associated programs. July 31-Receive an update on the planning process and allow for input from Citizen's and the Healthcare Community in and around Hays County. Aug 14-Consider adopting a Hays County Health Plan and discuss implementation of an approved plan. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Resolution and execute an Agreement in support of Hays County's participation in the Region 7 Regional Healthcare Partnership (RHP) related to the 1115 Waiver Program. All 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 THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 11:25 a.m. and reconvened into open court meeting at 12:54 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken

28240 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG CR 266 PARCEL 6 & 21

Court convened into closed executive session at 11:15 a.m. and reconvened into open court meeting at 11:25 a.m. In attendance in Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant that the Commissioners Court on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire .4444 of an acre in fee simple for right of way and roadway improvements to CR 266 for use by the traveling public in Hays County. Commissioner Ingalsbe "Abstained". Commissioner Jones, Commissioner, Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant that the Commissioners Court, on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire 1.4030 of an acre in fee simple, .1101 of an acre for a drainage easement, .1908 of an acre for a temporary construction easement for right of way and roadway improvements to CR 266 in Hays County for use by the traveling public. Commissioner Ingalsbe "Abstained". Commissioner Jones, Commissioner, Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED

28241 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG RM 150 IN PRECINCT 1

Court convened into closed executive session at 11:07 a.m. and reconvened into open court meeting at 11:10 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lori Bible and Ellie Dietz. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones that the Commissioners Court on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire .095 of an acre in fee simple .007 for drainage easement in order for the County to use as right of way and for roadway improvements for the traveling public on RM 150 in Hays County. All voting "Aye". MOTION PASSED**

28242 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 FM 1626

Court convened into closed executive session at 11:11 a.m. and reconvened into open court meeting at 11:25 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lori Bible and Ellie Dietz. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe that the Commissioners Court on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire .475 of an acre in fee simple for right of way and roadway improvements for the traveling public to use FM 1626 in Hays County. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban lapsed last week and will remain lifted due to the current rains we've had.

Clerk's Note Agenda Item #39 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #40 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 July 17, 2012.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF JULY A.D., 2012, 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:

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

PRESENTATION FROM PARKING MOBILITY REGARDING DISABLED PARKING ABUSE

Mack Marsh Project Director of Parking Mobility spoke of Public Health & Safety Issues created by Disabled Parking Abuse. Disabled parking abuse is the #1 issue facing Texans with a disability: Creates unnecessary health and safety risks for the most physically vulnerable Texans; Prevents access to everyday life; 25% of all disabled parking is abused at any time (jumping to 75% in bad weather); in 1995 the Texas Legislature created disabled parking volunteer programs (Texas Transportation Code 681.0101). The Solution: No cost, community-based turnkey solution to address all aspects of disabled parking; Satisfies the Texas Legislature's intent of addressing abuse by enacting the highest fines in the country ($500 - $1,250; Texas Transportation Code 681.011); The volunteer's word is the definitive evidence for the ticket; Educates the broader community on disability issues; Provides an educational alternative for first time violators which benefits everyone: Lower fine for the violator; Generates positive education on disability issues vs negative reinforcement (high fine).

28243 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of $656,657.82 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28244 APPROVE COMMISSIONERS COURT MINUTES OF JULY 16 AND JULY 17, 2012

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of July 16 and July 17, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28245 AUTHORIZE THE JUVENILE PROBATION TJJD GRANT A, TO MOVE FUNDS FROM EMPLOYEE OVERTIME COMPENSATION EXPENSE TO CONTRACT INMATE DETENTION EXPENSE AND AMEND THE BUDGET ACCORDINGLY

Move Texas Juvenile Justice Department Grant A money from employee overtime compensation expense to contract inmate detention line item. No County funds needed. Amount required $7,555 grant funds. Decrease Overtime Compensation: 001-686-99-027.5031 ($7,555.00) Increase Contract Inmate Detention: 001-686-99-027.5361 $7,555.00. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Juvenile Probation TJJD Grant A, to move funds from employee overtime compensation expense to contract inmate detention expense and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28246 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT AN AMENDMENT TO TJJD GRANT A STATE AIDE TO INCREASE FUNDING BY $1,400 TO PURCHASE EQUIPMENT AND AMEND THE BUDGET ACCORDINGLY

The Texas Juvenile Justice Department amended Grant A to increase by $1,400 to purchase equipment to support the implementation of Juvenile Case Management System (JCMS). Funds will be used to purchase a television compatible for training and miscellaneous supplies. No County Funds needed. Amount Required $1,400 grant funds; Increase Intergovernmental Revenue: 001-686-99-027.4301 ($1,400.00) Increase General Supplies Expense: 001-686-99-027.5201 300.00 Increase Misc Eqpt Expense: 001-686-99-027.5719_400 1,100.00. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Juvenile Probation Department to accept an amendment to TJJD Grant A State Aide to increase funding by $1,400 to purchase equipment and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28247 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT AN AMENDMENT TO TJJD GRANT A STATE AIDE TO INCREASE FUNDING BY $10,000 TO PLACE JUVENILES IN A SECURE-CORRECTIONAL FACILITY AND AMEND THE BUDGET ACCORDINGLY

The Texas Juvenile Justice Department amended Grant A to increase by $10,000 to provide resources for the placement of juveniles in facilities. Funds will be used to place juveniles in a secure-correctional facility. No County Funds needed. Amount Required $10,000 grant funds; Increase Intergovernmental Revenue: 001-686-99-027.4301 ($10,000.00) Increase Contract Inmate Detention Expense: 001-686-99-027.5361 10,000.00. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Juvenile Probation Department to accept an amendment to TJJD Grant A State Aide to increase funding by $10,000 to place juveniles in a secure-correctional facility and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28248 APPROVE SPECIFICATIONS FOR BID NO. IFB 2012-B08 LAKEWOOD DRIVE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISEMENT

The approval to issue the Public Notice will allow for (1) advertisement of Invitation for bids, (2) Scheduling of nonmandatory pre-bid meeting, and (3) Scheduling of bid opening. Pre-Bid Conference - August 9, 2012 @ 2:00 p.m. "Hays County will be accepting bids for Lakewood Drive, Bid No. IFB 2012-B08. Sealed Bids will be received by Hays County Purchasing Office, 712 South Stagecoach Trail, Ste. 1071, San Marcos, Texas 78666 until 2 p.m. local time on Thursday, August 16, 2012 at which time and place the bids will be publicly opened and read." **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve specifications for Bid No. IFB 2012-B08 Lakewood Drive and authorize purchasing to solicit for Bid and Advertisement. All voting "Aye". MOTION PASSED**

28249 AMEND BUDGET OF DISTRICT COURT FOR INDIGENT-OTHER LITIGATION EXPENSE FROM CONTINGENCIES

$27,676 was set aside in Contingencies for Sheriff UPS (uninterrupted power supply) communications eqpt as a carry forward item, but it was received and paid for in FY11. Those funds now are available in FY12 and District Court order requires additional Indigent expense of $27,600 for Atty/staff travel in Capital Murder case. District Court/Auditor requests use of those funds. Amount Required $27,600; 001-608-00.5307_274 increase 27,600 001-645-00.5399 Contingencies decrease (27,600). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend budget of District Court for Indigent-Other Litigation Expense from Contingencies. All voting "Aye". MOTION PASSED**

28250 AMEND BUDGET OF EXTENSION OFFICE FOR TRAVEL FROM OFFICE SUPPLIES

Extension Office eliminated full time agent (and travel allowance) and replaced with part-time administrative position in budget, but was not authorized travel allowance for that part-time position. Office needs to amend for travel for that position. Amount Required $400.00; From 001-660-00.5211 Office Supplies to 001-660-00.5501 Travel. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend budget of Extension Office for Travel from Office Supplies. All voting "Aye". MOTION PASSED**

28251 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), SECTION 5310 GRANT PROGRAM FOR UP TO $3,000 FOR MAINTENANCE FUNDS FOR TWO VEHICLES IN THE VETERANS SERVICE OFFICE

This grant application requests funding for preventive maintenance on two vehicles purchased through TXDOT for the Veterans Service Office. The funding will be used for routine maintenance and upkeep of the vehicles, as required under the same program from which the vehicles were purchased. Hays County would be required to provide a 20% match for the project in the amount of $750.00, which would bring the total project amount to $3,750.00. The application will be submitted on or before July 31, 2012. Amount Required $750.00; 001-720-00.5413. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to submit a grant application to the Texas Department of Transportation (TXDOT), Section 5310 grant program for up to $3,000 for maintenance funds for two vehicles in the Veterans Service Office. All voting "Aye". MOTION PASSED**

28252 AUTHORIZE THE SHERIFF'S OFFICE, JAIL DIVISION TO PURCHASE COMPUTER EQUIPMENT AND AMEND THE BUDGET ACCORDINGLY

The Jail would like to purchase a server for on-line training that could be utilized for all County departments. Funds received for renewing telephone inmate contract currently located in Jail misc. revenue will be used. The equipment will be ordered by Information Technology. Amount required $1,887.00; Increase Revenue: 001-618-03.4630 ($1,887) Increase Computer Eqpt: 001-618-03.5712_400 $1,887. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office, Jail Division to purchase computer equipment and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28253 AUTHORIZE PAYMENT OF INVOICES FOR PROFESSIONAL LEGAL SERVICES RELATED TO PROCEDURES FOR HIGHWAY CONSTRUCTION

During the last legislative session Hays County and other jurisdictions in Central Texas led an effort to reform and change the environmental review process for highway construction. That legislation passed. The State Highway Commission then was tasked with the assignment of writing and implementing the new rules and reviews. Local elected officials petitioned The Commission to allow locals a seat at the table while developing these new processes. Craig Douglas with Smith, Robertson, Elliott, Glen, Klein and Douglas LLP represented the interest of local jurisdictions (Hays and Williamson County) in developing these new procedures. The end result was a whole new process that is already saving the region and the state millions of dollars in time and resources, allowing us the ability to better serve our citizens with much needed highway improvements. Amount Required $27,508 Road Bond. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize payment of invoices for professional legal services related to procedures for highway construction. All voting "Aye". MOTION PASSED**

28254 APPROVE A $322.12 PAYMENT OF A BILL FOR WHICH A PURCHASE ORDER HAD NOT BEEN TIMELY OBTAINED

In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total $300 or more. Therefore, this invoice cannot be paid until it is granted by the court. Amount required $322.12. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve a $322.12 payment of a bill for which a Purchase Order had not been timely obtained. All voting "Aye". MOTION PASSED**

28255 AUTHORIZE THE PAYMENT OF $146,044.36 RELATED TO THE FINAL COSTS ASSOCIATED WITH THE ROAD PROJECT ON RM 12 (PIONEER TRAIL TO FM 3407 aka WONDERWORLD DRIVE)

Commissioner Conley spoke. (1)The original Advanced Funding Agreement was established with an American Recovery and Reinvestment Act of 2009 maximum participation amount of $1,700,000.00. The Local Government would be responsible for any overruns in excess of the Approved Federal Maximum Participation Amount. (2) According to 23 CFR Ch. I A-Project Authorization and Agreement, the State shall revise the Federal Funds obligated within 90 days. Upon contract award the Federal Obligation was reduced from $1,700,000.00 to the letting amount of $998,761.29, Any cost overruns above this amount would be the responsibility of Hays County. (3) As outlined in Section 11, paragraph C of the AFA, the county had the right to review and provide comments on potential change orders; however, the county did not have the authority to approve change orders. (4) The contract was awarded to Hunter Industries for $998,761.29. There was eight change orders. Two were the responsibility of the City of San Marcos for water line work and the remaining six were necessary work to adequately complete the project. The City provided design documents for their work and the County's consultant, HNTB, provided the remaining design. The final contract was $1,209,679.25. When the city's $64,873.60 worth of change orders and the ARRA $998,761.29 obligation is subtracted, the remainder of $146,044.36 is the responsibility of the county as described in the Advanced Funding Agreement. Amount Required $146,044.36 from Contract Services. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the payment of $146,044.36 related to the final costs associated with the Road Project on RM 12 (Pioneer Trail to FM 3407 aka Wonderworld Drive). All voting "Aye". MOTION PASSED**

28256 ACTION RELATED TO THE WOODCREEK NORTH PROPERTY OWNER ASSOCIATION'S CONVEYANCE OF ROADWAYS TO HAYS COUNTY VIA QUITCLAIM DEEDS, PORTIONS OF THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE

Commissioner Conley and Mark Kennedy Special Counsel spoke. Richard Sullivan – Wimberley resident, Dottie Sweeton – Wimberley resident, Glynn Schanen – Wimberley resident spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Legal Counsel to execute and file a Notice of Non-acceptance of Deed related to the conveyance via Quitclaim Deed of certain roadways to Hays County by the Woodcreek North Property Owners' Association (WPOA). Would ask that Counsel send a copy of this document to the WPOA, with a cover letter explaining the action taken by Hays County. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #16 RE: *APPROVE SPECIFICATIONS FOR A HOT MIX PROJECT (PCT. OFFICE BUILDING ACCESS ROAD) AND AUTHORIZE PURCHASING TO ADVERTISE FOR BIDS* **– was pulled**

28257 REPLAT OF LOT 1, FLINT RIDGE [12-3-21 – 3 LOTS] **APPROVE FINAL PLAT; HOLD A PUBLIC HEARING**

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed resubdivision of Lot 1, Flint Ridge will divide the existing 30.25 acre lot into three lots sized as follows: Lot 1A, 5.06 acres; Lot 1B, 14.67 acres; and Lot 1C, 10.51 acres. Lot 1B is served by an existing private well and on-site sewage facility. Lots 1A and 1C will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve final plat of Replat of Lot 1, Flint Ridge. All voting "Aye". MOTION PASSED**

28258 AMENDED PLAT OF LOT 41, BRIDLEWOOD RANCHES, SECTION 2 [12-3-27 – 1 LOT] **APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Bridlewood Ranches is a recorded subdivision located off of Hugo Road in Precinct 3. The owner of Lot 41 would like to build in the platted drainage easement that runs across the southeastern portion of the lot. The final amended plat has decreased the size of the easement to more closely contain the FEMA floodplain. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final Amended Plat of Lot 41, Bridlewood Ranches, Section 2. All voting "Aye". MOTION PASSED**

28259 TRACT 1, WIMBERLEY HEIGHTS RANCHES [12-3-17 – 2 LOTS] **APPROVE PRELIMINARY PLAN**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Wimberley Heights Ranches is an unrecorded subdivision located off of Limestone Trail and Ranch Road 12 in Precinct 3. The owner of Tract 1 is proposing to divide the 9.66 acre tract into two lots: Lot 1A being 3.60 acres and Lot 1B being 6.06 acres. Lot 1A will be served by an existing private well and on-site sewage facility. Lot 1B will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Preliminary Plan of Tract 1, Wimberley Heights Ranches. All voting "Aye". MOTION PASSED**

28260 CALL FOR A PUBLIC HEARING ON AUGUST 14, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE VACATE AND REPLAT OF LOTS 39 & 40, FALCONWOOD

The proposed vacate and replat will combine the existing lots into one 6.00 acre lot. The proposed Lot 39R will be served by a private well and on-site sewage facility to be permitted by Hays County. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on August 14, 2012 to discuss final plat approval of the Vacate and Replat of Lots 39 & 40, Falconwood. All voting "Aye". MOTION PASSED**

28261 CALL FOR A PUBLIC HEARING ON AUGUST 14, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOTS 1, 2, AND 3, BREED HILL, AND A 10.20 ACRE IRENE BREED TRACT

The Breed Hill subdivision was platted in 2002 as a 3 lot subdivision covering 76.27 acres. The proposed replat will combine the total acreage of the Breed Hill subdivision with an adjacent 10.20 acre tract and divide the property into four lots. All lots will be served by private wells and on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on August 14, 2012 to discuss final plat approval of the Replat of Lots 1, 2, and 3, Breed Hill, and a 10.20 acre Irene Breed Tract. All voting "Aye". MOTION PASSED**

28262 CALL FOR A PUBLIC HEARING ON AUGUST 14, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 4, STAGECOACH RANCH, SECTION 5

The proposed replat will divide the 10.00 acre lot into two lots of 5.00 acres. The proposed Lot 4B will be served by an existing private well and on-site sewage facility. Lot 4A will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on August 14, 2012 to discuss final plat approval of the Replat of Lot 4, Stagecoach Ranch, Section 5. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #23 RE: *SHADOW CREEK PHASE SIX, SECTION TWO [12-2-14 – 50 LOTS] APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF $541,945.69* **– was pulled**

28263 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO PURCHASE A VEHICLE USING GRANT IV-E REIMBURSEMENT FUNDS AND AMEND THE BUDGET ACCORDINGLY

Shelly Williams Director of Juvenile Probation spoke. The Grant IV-E Reimbursement Funds currently has $28,463 budgeted to expend for the remainder of FY 2012. A portion of these funds will be used to purchase a 2012 Chevy Traverse for the transport of juveniles. Grant IV-E Reimbursement Funds will be used. No County Funds needed. Amount required $25,000 grant funds; Decrease Contract Inmate Detention Expense: 001-686-99-034.5361 ($25,000) Increase Vehicle Expense: 001-686-99-034.5713_700 $25,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Juvenile Probation Department to purchase a vehicle using Grant IV-E Reimbursement Funds and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28264 GRANT A DRIVEWAY VARIANCE TO THE DREAM OF HOPES RANCH LOCATED IN THE HAYS COUNTRY OAKS SUBDIVISION IN BUDA

Jerry Borcherding Transportation Director spoke. The Dream of Hopes Ranch has requested a variance from the Commissioner's Court in order to receive the proper permits to reconstruct the existing driveway. The Ranch was started by Laura Stock in September 2000 to provide children with Down Syndrome a place to play and learn. If the property was ever sold the variance doesn't go with them. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to grant a driveway variance to the Dream of Hopes Ranch located in the Hays Country Oaks subdivision in Buda. All voting "Aye". MOTION PASSED**

28265 ACTION REGARDING POLICIES FOR EXEMPT AND NON-EXEMPT EMPLOYEE TIME SHEETS AND THE USE OF COMPENSATORY TIME

Mark Kennedy Special Counsel, Michele Tuttle Hays County Treasurer, and Dee Dee Baen Director of Human Resources spoke. A Non-exempt employee is a person that is allowed compensatory time or overtime per FLSA. Records for hours worked are not required for Exempt employees. The Treasurer's office can summarize the requirements and provide a policy. **A motion was made by Commissioner Conley, seconded by Commissioner Jones for exempt and non-exempt time sheets and the use of compensatory time that exempt employees in Hays County no longer have to clock in and make the appropriate accommodations regarding other benefits which they receive from the County with the Treasurer's Office effective immediately. All voting "Aye". MOTION PASSED**

28266 NAME MELODY BARON THE INTERIM RECORDS MANAGEMENT OFFICER

Mark Kennedy Special Counsel spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to name Melody Baron as the Interim Records Management Officer. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS WITHIN THE CIVIL DEPARTMENT OF THE HAYS COUNTY DISTRICT ATTORNEY'S OFFICE

Court convened into closed Executive Session at 12:30 p.m. and reconvened into open court meeting at 1:00 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Dee Dee Baen HR Director. No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, SALE, EXCHANGE, OR VALUE ASSOCIATED WITH THE SALE OF VARIOUS COUNTY PROPERTIES AND POSSIBLE SAVINGS RELATED TO THE HAYS COUNTY GOVERNMENT CENTER PROJECT. PORTIONS MAY BE DISCUSSED IN OPEN SESSION AS DETERMINED BY COUNSEL

Court convened into closed Executive Session at 11:25 a.m. and reconvened into open court meeting at 12:30 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Dan Wegmiller, Bill Herzog Hays County Auditor, and Lon Shell. No Action Taken.

28267 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE APPOINTMENT, DUTIES, AND/OR REASSIGNMENT OF EACH INDIVIDUAL EMPLOYEE OF THE PARKS DEPARTMENT AND TRANSFER STATIONS, EACH INDIVIDUAL EMPLOYEE OF THE CIVIC CENTER, THE DIRECTOR OF DEVELOPMENT SERVICES, AND THE ENVIRONMENTAL COMPLIANCE SPECIALIST

Court convened into closed Executive Session at 1:00 p.m. and reconvened into open court meeting at 1:22 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jerry Pinnix, Clint Garza Director of Environmental Services, Dee Dee Baen HR Director and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to consolidate the Departments of Parks and Transfer Stations, and the Hays County Civic Center into the Department of Development Services, with the Director of Development Services having supervisory responsibility over the consolidated departments, effective immediately. Court request that Clint Garza Director of Development Services coordinates with HR to establish a Supervisory Structure in the new Department of Development Services. All voting "Aye". MOTION PASSED**

DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb stated that the burn ban will remain lifted. He urged the public if they are going to burn to contact the Fire Marshall's office.

Clerk's Note Agenda Item #32 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

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

Jeff Curren spoke. FM 1626 Southern Section (FM 2270 to FM 967): Environmental Process (45% Complete/Draft EA Report 90% Complete), Design (Schematic 99% Complete, PS&E 55% complete), ROW Coordination & Acquisition (10% Complete), Utility Coordination & Relocation (15% Complete), Construction (0% Complete). FM 1626 Northern Section (FM 967 to Brodie Ln.), Environmental Process TxDOT (Complete), Design (Schematic 100% complete, PS&E 100% complete), ROW Coordination & Acquisition (70% complete), Utility Coordination & Relocation (35% complete), Construction (0% complete). Yarrington Road Bridge: Environmental Process (Complete), Design (schematic 100% complete, PS&E 30% complete), ROW Coordination & Acquisition (0% complete), Utility Coordination & Relocation (5% complete), Construction (0% complete). US 290 (Nutty Brown Road to Trautwein Rd) Construction Complete. IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass): Environmental Process (100% Complete), Design (Schematic 100% complete, PS&E 100% complete), ROW Coordination & Acquisition (98% complete), Utility Coordination & Relocation (100% complete), Construction (98% Complete). IH 35 Phase IIA (RM 150 Realignment): Environmental Process (100% complete), Design (Schematic 100% complete, PS&E 100% complete), ROW Coordination & Relocation (75% complete), Utility Coordination & Relocation (40% complete), Construction (0% complete). IH 35 Phase IIB (FM 1626 to Yarrington): Environmental Process (100% complete), Design (Schematic 100% complete, PS&E 100% complete), ROW Coordination & Acquisition (100% complete), Utility Coordination & Relocation (95% complete), Construction (0% complete). FM 2001 (Frontage Road Connector) – Construction Complete.

Clerk's Note Agenda Item #34 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones seconded by Commissioner Conley 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 July 24, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31ST DAY OF JULY A.D., 2012, 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb 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

Constable Kohler Precinct 2, Richard Schneider spoke on behalf of Former Commissioner Precinct 2 Jeff Barton made a public comment.

28268 PRESENTATION OF THE JACOB'S WELL NATURAL AREA MASTER PLAN BY RVI, WITH ACTION TO ADOPT THE PLAN

Dorothy Knight – Wimberley resident, Sam Brannon – San Marcos resident and Jeff Hauff – Hays County Grants Administrator spoke. Chris Lalich with RVi Planning + Landscape Architecture presented a final draft version of the Plan. In October of 2011, the Commissioners Court approved a contract with RVi for preparation of a development Master Plan for the Jacob's Well Natural Area. A Stakeholder's Group was also formed to provide input and help guide the process. Two public meetings were conducted in Wimberley, the first to solicit input for development options, the second to comment on the development proposal. Commissioner Conley spoke of the Project goals for the Jacob's Well Natural Area Master Plan (1) teach about the outdoors in the out-of-doors (2) promote educational awareness, appreciation and stewardship of Jacob's Well (3) Promote a conservation ethic that visitors can take with them (4) Provide an open space amenity of Hays County residents of all ages (5) Become part of a network of parks and open space (6) Protect a natural resource which will enhance the quality of life and well-being of residents, visitors, and future generations (7) Regulate access to site in order to maintain and restore water quality and infiltration (8) Consider LEED rating and implement Net Zero principles when possible. RVi Planning + Landscape Architecture presented a final draft version of the Plan. In October of 2011, the Commissioners Court approved a contract with RVi for preparation of a development Master Plan for the Jacob's Well Natural Area. A Stakeholder's Group was also formed to provide input and help guide the process. Two public meetings were conducted in Wimberley, the first to solicit input for development options, the second to comment on the development proposal. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt the Jacob's Well Natural Area Master Plan. All voting "Aye". MOTION PASSED**

28269 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of $1,819,289.32 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28270 APPROVE COMMISSIONERS COURT MINUTES OF JULY 24, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of July 24, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28271 ACCEPT THE DISTRICT CLERK FEE COLLECTION REPORT FOR APRIL – JUNE 2012

Art. 103.005, Code of Criminal Procedure, Required Report of an officer listed in Article 103.003 who collects money other than taxes for a County shall report to the Commissioners Court of the County for which the money was collected during each term of the court. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the District Clerk Fee Collection Report for April – June 2012. All voting "Aye". MOTION PASSE**

28272 AWARD CONTRACT TO AULICK AND ASSOCIATES LLC FOR RFQ #2012-P07 FOR PLANNING AND MANAGEMENT SERVICES FOR TRANSPORTATION PROGRAMS AND PROJECTS AND AUTHORIZE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT

Aulick & Associates LLC is the only firm that responded to the RFQ. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to award contract to Aulick and Associates LLC for RFQ #2012-P07 for Planning and Management Services for Transportation Programs and Projects and authorize County Judge to execute a Professional Services Agreement. All voting "Aye". MOTION PASSED**

28273 AUTHORIZE THE COUNTY JUDGE TO REQUEST FUNDS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS ASSOCIATED WITH UNCLAIMED CAPITAL CREDITS RECEIVED FROM ELECTRIC COOPERATIVES AND TO CERTIFY THAT USE OF THE FUNDS WILL BE FOR A PROGRAM AS SPECIFIED UNDER TEXAS LOCAL GOVERNMENT CODE, SECTION 381.004 AND UPON RECEIPT AMEND THE BUDGET ACCORDINGLY

The Texas Comptroller is authorized, under section 74.602 of the Texas Property Code, to allocate a portion of the monies associated with unclaimed capital credits received from electric cooperatives back to counties in the Cooperative's Service Area for use to support programs under Section 381.004 of the Local Government Code. The County must request these funds and certify that funds will be used for purposes as specified under section 381.004. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to request funds from the Texas Comptroller of Public Accounts associated with unclaimed capital credits received from electric cooperatives and to certify that use of the funds will be for a program as specified under Texas Local Government Code, Section 381.004 and upon receipt amend the budget accordingly. All voting "Aye". MOTION PASSED**

28274 RENEW EXISTING BID 2010-B19 "REGULATORY, WARNING AND OTHER ROAD SIGNS FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

All terms and conditions remain unchanged and in full force and effect as provided in the original Bid. There are no price increases. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to renew existing Bid 2010-B19 "Regulatory, Warning and Other Road Signs for one (1) additional year as provided for in the original bid. All voting "Aye". MOTION PASSED**

28275 ACCEPT A $1,500.00 DONATION TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received two donations totaling $1,500.00 for National Night Out and request to deposit into 052-618-00.5222. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept a $1,500.00 donation to the Sheriff's Office Community Outreach program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28276 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Utility Permits # 857 on Crystal Hills Drive issued to Pedernales Electric, Permit # 858 on Dacy Lane and Permit # 859 on Hillside Terrace issued to Pedernales Electric, Permit # 860 on Fox Hollow Drive issued to DComm, Inc., Permits # 861 on Silent Moon Circle and Permit # 862 on Persimmon Drive issued to Spec Construction as submitted by the Road Department. All voting "Aye". MOTION PASSED

28277 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF $376,436.00, FOR VARIOUS PROGRAMS WITHIN THE PERSONAL HEALTH DEPARTMENT

This contract from the Texas Department of Health Services (DSHS) is a renewal for the following programs: RLSS-Local Public Health Services in the amount of $51,463.00, Immunization in the amount of $192,341.00 and Public Health Emergency Preparedness in the amount of $145,896, which includes $13,264.00 as the contractor share for the total project amount $376,436. Rather than having individual contracts for each of the programs, this consolidates the various programs under one contract. Amount required $13,264.00 budgeted in FY13 in multiple G/L accounts. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a grant contract with the Texas Department of State Health Services in the amount of $376,436.00, for various programs within the Personal Health Department. All voting "Aye". MOTION PASSED**

28278 APPROVE RESOLUTION AND AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR $100,000 TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR DEVELOPMENT OF THE JACOB'S WELL NATURAL AREA

The Texas Parks and Wildlife Department, Recreation Grants Branch has issued a Special Call for Projects under its Local Park Grant Program, with applications due by August 1, 2012. With very limited funding, the maximum grant request is $100,000 (previously this was $500,000), which must be matched on a 50/50 basis by the entity submitting the request (for a $200,000 total project). The match for Hays County will be in the land value of properties already acquired for the Jacob's Well Natural Area, so no additional funds are required. The grant proposal will request funding for professional services such as cultural resource surveys, appraisal fees, and recreational elements including an outdoor classroom, playscape, trails, interpretive signs, picnic tables and benches, wildlife viewing blinds, rainwater collection system, bike racks, and native plant restoration. It is expected that much of the work can be completed with in-house forces and volunteers. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Resolution and authorize the County Judge to submit a grant application for $100,000 to the Texas Parks and Wildlife Department for development of the Jacob's Well Natural Area. All voting "Aye". MOTION PASSED**

28279 AMEND THE BUDGET OF THE CIVIC CENTER FOR UTILITIES FROM CONTINGENCIES

Civic Center requires $16,000 in utilities to finish balance of year. Civic Center cannot transfer from within its own budget for that amount; Contingencies has undesignated funds available, and could be able to transfer that amount. Amount required $16,000 to 001-646-00.5480_040 Civic Center Utilities increase 16,000 from 001-645-00.5399 Countywide Contingencies decrease (16,000). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the budget of the Civic Center for Utilities from Contingencies. All voting "Aye". MOTION PASSED**

28280 AUTHORIZE COUNSEL TO PREPARE AND SEND A TERMINATION LETTER TO MITCH MUNCH'S MAINTENANCE MANAGEMENT CO., DISCONTINUING JANITORIAL SERVICES FOR THE HAYS COUNTY GOVERNMENT CENTER

The current contract with 4M Janitorial Service will automatically renew on 1/3/2013. This action will authorize Counsel to send a 30 day termination notice, consistent with the contract. Future Janitorial Services at the Government Center will be provided by Hays County Facility Maintenance staff. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Counsel to prepare and send a termination letter to Mitch Munch's Maintenance Management CO., discontinuing janitorial services for the Hays County Government Center. All voting "Aye". MOTION PASSED**

28281 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT, TJJD GRANT A STATE AIDE TO PURCHASE EQUIPMENT AND AMEND THE BUDGET ACCORDINGLY

On July 24th, the Commissioner's Court authorized the Juvenile Probation to accept additional funding from Texas Juvenile Justice Department Grant A to purchase equipment to support the implementation of Juvenile Case Management System (JCMS). Funds will be used to purchase a television compatible for training. The pricing for this equipment has increased since the initial quote; therefore we need to amend the budget to compensate for the increase. No County Funds needed. Amount Required $198.00 Grant Funds. Decrease General Supplies Expense: 001-686-99-027.5201 ($198) Increase Misc Eqpt. Expense: 001-686-99-027.5719_400 $198.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Juvenile Probation Department, TJJD Grant A State Aide to purchase equipment and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28282 AUTHORIZE THE COUNTY JUDGE TO APPROVE THE AWARDING OF BIDS RECEIVED FOR THE FM 1626-NORTHERN SECTION PASS-THROUGH FINANCING PROJECT TO THE LOWEST BID FROM SEMA CONSTRUCTION CONTINGENT UPON CONCURRENCE AND APPROVAL FROM TXDOT

Jacobs Engineering has performed a review and bid tabulation of the detailed bid forms submitted for the FM 1626 (North) project. Bids for this project were received from SEMA Construction, Inc. Angel Brothers, Dan Williams Company, Hunter Industries and Capital Excavation. With the recommendation of the design engineer, Jacobs Engineering, for award of the FM 1626 Northern Section Construction Contract to SEMA Construction in the contract amount of $17,235,782.15. The Contractor's low bid is $2,891,154.79 under the Engineer's estimated cost of construction. This represents an approximate 14% savings to the County. Amount required $17,235,782.15 within budget of road bond funds 023-802-96-629.5611. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to approve the awarding of bids received for the FM 1626-Northern Section Pass-Through Financing Project to the lowest bid from SEMA Construction contingent upon concurrence and approval from TxDOT. All voting "Aye". MOTION PASSED**

28283 ANVIL BLOCK SUBDIVISION [12-3-20 – 1 LOT] **APPROVE PRELIMINARY PLAN**

Roxie McInnis Subdivision Coordinator spoke and gave staff recommendation. The Anvil Block Subdivision is a proposed 7.00 acre division of land located off of Posey Road in Precinct 3. Water service will be provided by the City of San Marcos and wastewater treatment will be accomplished by an on-site sewage facility to be permitted by Hays County. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the Preliminary Plan for the Anvil Block Subdivision. All voting "Aye". MOTION PASSED**

28284 APPROVE PURCHASING THE BRAZOS TECHNOLOGY E-CITATION/MOBILE DATA CAPTURE SYSTEM FOR LAW ENFORCEMENT THROUGH TYLER TECHNOLOGIES AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SALES AGREEMENT

Captain Mark Davenport, Sheriff Office spoke of the total Charges for the system for the first year is $50,348. For the remaining years annual charges will be $4100 and can increase if additional hardware is placed in service. Amount required $50,348.00 plus annual fees. Justice Court Technology $43,548; 112-628-00.5712, $6,800 Sheriff Drug Forfeiture 053-618-00.5712. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve purchasing the Brazos Technology e-Citation/Mobile Data Capture System for Law Enforcement through Tyler Technologies and authorize the County Judge to execute the Sales Agreement. All voting "Aye". MOTION PASSED**

28285 MODIFY THE MANAGEMENT AGREEMENT BETWEEN WIMBERLEY VALLEY WATERSHED ASSOCIATION AND HAYS COUNTY RELATED TO THE JACOBS WELL NATURAL AREA

Commissioner Conley Precinct 3, Special Counsel Mark Kennedy, Jack Hollon – Wimberley resident, Malcolm Harris – Wimberley resident, Linda Lang – Wimberley resident, Clint Garza Director of Development Services and Bill Herzog County Auditor spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to resend the Management Agreement between Wimberley Valley Watershed Association and Hays County related to the Jacobs Well Natural Area and to authorize the County Judge to . All voting "Aye". MOTION PASSED**

28286 REIMBURSE THE WIMBERLEY VALLEY WATERSHED ASSOCIATION FOR EXPENSES INCURRED WITH REGARDS TO MANAGEMENT AND OPERATIONS RELATED TO THE JACOBS WELL NATURAL AREA

Commissioner Conley Precinct 3, Special Counsel Mark Kennedy, Jon Cobb – Dripping Springs resident, Winton Porterfield –Wimberley resident, Jimmy Skipton III – Dripping Springs resident, Jimmy Skipton IV – Dripping Springs resident, Linda Lang – Wimberley resident, Clint Garza Director of Development Services and Bill Herzog County Auditor spoke. Amount required $79,430.15; 150-813-97-407.5611-700. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to reimburse the Wimberley Valley Watershed Association for expenses incurred as part of the management in the maximum amount of $79,430.15 and to authorize the County Judge to recommendation the Development Services Department and the Auditor's to authorize the reimbursement at their discretion. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #20 RE: *DISCUSSION AND POSSIBLE ACTION TO ADOPT RULES AND REGULATIONS FOR THE JACOBS WELL NATURAL AREA*-**was pulled**

DISCUSSION AND UPDATE REGARDING THE PROGRESS OF THE 1115 WAIVER PROGRAM

Lon Shell gave an update of the progress of the 1115 Wavier Program. State has been granted a Section 1115(a) waiver under the Social Security Act. The waiver provides for the Creation of Regional Healthcare Partnerships (RHP) that will develop health plans to accomplish the goals of the waiver. Several documents have been attached that provide information related to the RHP and the implementation of the 115 Waiver Program.

DISCUSSION ON DATES FOR BUDGET WORKSHOPS AND PRESENTATION OF THE HAYS COUNTY JUDGE'S FY 2013 RECOMMENDED BUDGET

The FY 2013 County Judge's recommended Budget items of interest are: No Tax Rate increase - .4691, 2% Increase for Law Enforcement per Collective Bargaining Agreement - $265k (includes fringe), 3% Merit Pool for all other employees, including Elected Officials - $691k (includes fringe), Consolidated Government Center Security budget into the Sheriff Operating budget to allow for flexibility in staff, $160k for new positions and re-grades (includes fringe), Social Service Agencies funded at same level as FY12. Over the next two months, the Commissioners Court will insure all issues of the budget are addressed and the final adopted budget establishes the best possible plan for Hays County.

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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into closed Executive Session at 12:30 p.m. and reconvened into open court meeting at 12:40 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Council Mark Kennedy and Lon Shell. No Action Taken.

Clerk's Note Agenda Item #24 RE: *DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION*-**was pulled**

Clerk's Note Agenda Item #25 RE*: DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

Clerk's Note Agenda Item #26 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

Clerk's Note Agenda Item #27 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Whisenant, 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 July 31, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7TH DAY OF AUGUST A.D., 2012, 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:

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

PRESENTATION BY REPRESENTATIVES OF THE SCHEIB CENTER REGARDING THE SERVICES PROVIDED BY SCHEIB AND A PROPOSED NEW BUILDING AT THEIR EXISTING LOCATION

Lisa Spencer Chairperson of the Scheib Center spoke and gave a powerpoint presentation. Gary Cutler Hays County Sheriff spoke of using Scheib to house people with mental issues that have been arrested. The Scheib Center is in dire need of additional space to meet the ever growing Mental Health Services requirements. They have this need but not enough money to remedy the problem. The Scheib Center has a significant building fund, but not enough. It is there mission to add a building to support the Mental Health Services.

28287 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of $460,439.02 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28288 APPROVE COMMISSIONERS COURT MINUTES OF JULY 31, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of July 31, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28289 APPROVE THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE HUITT-ZOLLARS PROFESSIONAL SERVICE AGREEMENT IN THE AMOUNT OF $25,000.00 TO PROVIDE CONSTRUCTION PHASE SERVICES ON THE LAKEWOOD DRIVE PRIORITY ROAD BOND PROGRAM PROJECT IN ACCORDANCE WITH SUPPLEMENT NO. 4 TO WORK AUTHORIZATION NO. 1

The Lakewood Drive at FM 1626 project was identified as a key project in Precinct 2 as part of the 2008 Priority Road Bond Program. The project design is complete and construction is anticipated to begin in October 2012. As such, it has become necessary to supplement the Huitt-Zollars work authorization to provide construction phase services. These services were not included in the initial work authorization to permit development of an appropriate scope and fee for these services once it was determined who would be providing construction inspection services and a more accurate construction schedule was available. Construction phase services include: (1) Attend non-mandatory pre-bid meeting with construction contractors, (2) Attend preconstruction meeting and construction progress meetings, (3) Review shop drawing submittals,(4) Respond to Contractor requests for information (RFIs), and (5) Review Contractor Change Order requests. Amount required $25,000.00; 27-802-96-635.5621 Funds are available within the project's bond program budget. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the not-to-exceed fee and compensation cap on the Huitt-Zollars Professional Service Agreement in the amount of $25,000.00 to provide construction phase services on the Lakewood Drive Priority Road Bond Program project in accordance with Supplement No. 4 to Work Authorization No. 1. All voting "Aye". MOTION PASSED**

28290 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT AN APPLICATION TO THE HOME DEPOT FOUNDATION FOR A COMMUNITY IMPACT GRANT IN THE AMOUNT OF $4,900.52 FOR THE RENOVATION OF THE PUBLIC SAFETY BUILDING

The Home Depot Foundation offers Community Impact Grants to non-profits and tax exempt Public Service Agencies. The Community Impact Grants allow funding for refurbishment, repairs, and modifications to community facilities. These grants are given in the form of Home Depot Gift cards and stipulate the work must be done by community volunteers within six months of award. The Hays County Sheriff's Office is seeking funding to renovate the Public Safety Building. Projects for funding include repainting of the lobby; installing signs for the restrooms; and replacing the carpeting in the hallways and patrol room. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to submit an application to the Home Depot Foundation for a Community Impact Grant in the amount of $4,900.52 for the renovation of the Public Safety Building. All voting "Aye". MOTION PASSED**

28291 APPROVE UTILITY PERMITS

CenterPoint Energy Resources Corp., Texas Gas Operations Company proposes to place a 2" Intermediate Pressure Gas line within the right-of-way of Dacy Lane and on Hillside Terrace at the intersection of Dacy Lane. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Utility Permit #863 on Hillside Terrace & Dacy Lane to CenterPoint Energy Resources Corp./Texas Gas Operations as submitted by the Road Deptment. All voting "Aye". MOTION PASSED**

28292 APPROVE A PROPOSAL AND AUTHORIZE MILLIMAN TO REVIEW THE COUNTY'S GASB 45 LIABILITY TO DETERMINE IF ANY CHANGES CAN BE MADE TO REDUCE THE COUNTY'S LIABILITY

Milliman performed our GASB 45 (other post-employment benefits) study in the spring. We had negotiated, at that time, the cost to perform an additional analysis to determine changes the County could make in our postemployment benefits that could possibly reduce our future liability. It was imperative to get the basic services done in the spring to determine the liability that would be included in our audit. Hays County is now ready to conduct the additional study to determine the County's options. The options that Hays County has recommended to Milliman to be considered are described in the attached proposal. These options have been reviewed & approved by the retiree committee. The additional $500 being requested is for travel expenses for Milliman's representative. Amount required $8,000; 001-645-00.5448 Funds are available in countywide contract services. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a proposal and authorize Milliman to review the County's GASB 45 liability to determine if any changes can be made to reduce the County's liability. All voting "Aye". MOTION PASSED**

28293 AMEND THE BUDGET OF OUR SELF-INSURANCE LINE ITEM FROM THE LEGAL LINE ITEM IN THE COUNTYWIDE BUDGET TO PROVIDE ADDITIONAL FUNDING TO REPLACE 2 WRECKED VEHICLES IN THE SHERIFF'S OFFICE

The Sheriff's Office has 2 vehicles that were totaled that need to be replaced. The cost to replace the 2 patrol cars is $53,984. The self-insurance line item only has $40,000 budgeted funds for the remainder of the year. At this time there are adequate funds in our legal line item to make this amendment. Amount required $25,000; 001-645-00.5342 Self-insurance from 001-645.00.5441 Legal Svcs. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the budget of our self-insurance line item from the legal line item in the countywide budget to provide additional funding to replace 2 wrecked vehicles in the Sheriff's office. All voting "Aye". MOTION PASSED**

28294 AMEND AND RESTATE THE HUDSON RANCH SUBDIVISION AGREEMENT BETWEEN HAYS COUNTY AND JEREMIAH VENTURE, LP, A TEXAS LIMITED PARTNERSHIP, TO UPDATE SAID AGREEMENT AND MAKE MODIFICATIONS PER STAFF RECOMMENDATION

Modifications were made to accommodate the delays caused by a contested case hearing involving the Development at SOAH. In addition, modifications were made to better describe the procedure for phased platting of Sections, including when payment on lot fees comes due. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend and Restate the Hudson Ranch Subdivision Agreement between Hays County and Jeremiah Venture, LP, a Texas limited partnership, to update said Agreement and make modifications per staff recommendation. All voting "Aye". MOTION PASSED**

28295 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 12345 PAULS VALLEY ROAD, AUSTIN, TEXAS 78737

Eric Thierry is proposing an OSSF to serve 5 office buildings/studios at 12345 Pauls Valley Road, Austin, TX in Precinct 4. This property is 5.01 acres. Water will be supplied by rainwater collection. This OSSF is an aerobic drip irrigation system with flow equalization. The system is designed for a maximum of 100 gpd. The system designer is Stephen Jetton, R.S. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Institutional OSSF Permit at 12345 Pauls Valley Road, Austin, Texas 78737. All voting "Aye". MOTION PASSED**

28296 AUTHORIZE PURCHASE OF REPLACEMENT RAMPS FROM ROAD & BRIDGE GENERAL FUND AND AMEND THE BUDGET ACCORDINGLY

The ramps are needed to load equipment onto the haul truck. The current ramps must be moved by hand, are extremely heavy, and could lead to an injury. Amount required $738.00 from 020-710-00.5413 Veh Maint to 020-710 00.5719_400 Misc Eqpt-operating. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize purchase of replacement ramps from Road & Bridge General Fund and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28297 VACATE AND REPLAT OF LOTS 27 & 28, RIVER OAKS OF WIMBERLEY UNIT 1, SECTION 2 [12-3-25 – 1 LOT] **APPROVE VARIANCES FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND TABLE 721.02 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie McInnis Subdivision Coordinator spoke. The proposed vacate and replat will combine the existing lots into one 1.707 acre lot for a more favorable building site. While this is a combination of existing lots, it does not meet the Hays County minimum lot size of 2.00 acres and therefore requires a formal variance. The property owner is also asking for a variance from Table 721.02 regarding building line setbacks. The Hays County rule for building line setbacks is 25'; however, after platting in the 1970's, this portion of Oak Knob was not completed. At this time Oak Knob only exists as dedicated right of way. The owner is requesting a 10' setback from the right of way. The proposed Lot 27R will be served by a private well and advanced OSSF. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve final plat Vacate and Replat of Lots 27 & 28, River Oaks of Wimberley Unit 1, Section 2 and approve variances from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities and Table 721.02 of the Hays County Development Regulations. All voting "Aye". MOTION PASSED**

28298 VACATE AND REPLAT OF LOTS 18 & 19, RUBY RANCH PHASE 7 [12-2-28 – 1 LOT] **APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed vacate and replat will combine the existing lots into one 4.715 acre lot. The proposed Lot 18R is served by public water supply and existing on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to vacate and approve final plat Replat Lots 18 & 19, Ruby Ranch Phase 7. All voting "Aye". MOTION PASSED**

28299 AUTHORIZE THE FILING OF THE RECORD PLAT FOR THE VILLEGAS ACRES SUBDIVISION

Roxie McInnis Subdivision Coordinator spoke. The Villegas Acres subdivision is a 2 lot division located off of Mathias Lane in Precinct 2. The final plat was approved on May 31, 2011 by the Commissioners Court, however, the property owner failed to record the plat with the County Clerk within 12 months as required by the Hays County Development Regulations. The property owner is requesting authorization to file the approved plat. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the filing of the record plat for the Villegas Acres subdivision. All voting "Aye". MOTION PASSED**

28300 SHADOW CREEK PHASE SIX, SECTION TWO [12-2-14 – 50 LOTS] **APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF $541,945.69**

Roxie McInnis Subdivision Coordinator gave staff recommendation. The preliminary plan for the Shadow Creek Subdivision was originally approved on June 15, 2004 as a 1440 lot subdivision located off of Windy Hill Road in Precinct 2. Since that time, sixteen sections have been platted totaling 881 lots. This section includes 49 single-family residential lots and 1 greenspace/drainage lot. All lots will be served by public water and sewer provided by Goforth Special Utility District and North Hays County Municipal Utility District Number 1. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Shadow Creek Phase Six, Section Two and accept fiscal surety in the amount of $541,945.69. All voting "Aye". MOTION PASSED**

28301 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF SAN MARCOS, AND THE CITY OF AUSTIN, RELATED TO FORENSIC LAB TESTING

Mark Kennedy Special Counsel spoke. Sherri Tibbe Hays County District Attorney and Hays County Sheriff Gary Cutler are in agreement with this contract. The first Agreement between the above-listed properties did not provide detail related to forensic lab testing other than the drug sample testing that will be performed by the primary technician. The amended agreement provides more detail and lets the parties know what to expect. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute an amendment to the Interlocal Agreement between Hays County, the City of San Marcos, and the City of Austin, and authorize the County Judge to sign related to forensic lab testing. All voting "Aye". MOTION PASSED**

28302 ADOPT A RESOLUTION IN SUPPORT OF ESTABLISHING A TRUCK ROUTE ON WIMBERLEY'S WINTERS MILL PARKWAY

Jerry Borcherding Transportation Director spoke. This Resolution is for the use of certain streets in the City of Wimberley by truck traffic can cause severe and costly damage to street infrastructure. This is necessary to keep trucks from using RR 12 through the Wimberley downtown "Square" area. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a resolution in support of establishing a truck route on Wimberley's Winters Mill Parkway and accepting Attachment A which is a map that has been provided. All voting "Aye". motion passed**

28303 NOMINATE SOUTH HAYS FIRE DEPARTMENT CHIEF DAVID SMITH TO FILL A VACANT POSITION RESERVED FOR A HAYS COUNTY REPRESENTATIVE ON THE CAPCOG (CAPITAL COUNCIL OF GOVERNMENTS) REGIONAL 9-1-1 TASK FORCE

The 911 Task Force has added a Hays County Representative position due to the increase in population reported in the latest Census. Chief David Smith is qualified to serve in this capacity and would represent the area successfully with his extensive knowledge in Hays County emergency communications. His experience has included working with the County's 9-1-1 Center and the Hays County Sheriff's Office in implementing new technology to enhance emergency response. Chief Smith has been approached and has accepted this potential nomination. CAPCOG Director, Gregg Obuch has also endorsed the placement of Chief Smith to the Task Force. With a vote supporting nomination today from the Commissioners Court, Chief Smith's nomination will be sent to the CAPCOG Executive Committee for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to nominate South Hays Fire Department Chief David Smith to fill a vacant position reserved for a Hays County representative on the CAPCOG (Capital Council of Governments) Regional 9-1-1 Task Force. All voting "Aye". MOTION PASSED**

28304 ADOPT A RESOLUTION IN SUPPORT OF THE CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) CREATING A COMBINED URBAN/RURAL TRANSIT DISTRICT, IN ACCORDANCE WITH SECTION 458 OF THE TEXAS TRANSPORTATION CODE AND CONFIRMING HAYS COUNTY'S DESIRE TO BE INCLUDED WITHIN THE DISTRICT AND REQUEST THAT THE CITY OF SAN MARCOS FORMALLY CONFIRM THE CREATION OF THE URBAN/RURAL TRANSIT DISTRICT

Over the last several months and in preparation to the Census results, the City of San Marcos entered into a contract with the Goodman Corporation to help direct the City, and areas with the new Urbanized District, develop the best delivery system for Public Transportation. After several meetings with conferees and public hearings, it was recommended and approved to create a combined Urban/Rural Transit District which we felt would create the best, most efficient public transit system with the least disruption. The adoption of the attached

resolution is supporting the creation on this combined District. Other members of the District include Caldwell County, Guadalupe County and the City of Martindale. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a resolution in support of the Capital Area Rural Transportation System (CARTS) creating a combined Urban/Rural Transit District, in accordance with Section 458 of the Texas Transportation Code and confirming Hays County's desire to be included within the District and request that the City of San Marcos formally confirm the creation of the Urban/Rural Transit District. All voting "Aye". MOTION PASSED**

28305 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT CONTRACT WITH THE TEXAS OFFICE OF THE ATTORNEY GENERAL (OAG), CRIME VICTIM SERVICES DIVISION FOR UP TO $42,000.00

Jeff Hauff, Hays County Grants Administrator spoke. On March 31, 2011 the Commissioners Court authorized submission of a grant application to the Office of the Attorney General (OAG) in the amount $42,000.00 annually for a term of two years for the Victim Coordinator's position in the Hays County Sheriff Office. On August 31, 2011, Commissioners Court authorized execution of a Grant Contract with OAG, initially for a two year term, but the contract was modified to a one year term, pending additional funding by OAG. This contract from the OAG is an award for additional funding for fiscal year 2013, to extend the Victim Coordinator's position in the Hays County Sheriff's Office. The contract term is September 1, 2012 through August 31, 2013, unless terminated earlier per other provisions of the contract. The salary plus fringe benefits for this position is $43,506.14 annually, and the Sheriff's Office budget will supplement the additional funds needed in the amount of $1,506.14 for this position. The contract is due to the OAG's Office on August 10, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Grant Contract with the Texas Office of the Attorney General (OAG), Crime Victim Services Division for up to $42,000.00. All voting "Aye". MOTION PASSED**

28306 ADOPT RULES AND REGULATIONS FOR THE JACOB'S WELL NATURAL AREA

Jeff Hauff, Hays County Grants Administrator spoke. Dr. Nancy Russell – Wimberley resident, Linda Lang – Wimberley resident, and Chief David Smith South Hays Fire Department spoke. The Jacob's Well Natural Area Proposed Rules are Facility Summer Hours: 9:00 A.M. – 9:00 P.M. (DST) Winter Hours: 9:00 A.M. – 6:00 P.M. (CST) (1) Swim at your own risk – no lifeguard on duty (2) No jumping or diving from rocks - Section 4.8(*) (3) No SCUBA diving without written permission from Hays County (4) No fires, fireworks or smoking permitted on Natural Area grounds – Section 4.6 (5) No pets or other domesticated animals, with the exception of trained assistance animals for those persons requiring such assistance (*) (6) No firearms, archery equipment, hunting or fishing – Section 4.3(*) (7) No glass containers – Section 4.1(*) (8) No alcoholic beverages or illegal drugs – Section 4.4 (9) Disorderly conduct and excessive noise are prohibited – Section 4.9(*) (10) Destruction or removal of vegetation and other resources, including artifacts or fossils, is strictly prohibited Violation of these rules may result in immediate removal from the Area Hays County is not responsible for lost, stolen or damaged personal property. * - Related to conservation easement terms. Section 2 also includes no overnight camping, No bicycles. "____" – indicates these are in current Ordinance (passed Aug 1999) Section refers to Park Ordinance Section. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to adopt Rules and Regulations for the Jacob's Well Natural Area as posted with the amendments as discussed today in Court. All voting "Aye". MOTION PASSED**

28307 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF SAN MARCOS REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF SAN MARCOS, PURSUANT TO HB1445 (2001)

Special Council Mark Kennedy spoke. This agreement was originally passed in court in 2011, after that time there were changes made by the City. Until now, it has not been approved by either governing body. County and City staff have worked on the agreement over the past year and both feel confident that a workable agreement has been drafted and each body will move forward on the same day. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an agreement with the City of San Marcos regarding subdivision and development regulation in the extraterritorial jurisdiction of San Marcos, pursuant to HB1445 (2001). All voting "Aye". MOTION PASSED**

28308 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF KYLE REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF KYLE, PURSUANT TO HB1445 (2001)

Clint Garza Director of Developmental Services spoke. City and County staff have collaborated on the proposed agreement which will streamline the platting process in the City of Kyle's ETJ by making the city the "one stop shop" for plat approval. The county will continue to review all subdivision plats and will require compliance with the regulations identified in the agreement, however, final approval authority will be delegated to the city. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with the City of Kyle regarding subdivision and development regulation in the extraterritorial jurisdiction of Kyle, pursuant to HB1445 (2001). All voting "Aye". MOTION PASSED**

28309 AUTHORIZE THE RATIFICATION OF SPECIFICATIONS FOR BID NO. 2012-B07 FM 110, AND THE PURCHASING DEPARTMENT'S ACTIONS TO SOLICIT FOR BID AND ADVERTISEMENT

Commissioner Ingalsbe and Jeff Watson spoke. The FM 110 project was awarded the Letter of Authority and the Federal Project Authorization Agreement on July 31, 2012. In order to allow TxDOT to maintain this project within their 2012 Fiscal Year; the FM 110 project will need to be bid and awarded before August 31, 2012. In order to bid the project and maintain eligibility for Federal Reimbursement of the project Hays County will need to advertise for bids at least 21 days prior to letting. The advertisements are to be posted on the following dates: August 5th, 19th and August 26, 2012. Approval of Public Notice will allow for: (1) Advertisement of Invitation for bids. (2) Scheduling of bid meeting. Budgeted road bond funds (already allocated). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the ratification of specifications for Bid No. 2012-B07 FM 110, and authorize the Purchasing Department's actions to solicit for bid and advertisement. All voting "Aye". MOTION PASSED**

BUDGET WORKSHOP REGARDING THE FY 2013 HAYS COUNTY BUDGET

Karen Brown, Lee Ikles, and June Chase Hankins – Child Protective Board asked for the Court to consider a moderate increase in funding to $15,000 for the Child Protective Board. Bill Herzog Hays County Auditor gave a recap on the Judge's Recommended Budget. No Tax Rate Increase - .4691¢, 2% increase for Law Enforcement per Collective Bargaining Agreement - $265K (includes fringe), 3% Merit Pool for all other employees, including Elected Officials - $671.6K (includes fringe), Consolidating Government Center Security budget into Sheriff Operating to allow for flexibility in staffing. $160 for new positions and re-grades(includes fringe). Removed over $1.3M in capital equipment requests. Social Service Agencies funded at same level as FY12. Operating expenses cut back to current funding unless reasonable justification was provided. Use of reserves ($1,973,866); - $765,748 – County-Wide Radio Migration Plan, Year 2; $300 – Capital Murder Trial; $100,000 – Count-Wide Misc Capital Improvements; $150,000 – County-Wide Mitel Phone Lease; $123,578 – County-Wide Fuel; $100,000 – County-Wide 911 Facility; $150,000 – IT Software Maintenance Microsoft Licensing; $40,800 – IT paperless Project Scanners; $24,600 – IT Granicus Commissioner's Court Package; $69,140 – Tax Office Remittance Software.

RPTP FY13 Road Projects

Jerry Borcherding Director of Transportation requested 2 new positions. 1) Road Supervisor (Foreman) at a grade 111 and 1) RMW Lead at a grade 109. Mr. Borcherding spoke of a reduction in Roadway Striping down to $50,000. A reduction in Contract Services Consultant $766,250 and a reduction in Contract Services Road Work $1,350,595. He also spoke of a reduction in Vehicles Capital to $66,000 and Heavy Equipment Capital $331,000.

Constable Pct. 4

Constable Pct 4 Ron Hood requested a couple of items. Replacement Vehicle and a salary increase for his Admin I. He is requesting to re-grade his Justice Clerk – current salary is $24,136 and requesting a re-grade to mid-range $30,170. Constable Hood spoke of a vehicle that he is requesting to replace that has 171,000 mileage along with the vehicle he'll need equipment to outfit it. He asked for the Court's consideration.

Constable Pct. 2

Constable Pct 2 James Kohler spoke of requests. Vehicle maintenance and repair he is requesting $8,000 which is $2,000 above what Judge recommended.

Constable Pct. 5

Constable Pct 5 Matt Mancillas spoke of requests. He would like to replace a vehicle a 2001 Chevy 1500 Pickup mileage 133,000. His reserve vehicle is at a mileage of 180,000. He is asking for the Court's consideration.

County Court at Law #2

County Court at Law #2 Judge Linda A. Rodriguez spoke of request for salary increase for Compliance Specialist. Ms. Medrano helped train the Compliance Specialist for the District Courts. Judge Rodriguez spoke of increasing Ms. Medrano's salary to $30,000 which is an increase of $2,641. Judge Rodriguez is not requesting a salary increase for any other staff member within her office.

Juvenile Detention

Brett Littlejohn spoke of his requests for new positions and vehicle. Lon Shell spoke of an Expedition that could available sooner that Juvenile Detention could use.

28310 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT INFORMATION, CALLED "PROJECT AMP." RELATED TO AN ECONOMIC DEVELOPMENT AGREEMENT WITH AMPERSAND ART SUPPLY, INC.

Court convened into closed Executive Session at 11:03 a.m. and reconvened into open court meeting at 11:38 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Lon Shell and Amy Madison. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Chapter 381 Agreement, as discussed in Executive Session, between Hays County and Ampersand Art Supply, Inc., after acceptance and execution of the final draft by Ampersand. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute and accept a Consent of Directors of Buda Blue Holdings, LP, which represents that entity's knowledge of and consent to the 381 Agreement between Hays County and Ampersand. All 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 FM 1626

Court convened into closed Executive Session at 11:40 a.m. and reconvened into open court meeting at 11:58 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Lon Shell, Laurie Bible, and Ellie Dietz. Court took no action.

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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into closed Executive Session at 11:58 a.m. and reconvened into open court meeting at 12:00 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy and Lon Shell. Court took no action.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb advised that we are not under a burn ban and he urged the public to use common sense when burning. Judge Cobb also spoke of the West Nile Virus and asked that the public use mosquito spray when outdoors.

Clerk's Note Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #31 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR **– was pulled**

Clerk's Note Agenda Item #32 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 August 7, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF AUGUST A.D., 2012, 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:

Gary Smith Reverend at Christ the Redeemer Church 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

Laura Petty and Richard Parrish of the Texas Agrilife Extension Service spoke. Laura Petty introduced children that went to State Competitions and placed in many events. Kim and Kiera McGee; Jacque, Brittany, Jenna and Brook Krenek; Dawn, Rachel and Rebekah McDaniel; Kaitlyn Eben; Tina Owens; Robert, Mary Ann and John Moerke ; Konleigh Eben; Fran and Will Herron.

28311 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 $428,403.88 as submitted by the County Auditor. All Voting "Aye" MOTION PASSED

28312 AMEND BUDGET OF DEVELOPMENT SERVICES FOR POSTAGE FROM CONTINUING ED

Development Svcs. requires additional funds in Postage and can transfer from Continuing Ed. **A motion made by Commissioner Whisenant, seconded by Commissioner Jones to amend budget of Development Services for postage from Continuing Ed. All Voting "Aye" MOTION PASSED**

28313 APPROVE THE APPOINTMENT ERIC HOLEN TO REPLACE MIKE MOORE AS A MEMBER OF EMERGENCY SERVICES DISTRICT #5

Eric Holen has agreed to serve a two-year term beginning August 14, 2012. Mr. Mike Moore resigned his post on July 23, 2012. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the appointment of Eric Holen to replace Mike Moore as a member of Emergency Services District #5. All Voting "Aye" MOTION PASSED**

28314 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A RENEWAL GRANT APPLICATION TO THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY2013 TITLE V MATERNITY PROGRAM IN THE AMOUNT OF $12,000.00.

This is an annual renewal application for the Hays County Personal Health Department for grant funding to provide pre-natal care to Title V eligible clients to prevent potential maternal and fetal health problems. Prenatal services include screening and eligibility determination, direct clinical services, laboratory services, Title V Children and Pregnant Women (Title V CPW) case management, and appropriate referrals as necessary. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to submit a Renewal Grant Application to the Department of State Health Services (DSHS) for the FY2013 Title V Maternity Program in the amount of $12,000.00. All Voting "Aye" MOTION PASSED**

28315 AUTHORIZE THE SHERIFF'S OFFICE PURCHASE SUPPLIES FOR THE TRAINING ACADEMY AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office needs to purchase supplies for the upcoming basic peace officer graduation. On Dec. 6, 2011, Commissioner's Court authorized the Sheriff's Office to amend the operating budget for tuition and related expenses for the Training Academy. Funds received for tuition fees will be used. budget Amendment Increase Revenue: 001-618-00.4408 ($1,000.00) Increase Training Academy: 001-618-00.5333 $1,000.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office purchase supplies for the Training Academy and amend the budget accordingly. All Voting "Aye" MOTION PASSED**

28316 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE A REPLACEMENT CAMERA WITH ACCESSORIES AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office would like to purchase a replacement camera needed for investigation purposes. The current camera is a 35mm and requires film to be developed which delays the investigation process. The replacement camera requested is digital and will not require film development. Funds have been identified in the Sheriffs' Office Criminal Investigations g/l and will be ordered by Information Technology. Budget Amendment Decrease Criminal Investigation: 001-618-00.5362: ($1,190.00) Increase Law Enforcement Equipment: 001-618-00.5717_400 $1,190.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to purchase a replacement camera with accessories and amend the budget accordingly. All Voting "Aye" MOTION PASSED**

28317 AMEND THE SHERIFF'S OFFICE BUDGET TO PURCHASE LAW ENFORCEMENT EQUIPMENT NEEDED TO OUTFIT THE REPLACEMENT OF 2 WRECKED VEHICLES

On Aug. 7, 2012; Commissioner's Court approved funding to replace 2 wrecked vehicles in the Sheriff's Office. We are requesting to purchase the necessary equipment to outfit the vehicles. Existing equipment will be utilized but some items will need to be purchased such as the 2 consoles, 2 safety partitions, 2 headlight flashers and 1 radar. Some funds have been identified in 5717_400 LE equipment but the remaining funds are being requested from 5713_700 vehicles. Budget Amendment 01-618-00.5713_700 Vehicles (3,300.00) 001-618-00.5717_400 Law Enforcement Equipment $3,300.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the Sheriff's Office budget to purchase law enforcement equipment needed to outfit the replacement of 2 wrecked vehicles. All Voting "Aye" MOTION PASSED**

28318 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 150 HOLDER LANE, DRIPPING SPRINGS, TX 78720

Dylan Duke of MFE Enterprises is proposing an OSSF to serve a facility that manufactures instruments to determine structural integrity of storage tanks at 150 Holder Lane, Dripping Springs, TX in Precinct 4. No wastewater is generated in the manufacturing process and no chemicals will be a part of the waste flow. This property is 4.04 acres. Water will be supplied by rainwater collection. This OSSF is an aerobic drip irrigation system with flow equalization. The system is designed for a maximum of 245 gpd. The system designer is Dave McGhee, R.S. and Greg Johnson, P.E. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit at 150 Holder Lane, Dripping Springs, TX 78720. All Voting "Aye" MOTION PASSED**

28319 ACCEPT A $192.00 DONATION TO THE CONSTABLE'S PCT. 1 OFFICE VEHICLE MAINTENANCE AND REPAIR AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a $192.00 donation to the Constable's Pct. 1 Office Vehicle Maintenance and Repair and amend the budget accordingly. All Voting "Aye" MOTION PASSED

28320 ACCEPT A $100,000 GRANT FROM THE BURDINE JOHNSON FOUNDATION FOR THE OLD HAYS COUNTY JAIL RESTORATION PROJECT AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a $100,000 grant from The Burdine Johnson Foundation for the Old Hays County Jail Restoration Project and amend the budget accordingly. All Voting "Aye" MOTION PASSED

28321 HOLD A PUBLIC HEARING TO VACATE AND REPLAT LOTS 39 & 40 FALCONWOOD [12-3-26 – 1 LOT] **APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed vacate and replat will combine the existing lots into one 6.00 acre lot. The proposed Lot 39R will be served by a private well and on-site sewage facility to be permitted by Hays County. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to vacate and Replat Lots 39 & 40 Falconwood and approve final plat. All Voting "Aye" MOTION PASSED**

28322 HOLD A PUBLIC HEARING TO REPLAT LOT 4, STAGECOACH RANCH, SECTION 5 [12-4-18 – 2 lots] **APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed replat will divide the 10.00 acre lot into two lots of 5.00 acres. The proposed Lot 4B will be served by an existing private well and on-site sewage facility. Lot 4A will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to Replat Lot 4, Stagecoach Ranch, Section 5 and to approve final plat. All Voting "Aye" MOTION PASSED**

28323 HOLD A PUBLIC HEARING TO REPLAT LOTS 1, 2, AND 3, BREED HILL, AND A 10.20 ACRE IRENE BREED TRACT.[12-4-22 – 3 LOTS] APPROVE FINAL PLAT

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. The Breed Hill subdivision was platted in 2002 as a 3 lot subdivision covering 76.27 acres. The proposed replat will combine the total acreage of the Breed Hill subdivision with an adjacent 10.20 acre tract and divide the property into four lots. All lots will be served by private wells and on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to Replat Lots 1, 2, and 3, Breed Hill, and a 10.20 acre Irene Breed Tract and approve final plat. All Voting "Aye" MOTION PASSED**

28324 AMEND THE JAIL OPERATIONS OVERTIME AND HOLIDAY OVERTIME BUDGETS AND AMEND THE BUDGET ACCORDINGLY

Yvette Johnson Budget Director at the Sheriff's Office spoke. Due to staffing coverage for holidays and shortages in staff; the Jail is requesting funds from salary savings to cover overtime and holiday comp for remainder of the fiscal year. The jail currently has staff shortages in corrections due to the peace officer academy; hospital duty has also been a factor. Budget amendment Staff Salary: 001-618-03.5201 ($18,000) Overtime: 001-618-03.5031 $18,000 Staff Salary 001-618-03.5201 ($9,000) Holiday Comp OT: 001-618-03.5036 $9,000. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the Jail Operations overtime and holiday overtime budgets and amend the budget accordingly. All Voting "Aye" MOTION PASSED**

28325 AMEND THE ESD DISPATCH OVERTIME AND HOLIDAY AND AMEND THE BUDGET ACCORDINGLY

Yvette Johnson Budget Director at the Sheriff's Office and Erica Carpenter ESD Director spoke. Due to staffing coverage in 911 communications; ESD positions have covered consoles in 911 which caused an issue in overtime in the ESD Fund. The over budget also references an oversight in FY12 funding where overtime and holiday were not included in the ESD Fund. Budget Amendment Sheriff's Office Staff Salary: 001-618-00.5201 ($5,000) ESD Dispatch Overtime: 001-725-00.5031 $5,000 Sheriffs' Office Staff Salary: 001-618-00.5201 ($5,400) ESD Dispatch Holiday: 001-725-00.5036 $5,400. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the ESD Dispatch overtime and holiday and amend the budget accordingly. All Voting "Aye" MOTION PASSED**

28326 GRANT A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO THE OWNER OF LOTS 18 AND 19 IN RUBY RANCH PHASE 7

Clint Garza Director of Development Services spoke. Joseph and Paula Malone, recently applied for a development authorization on their lots in Ruby Ranch Phase 7. Their plan, showed the OSSF crossing property lines, which is a violation of local and state rules. The owners have begun the process of replatting their property and were final plat approved on 8-7-12. Unfortunately, they can't make it through the City of Dripping Springs process until September. In the interest of time, the owners would like a variance to allow a permit be issued on their lots while they work with the city. Development Services staff has discussed the project with the City and the project is complete and is on target for a September approval. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to grant a variance from Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow permitting of an On-Site Sewage Facility Development Permit to the owner of Lots 18 and 19 in Ruby Ranch Phase 7 contingent on City of Dripping Springs' approval. All Voting "Aye" MOTION PASSED**

28327 APPROVE THE PURCHASE OF FURNITURE FROM WORKPLACE RESOURCE AN AUTHORIZED VENDOR THROUGH TXMAS AND US COMMUNITIES FOR THE PRECINCT 2 BUILDING

The original budget was $158,191.00 based upon a quote provided on 10/06/2011. The increase is based on the final design after minor modifications were made to the floor plans, manufacturer price increases, addition of miscellaneous components necessary to complete the installation following final design, a change to the same chairs used at the Government Center for deputies in the Sherriff's Substation for durability purposes, and additional design cost related to multiple meetings with the stakeholders to confirm proper selection and layout. The change between the original budget and requested amount will be paid from buyout/value engineering savings. These furnishings are similar to those installed at Development Services and are being procured pursuant to contract that has been competitively bid through TXMAS, contract # 6-711050, and through US Communities contract, a purchasing coop, of which Hays County is a member. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the purchase of furniture from Workplace Resource an authorized vendor through TXMAS and US Communities for the Precinct 2 Building. Commissioner Conley Abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb Voting "Aye" MOTION PASSED**

28328 APPROVE CHANGE ORDER #4 FOR CCSJ 0285-02-012, THE RM 2325 PRIORITY ROAD BOND PROGRAM PROJECT IN WIMBERLEY, TO ADD TYPE D LEVEL-UP

Allen Crozier of HDR spoke. The Porous Friction Course (PFC) pavement being utilized on the RM 2325 project requires adequate drainage to perform properly and improve the service life. Due to the drought the past couple of years, some wheel ruts have formed within the existing RM 2325 pavement structure. These wheel ruts will hold water and lower the long term performance of the PFC pavement. The addition of level-up will allow the contractor to grade out these ruts in the existing pavement prior to placement of the PFC to provide positive drainage through the pavement structure. The rutting being corrected is due to normal traffic movement. Pavement damage due to construction equipment will be repaired at the Contractor's expense. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Change Order #4 for CCSJ 0285-02-012, the RM 2325 Priority Road Bond Program Project in Wimberley, to add Type D level-up. All Voting "Aye" MOTION PASSED**

DISCUSSION RELATED TO THE RECORDS MANAGEMENT ASSESSMENT AND RECOMMENDATIONS PROVIDED BY MELODY BARRON, INTERIM RECORDS MANAGEMENT OFFICER

Mark Kennedy Special Counsel spoke of the work Ms. Barron has been doing. Melody Barron Interim Records Management Officer delivered a brief presentation regarding the records management assessment she has performed over the last 2 to 3 months. The Court may choose to provide staff with instructions related to Ms. Barron's recommendations. Actions that might impact the FY 2013 budget can be discussed during this item, it can be taken up during a regularly-scheduled budget hearing. Ms. Barron spoke of contacting all Department Heads/Elected Officials and educate on Records Retention. No Action taken.

28329 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 6, 2012, GENERAL ELECTION

Joyce Cowan Elections Administrator spoke of changing one of the proposed voting sites from Woodcreek City Hall to First Baptist Church in Wimberley. This is a proposed schedule for adoption of November 6, 2012 Early Voting Schedule. Commissioner Conley requested Ms. Cowan to see if she would add another day at the University. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt the Early Voting Schedule for the November 6, 2012, General Election as listed with the change from the Woodcreek City Hall to First Baptist Church in Wimberley. All Voting "Aye" MOTION PASSED**

ADOPT A CAMPAIGN SIGN POLICY

Laureen Chernow Hays County Public Information Officer spoke of the need for the Court to consider a sign policy. The number and size of campaign signs at the Government Center has caused property damage and safety issues. This is only for property owned by the County and to limit the number and size of campaign signs at Hays County properties. Sam Brannon – San Marcos resident and Pat Chisholm – Buda resident spoke. Court requested that the HR Department simplify the policy and bring back for the Courts consideration and that this policy to be effective at all polling locations. No action taken.

28330 DESIGNATE A REPRESENTATIVE TO SERVE ON THE REGION 7 REGIONAL HEALTH PARTNERSHIP (RHP) BOARD OF DIRECTORS AND REVIEW OF THE PRELIMINARY DELIVERY SYSTEM REFORM IMPROVEMENT PAYMENT (DSRIP) PROJECTS CURRENTLY UNDER DEVELOPMENT FOR INCLUSION IN THE REGION 7 RHP AS PART OF THE SECTION 1115 WAIVER PROGRAM

Lon Shell County Administrator and Sam Huenergardt President/CEO of CTMC spoke. Per the Region 7 RHP agreement approved on September 31, 2012, Hays County has been asked to designate a representative to serve on the Board of Directors of the RHP. The 1115 Waiver Program (see attached FAQ's as selected from the Texas Department of Health and Human Services Website): 1. Expands existing Medicaid managed programs statewide, and 2. Establishes two federal funding pools to (a) help providers cover the costs of uncompensated care and (b) promote health system transformation. In order to participate in the program each RHP must complete and submit for review a Regional Health Plan. To qualify for funding to promote health system transformation per 2 (b) above, Delivery System Reform Improvement Payment (DSRIP) Projects must be included in the plan for the participating governmental entity and a provider. Hays County and Central Texas Medical Center (CTMC) have developed several projects for inclusion in the Region 7 RHP Plan (see attached project narratives). Over the next two weeks these projects will be refined and milestones will be identified. To receive funding for uncompensated care and the DSRIP projects, Hays County, through an intergovernmental transfer (IGT), submits funds to the State of Texas to be made available for match by the Centers for Medicare and Medicaid Services (CMS). The original finds and the matching funds are then sent to the designated qualified Hospital (see attached diagram). Currently Hays County has identified $2,000,000 within its operating budget for healthcare services that can be transferred to CTMC. By completing a transformation of these healthcare services to CTMC on December 31, 2012, $1,450,000 (as proposed in the County Judges FY 2013 budget) can be made available for FY 2013. This will allow CTMC to maintain current services and enhance healthcare in Hays County as detailed in the DSRIP projects. The Waiver will be in effect through September 30, 2016. For fiscal years 2014, 2015 and 2016 the RHP plan will include $2,000,000 for IGT per year. These funds will be proposed during budget preparations for those years. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to designate Lon Shell as representative to serve on the Region 7 Regional Health Partnership (RHP) Board of Directors and review of the preliminary Delivery System Reform Improvement Payment (DSRIP) Projects currently under development for inclusion in the Region 7 RHP as part of the Section 1115 Waiver Program. All Voting "Aye" MOTION PASSED**

28331 AUTHORIZE THE COUNTY JUDGE TO EXECUTE LEASE AGREEMENTS FOR 401C BROADWAY STREET IN SAN MARCOS AND 150 LOCKHART STREET IN KYLE FOR USE BY THE WOMEN, INFANTS, AND CHILDREN ("WIC") PROGRAM ADMINISTERED BY THE CITY OF SAN MARCOS

Lon Shell County Administrator spoke. The proposed Lease Agreement will be considered by the City of San Marcos at their meeting on August 21st. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute Lease Agreements for 401C Broadway Street in San Marcos and 150 Lockhart Street in Kyle for use by the Women, Infants, and Children ("WIC") Program administered by the City of San Marcos with certain amendments as presented by Special Counsel. All Voting "Aye" MOTION PASSED**

BUDGET WORKSHOP REGARDING THE FY 2013 HAYS COUNTY BUDGET

Hays County Sheriff

Gary Cutler Hays County Sheriff thanked the Court for the one Deputy position and for the Administrative Re-grades. Yvette Johnson spoke of the need for an increase in holiday pay for the Jail due to the salary increases. Sheriff also asked the court to consider an Animal Control Officer. Captain Mike Davenport spoke of the need for vehicles. The SO is requesting 25, the Judge is recommending 11. Captain gave a list of vehicles to the court that includes officer who drives it, mileage and usage. Captain is requesting 5 more vehicles. Three of which will need to be fully equipped. They would like to replace Units - #516, #601 and #815.

Retiree Committee Recommendations

Retiree Committee recommended to not make any policy changes at this time. One of the Policy changes is to keep Gary Ingalsbe to get a retiree's perspective and to add JP Pct. 3 Andy Cable – he is currently serving on the State of Texas Pension Review Board and would have a great understanding of issues. This is just an update from the committee.

Treasurer

Michele Tuttle spoke of a Collections person that has been placed in her office. OCA is coming to train all her staff on the Collections. She is requesting to increase the hours for her Admin I part-time staff from 20 to 29 hours per week in the amount of $8,312. Ms. Tuttle spoke of need for postage machine Maintenance Agreement.

Child Protective Board
Mary Cobble with the Child Protective Board requested $15,000 from the County. She thanked the Court for support throughout the years.

Nick Dornan spoke of the feral hog program and requested supplement to the Hog Out Program. The County competes for eradicating the feral hogs. He suggested giving a bounty to encourage the eradication. He spoke of needing 750 hogs to be competitive to receive a grant.

Constable Pct. 1
David Peterson Constable Pct. 1 spoke of needing another Deputy. His office's main duties are Civil Process. He also has someone who Bailiff's JP Hernandez and JP Prado's Court and Commissioners Court. He spoke of his vehicles and he doesn't mind taking hand-me-downs from the SO. His vehicles are averaging 15,000 miles per year. Constable Peterson is requesting a telephone line for a secured room. He also needs a monitor for one of his Deputy's. This is something that can be remedied right away per Jeff McGill in IT.

County Clerk
Liz Gonzalez requested the courts consideration for an additional person in Archiving. This would be as 2 part-timers instead of 1 without benefits.

County Court at Law
County Court at Law Judge Robert Updegrove requested a salary increase for Priscilla Medrano. Dee Dee Baen Human Resources Director spoke of Merit Pay that may resolve this issue.

Human Resources
Dee Dee Baen Human Resources Director requested another person to assist with FMLA, Leave Administration and other duties. This request was denied. She is requesting that position be a part-time person at 20 – 25 hours per week. Contract Services – she requested $4500 if the Court would consider putting that money into Contract Services.

County-Wide
Dee Dee Baen HR Director gave a powerpoint presentation. She spoke of Compensation Philosophy. This is a competitive compensation is the cornerstone for recruiting, retaining, and motivating the type of employees needed to fulfill the County's mission. Recent years – FY2010 1% lump sum (based on sales tax revenues) to all employees except Deputy/Deputy Constable, 4% increase Deputy/Deputy Constable. FY2011 Employees received a 2% merit effective 12/1/10, no movement to salary ranges. FY2012 – Current salary ranges are around 5% below market averages, 0% increase to employees, Elected Officials, Commissioners Court, 2% to Collective Bargaining Unit. FY2013 – Cost of Labor Adjustment – pay grades remain approx. 5% below market, recommend moving pay grades by 2%. Merit Pool – 3% merit pool on open range positions = $568,477 Employees above the maximum would receive a one-time lump sum, County Judge's recommended budget includes 3% merit pool, to discuss – Performance Evaluation complete prior to award of merit pool. Elected Officials – Implementation of recommended salaries from 2008 Citizens Committee Study – FY13 – 3% then balance over 3 or 4 years, FY13 – increase divided equally over 4 years, County Judge's recommended budget includes 3% to Elected Officials. Collective Bargaining Unit – 2% salary increase – Deputy's, Deputy Constables, Correction Officers. FY201 – FY13 – 3% then balance over 3 or 4 years, FY13 – increase divided equally over 4 years, County Judge's recommended budget includes 3% to Elected Officials. Collective Bargaining Unit – 2% salary increase – Deputy's, Deputy Constables, Correction Officers. FY2014 – Create and distribute salary surveys to our market sources for Collective Bargaining. Current CBA expires 9/30/13, Create and distribute salary surveys to our market sources for all other positions. This would include all 168 positions.

Itemized Tax Rate for FY 2013 Hays County Budget – Commissioner's Court Recommended

Valuation	Funds	Tax Rate	Estimated Tax Collection
11,489,739,395			
(1¢=$1,125,994@98%Collection)	General M&O	29.85¢	$33,610,921
	General Debt	12.56¢	14,142,485
11,453,504,661			
(1¢ = $1,122,443 @ 98% Collection)	Road & Bridge M&O	4.38¢	4,916,300
	AD VALOREM TAX RATE	**46.79**	**52,669,706**

Effective Tax Rate	46.79¢
Proposed Tax Rate	46.79¢
Rollback Tax Rate	56.80¢

TAX INCENTIVE PROGRAMS

$134,324,642 (1¢=$13,432 @ 100% Collection)	General M&O	29.85¢	400,945
$112,760,722 (1¢=$11,27 @ 100% Collection)	General Debt	12.56¢	141,627
$101,080,071 (1¢=$10,108 @ 100% Collection)	Road Bridge M&O	4.38¢	44,273
	AD VALOREM TAX RATE	46.79¢	$586,845
	TOTAL ASSESSED TAXES		**$54,331,443**

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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed Executive Session at 11:28 a.m. and reconvened into open court meeting at 11:36 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Council Mark Kennedy and Lon Shell. No Action Taken.

28332 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE, DUTIES, AND EMPLOYMENT OF THE EMERGENCY MANAGEMENT COORDINATOR. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.

Court convened into closed Executive Session at 11:36 a.m. and reconvened into open court meeting at 11:50 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Council Mark Kennedy and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept the resignation of the Emergency Management Coordinator and thank him for his service and to appoint Mark Chambers as Temporary Emergency Services Director and have the Court empower the County Judge's office to develop a process in which a committee be formed and to work with HR and go through resumes as people apply and bring back for interviews by the Commissioners Court. All Voting "Aye" MOTION PASSED**

28333 ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION.

Mark Chambers Hays County Fire Marshal spoke of the drought index and the need to institute the Burn Ban for 90 days. This will be looked at day to day to see if it can be lifted. **A motion made by Commissioner Jones, seconded by Commissioner Whisenant to impose the Burn Ban for 90 days. All Voting "Aye" MOTION PASSED**

Clerk's Note Agenda Item #28 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW

Allen Crozier of HDR gave a brief overview of the construction projects. US 290 (Mighty Tiger to McGregor) – still under construction. RM 12 @ Sports Park Drive – project complete. RM 1826 @Nutty Brown Rd – under construction. RM 1826 @ Crystal Hill Dr (Goldenwood) – under construction. RM 1826 @ RM 967 – project complete. RM 2325 Fisher Store Rd (CR 181) to Carney Lane – under construction. RM 12 @ Old Kyle Rd. – Prop. 12 – City led. RM 12 & RM 32 Junction – under construction. RM 12 @ Hugo Rd (CR 214) – project complete. RM 12 @ Sink Creek – project complete. RM 12 @ Wonder World Dr – project complete. SH 21 @ High Road (CR 127) – project complete. SH 21 @ FM 2001 – project complete. Lime Kiln Road @ Sink Creek – study complete. Post Road (CR 140) – study complete.

Clerk's Note Agenda Item #30 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 AUGUST 14, 2012

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF AUGUST A.D., 2012, 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:

Sr. Minister Jill Sullins of First Christian Church San Marcos 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

Clay Huckaby Hays County Fire Chief Association/Buda Fire Department, Lisa Spencer of the Scheib Center made public comments.

28334 ADOPT A PROCLAMATION RECOGNIZING HAYS COUNTY'S SUPPORT OF THE CAPITOL OF TEXAS VIETNAM WAR MONUMENT

Betty Nague a retired Navy Nurse, Steve Koenig a Vietnam Veteran, Denton Ellis and Alan Cameron spoke of the service they performed within their branch in the Military. The Court thanked them for their services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to Adopt a Proclamation recognizing Hays County's support of the Capitol of Texas Vietnam War Monument. All voting "Aye". MOTION PASSED**

28335 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of $ 1,121,002.32 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28336 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 7TH AND 14TH, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of August 7th and 14th, 2012. All voting "Aye". MOTION PASSED

28337 APPROVE SPECIFICATIONS FOR IFB 2012-B09 ROAD IMPROVEMENTS/HOT-MIX OVERLAY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve specifications for IFB 2012-B09 Road Improvements/Hot-Mix Overlay and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

28338 AMEND BUDGET OF CONSTABLE PCT 3 FOR LAW ENFORCEMENT SUPPLIES FROM CONTINUING EDUCATION

Constable Darrell Ayres wishes to transfer remaining amount in Continuing Ed to Law Enforcement Supplies. Amount required $155.00 from 001-637-00.5551 Continuing Ed to 001-637-00.5206 Law Enf Supplies. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend budget of Constable Pct 3 for Law Enforcement Supplies from Continuing Education. All voting "Aye". MOTION PASSED**

28339 APPROVAL TO HOLD ON-LINE AUCTION WITH RENE BATES AUCTIONEERS

This auction will be to dispose of unused items that are no longer of use being stored at the Clovis Barker building. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve to hold on-line auction with Rene Bates Auctioneers. All voting "Aye". MOTION PASSED**

28340 AMEND THE HISTORICAL COMMISSION DOCUMENTARIES BUDGET FOR REIMBURSEMENT OF A 27" APPLE MONITOR FOR $940.00, A 1TB LITTLE BIG DISK FOR $392.00, AND AN APPLE MACBOOK FOR $2,199.00

The computer equipment will be used to produce, edit, and store Hays County Historical Commission Documentaries. Amount required $3,531.00. Increase Expense 001-676-00-055.5712_400 computer equip operating $3,531.00 Decrease Expense 001-676-00-055.5448 contract services ($3,531.00). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the Historical Commission Documentaries budget for reimbursement of a 27" Apple monitor for $940.00, a 1TB Little Big Disk for $392.00, and an Apple MacBook for $2,199.00. All voting "Aye". MOTION PASSED**

28341 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A MAINTENANCE GRANT CONTRACT FROM THE OFFICE OF THE ATTORNEY GENERAL (OAG) FOR THE STATEWIDE CRIME VICTIM NOTIFICATION SERVICE IN THE AMOUNT OF $29,174.00

The Contract is for the statewide crime victim notification service (SAVNS) grant program to maintain Texas counties in a statewide system that provides relevant offender release information, and notification of relevant court proceedings to promote public safety and support the right of victims of crime. Hays County has participated in this program for a number of years and this is a renewal for the service. The Office of the Attorney General will pay the Certified Vendor directly. The original SAVNS Maintenance Grant Contract that is due back to the OAG electronically by August 24, 2012. 001-618-99-004.4301. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to accept and execute a Maintenance Grant Contract from the Office of the Attorney General (OAG) for the statewide Crime Victim Notification Service in the amount of $29,174.00. All voting "Aye". MOTION PASSED**

28342 AUTHORIZE THE PURCHASE OF JANITORIAL MAINTENANCE EQUIPMENT FOR THE GOVERNMENT CENTER AND AMEND THE BUDGET ACCORDINGLY

Clint Garza Director of Development Services and Building Maintenance spoke. As of September 4, 2012 the Hays County Facility Maintenance Department will begin janitorial service at the Government Center, replacing MMMM Janitorial Services. Much of the janitorial equipment used by MMMM will be purchased by the County using standard purchasing guidelines. However, the department wishes to purchase a different floor burnisher and carpet extractor than what the contractor used. Amount required $3,800 001-695-00-5448_008 Contract Services Consultant 001-695-00-5719_400 Janitorial Supplies. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the purchase of Janitorial Maintenance Equipment for the Government Center and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28343 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH WENDT CLEANING INC. DBA SPOTLESS CLEANING INC. FOR JANITORIAL SERVICES

Written quotes from multiple vendors have been obtained for this service. If the contract is extended during FY 13 beyond the proposed 6 months then we will need to advertise & go through a formal bid process if the annual costs exceeds $50,000. Spotless Cleaning Inc has been selected to clean the remote offices in Hays County. This is a final step in the transition from contract janitorial services at the Government Center to utilizing Hays County employees. 001-695-00.5448_008 General Fund. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with Wendt Cleaning Inc. dba Spotless Cleaning Inc. for janitorial services. All voting "Aye". MOTION PASSED**

28344 AMEND THE BUDGET OF THE DISTRICT ATTORNEY DRUG FORFEITURE FUND FOR TEMPORARY CLERICAL PERSONNEL

Amount required $1,009 Budget Amendment: Increase Staff Salaries: 081-607-00.5021 $937 Increase FICA: 081-607-00.5101_100 $58 Increase Medicare: 081-607-00.5101_200 $14 Decrease Witness Reimb: 081-607-00.5435 ($509) Decrease Travel: 081-607-00.5501 ($500). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the budget of the District Attorney Drug Forfeiture Fund for temporary clerical personnel. All voting "Aye". MOTION PASSED**

28345 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A SERVICE AGREEMENT RENEWAL WITH APPRISS FOR THE VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM

The R-09 Service Agreement Renewal Notice with Appriss in the amount of $29,175.00 is the amount the Office of the Attorney General (OAG) agrees to cover for this service. The VINE program is administered by the OAG under the Crime Victim Services Division. This program is a free, anonymous, 24 hour computer based telephone service for victims of Crime. The VINE program is a service that provides easy access to offender information and to an offender's custody status change. The original agreement renewal notice that is due back to Appriss electronically by August 24, 2012. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to accept and execute a service agreement renewal with Appriss for the Victim Information and Notification Everyday (VINE) program. All voting "Aye". MOTION PASSED**

28346 AUTHORIZE A 3-PERSON COMMITTEE TO AWARD CONSTRUCTION WORK ON FM110 AS PART OF THE PASS THROUGH FINANCE PROGRAM, TO AUTHORIZE COUNSEL TO NEGOTIATE A CONTRACT WITH THE SELECTED CONTRACTOR, AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID CONTRACT

Mike Weaver of Prime Strategies spoke. Due to a compact letting schedule and the absence of a Court Agenda on August 28th, use of a 3-person committee is considered the best method for making selection and awarding the work. A standard Professional Services Agreement may be used as a template for the contract, in order to meet the schedule. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize a 3-person committee to award construction work on FM110 as part of the Pass Through Finance program, to authorize counsel to negotiate a contract with the selected contractor, and to authorize the County Judge to execute said contract. All voting "Aye". MOTION PASSED**

28347 REQUEST APPROVAL BY THE CAMPO BOARD OF A FEDERAL AND STATE FUNDED PROJECT TO ADD TURN LANES ON RM 12 EAST OF RM 32 AT OAKWOOD LOOP, SUMMER MOUNTAIN DR., FALCONWOOD DR. AND RANCHO ENCINO DR.

Commissioner Conley and Mike Aulick spoke. On December 12, 2011 the CAMPO Board approved $696,686 in federal STP MM funding with a TxDOT $174,172 match to add shoulders to a section of RM 12 between Oakwood Loop and Pioneer Trail in FY 2013. Because this funding is inadequate for the original project, Commissioner Conley met with TxDOT to discuss substituting a project to add left turn lanes at the four referenced intersecting streets. Total cost for the new project is estimated at $1,072,500 and TxDOT has agreed to provide the balance of $375,814 needed to complete the project. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to request approval by the CAMPO Board of a federal and state funded project to add turn lanes on RM 12 east of RM 32 at Oakwood Loop, Summer Mountain Dr., Falconwood Dr. and Rancho Encino Dr. All voting "Aye". MOTION PASSED**

28348 ENOCH ACRES [12-4-30 – 1 LOT] **APPROVE PRELIMINARY PLAN**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Enoch Acres is a proposed 2.97 acre division of land located off of Country Lane in Precinct 4. Lot 1 will be served by a private well and on-site sewage facility at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones To approve preliminary plan for Enoch Acres. All voting "Aye". MOTION PASSED**

28349 RETHABER RANCH COMPOUND [12-4-32 – 1 LOT] **APPROVE PRELIMINARY PLAN**

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Rethaber Ranch Compound is a proposed 5.56 acre division of land located off of Darden Hill Road in Precinct 4. Water service will be provided by a private well and wastewater treatment will be accomplished by an existing on-site sewage facility permitted by Hays County. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve preliminary plan for Rethaber Ranch Compound. All voting "Aye". MOTION PASSED**

28350 AMENDED PLAT OF A PORTION OF LOT 19, RIVER OAKS OF WIMBERLEY UNIT 2 [12-3-37 – 1 LOT] **APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator gave staff recommendation. River Oaks of Wimberley Unit 2 is a recorded subdivision located off of Wayside Drive in Precinct 3. Lot 19 was platted as a 45 acre lot but was divided by metes and bounds shortly after the plat was recorded. The owners of this 6.53 acre portion of lot 19 have applied for a flood hazard area permit on the property but will not be able to receive the permit and begin construction until the plat has been finalized and recorded. This lot will be served by a private well and on-site sewage facility. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve final plat of amended plat of a portion of Lot 19 River Oaks of Wimberley Unit 2. All voting "Aye". MOTION PASSED**

28351 APPROVE AN EXPENDITURE OF $50,000 FROM THE TOBACCO SETTLEMENT FUND TO THE SCHEIB CENTER FOR THE COMPLETION OF A NEW MENTAL HEALTH BUILDING AND AMEND THE BUDGET ACCORDINGLY

Commissioner Conley and Lisa Spencer spoke. Scheib Center provides mental health services and services for the developmentally disabled to over 1,800 residents in San Marcos and Hays County. A great need exists for additional facilities at their current location. As part of a process to fund a new building, Scheib submitted an application to compete in a statewide competition, known as the "Mueller Helping Hands Project". Scheib was successful and was subsequently awarded a new building from Mueller Inc. which not only donates the building but erects it with a volunteer force of 40 of their employees. The selection was based on the need of the organization and whether Scheib had the ability to complete the building. Funding for the foundation, plumbing, electrical, interior work, parking, etc are not included and must be funded by Scheib. Through the use of Tobacco Settlement Funds, Hays County combined with the assistance of others in the community, has the ability to help complete this important and meaningful project. Amount required $50,000 Project Contribution 121-752-00.5600. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve an expenditure of $50,000 from the Tobacco Settlement Fund to the Scheib Center for the completion of a new Mental Health building and amend the budget accordingly and ask Auditor and Legal Counsel to work out the details. All voting "Aye". MOTION PASSED**

28352 APPROVE THE FORM OF FUNDING AGREEMENTS BETWEEN HAYS COUNTY AND VARIOUS LOCAL GOVERNMENTAL ENTITIES FOR THE PURPOSES OF FUNDING THE ANALYSIS OF 911 CO-LOCATION; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE FUNDING AGREEMENTS IN SUBSTANTIAL CONFORMITY WITH THE APPROVED FORM

Commissioner Conley and Erica Carpenter of the Sheriff's 911-Dispatch Center spoke. These various Funding Agreements will be put in place to facilitate Hays County's retention of Mission Critical Partners, an entity that will facilitate the commencement of 911 Co-Location in Hays County. The amount of funding each entity is being asked to pay is related to the number of 911 calls, in a given year, for which that entity is responsible. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the form of Funding Agreements between Hays County and various local governmental entities for the purposes of funding the analysis of 911 Co-Location; and to authorize the County Judge to execute Funding Agreements in substantial conformity with the approved form. All voting "Aye". MOTION PASSED Motion was amended by Commissioner Conley, seconded by Commissioner Whisenant to include changes mentioned by Legal Counsel. All voting "Aye". MOTION PASSED**

28353 AWARD WORK TO FM SYSTEMS FOR FACILITIES MANAGEMENT SOFTWARE SOLUTIONS; TO AUTHORIZE COUNSEL TO NEGOTIATE A CONTRACT NOT TO EXCEED $108,600.00, INCLUDING A FIRST-PHASE NEEDS ANALYSIS NOT TO EXCEED $7,200.00; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID CONTRACT

Bob Hinkle of Broaddus & Associates spoke. Staff, members of Broaddus and Associates, and the Building Committee have all reviewed and considered proposals for comprehensive facilities management software solutions. The field of candidates was narrowed to 2, at which time interviews were held. Staff and Program Manager will be present to answer questions about process. The unanimous recommendation of all parties involved is the award of work to FM Systems. Not to Exceed $108,600 Funding available in Government Center Construction 005-850-94-489.5718_700. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to award work to FM Systems for facilities management software solutions; to authorize counsel to negotiate a contract not to exceed $108,600.00, including a first-phase needs analysis not to exceed $7,200.00; and to authorize the County Judge to execute said contract. All voting "Aye". MOTION PASSED**

28354 VOTE ON A PROPOSED TAX RATE AND PROPOSED BUDGET FOR FY 2013; AND SCHEDULE A PUBLIC HEARING ON THE FY 2013 BUDGET

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to vote on a proposed tax rate of 46.90¢ and proposed budget FY 2013. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Commissioner Whisenant voting "Aye". Judge Cobb not present for vote. MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant and schedule a public hearing the proposed tax rate on September 4th at 1:30 p.m. and on September 11th at 7 p.m. and on September 18th at 1:30 p.m. on the FY 2013 budget. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Commissioner Whisenant voting "Aye". Judge Cobb not present for vote. MOTION PASSED

28355 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 6880 GOFORTH ROAD, KYLE, TX

Studio Estates LLC is proposing an OSSF to serve an Office/Warehouse in Precinct 2. This property is 257 acres. Water will be supplied by Public Water Supply. This OSSF is a standard treatment system in which the effluent will be pumped to a low pressure dosed dispersal field. The system is designed for a maximum of 2000 gpd. The system designer, Hugo Elizondo, P.E. is requesting a variance to Section 10-M(B) of the Hays County rules for on-site sewage facilities which requires flow equalization prior to the treatment tank. His justification for the variance and provision for equal protection is: "Tanks are oversized by 25% to eliminate the need for flow equalization. Standard treatment is not susceptible to upset from slight flow variations, as are aerobic treatment units. Variations in flow are expected to be slight with this type of business." **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 6880 Goforth Road , Kyle, TX. All voting "Aye". MOTION PASSED**

28356 DISCUSSION TO FINALIZE A PROPOSED BUDGET FOR FY 2013

(5,724) Beginning Positive Balance

1. Hays Co Child Protective Board: request 1,875 Increase SS Agency funding to $15k – CC Approved 0.00

2. Constable 4: Salary Increase for Justice Clerk 6,597 to mid point = $5,550 plus fringe – CC Approved 0.00
   Vehicle-Chevy Tahoe 27,642 Replace 2004 Ford Crown Victoria – Committee Review
   Equipment for Vehicle 9,275 – Committee Review

3. Constable 2: Vehicle Maintenance 2,000 Increase to $8k – CC Approved 0.00

4. Constable 5: Vehicle-Ford F-150 Super Crew 28,842 Replace 2001 Chevy Truck – Committee Review
   Itronix Docking/Stand for Vehicle 1,070 – Committee Review
   Equipment for Vehicle 14,034 – Committee Review

5. CCL 2: Salary Increase for Compliance Sp 3,174 Increase to $30k = $2,670 plus fringe – 0.00

6. Sheriff's Office: 2 Patrol Vehicles 55,200 – Committee Review
   Equipment for Vehicles 10,700 – Committee Review
   Coban for Vehicles 18,330 – Committee Review
   3 Transportation Vehicles 90,000 – Committee Review

7. Treasurer's Office : Admin I - increase from 20 to 29 hrs 8,312 no benefits - CC Approved $8,312
   Roll Compliance budget (1,100) Roll line item budget to Treasurer – CC Approved ($1,100)
   Maintenance Fee for mail machine Getting quote-budget is in Co-Wide

8. Social Services: Feral Hog Bounty Program 1,500 Plum Creek Watershed – 0.00 fund from Comm Srv.

9. Constable 1: New Deputy 62,531 FTE includes uniform allowance + fringe – CC Approved 0.00
   Vehicle-Chevy Tahoe 27,717 – Committee Review
   Coban for Vehicle 9,415 – Committee Review
   Equipment for Vehicle/Deputy 13,112 – Committee Review
   Replacement Monitor 280 – 0.00
   Phone lines For conference rooms – 0.00

10. CCL 1: Salary Increase for Compliance Sp Supports CCL2 request for increase
    Postage 400 Increase to $3k – 0.00
    Continuing Education 1,000 Increase to $1,500 - $1,000

11. Human Resources: New Admin II - 20 hrs 15,779 Req 20-29 hrs, Cost for 29 hrs = $22,871
    Increase Contract Services 1,000 If no to new admin, increase for temp help – CC Approved $1,000

12. HR Recommendations: Re-grades/Position Changes (13,558) – attachment in back-up
    14 positions differ from Judge's rec - refer to HR
    handout & Re-title positions

13. IT : Software Maint for SO Cobans 900 6 Cobans did not include in software maint – CC Approved $900
    Travel Allowance 5,400 Replace vehicle with stipend – CC Approved $6,418

14. EMC: Reduce Salary & Fringe (13,931) Reduce to minimum – CC Approved (13,931)

15. ALERRT & BPV Grants: Increase Revenue (12,750) Increase to $13,417 per application match – CC Approved (12,750)
    Increase Revenue (4,065) Increase to $110,681 per award – CC Approved (4,065)

Additional Requests:
IT – Data Equipment Server 57,000 Server for Coban storage-possible reserves – CC Approved 0.00 – possible purchase in FY12

DA – Increase Salary Supplement 1,420 Judge's Recommended moved $1,500 from travel allowance to supplement for DA-requesting increase to match District Judge's – CC Approved 0.00 move back to travel allowance

Transfer Station – Uniforms 130 increase for purchase of steel toe boots – CC Approved 0.00

County Wide - rent/misc improve – CC Approved $18,400 rent/utilities & improvements to expand Pct.3 Offices

County Wide – Vehicle Committee to review requests and standardize replacement policy – CC Approved 250,000 - $125k from reserves

Increase Tax Rate from Effective Rate 0.4679 to .4690 (123,859) addtl tax revenue

General Fund Total 423,507 CC Approved (399)

RPTP Fund

16. RPTP: Move projects to '01 bond fund (1,039,345) $300k-Go Forth & $739,345-McGregor Bridge – CC Approved (1,039,345) Move to Fund 022
Fuel Service Truck 91,000 – CC Approved 0.00

RPTP Fund Total (948,345) CC Approved (1,039,345)

Juvenile Detention Fund

17. Juvenile Detention: Master Control Panel 27,640 Controls doors – CC Approved 27,640
Radio's 22 Radios @ 401.45 each - (transfer from SO?) Radio's transferred from SO - Radio's transferred from SO
Software for Camera's 1,200 Need quote – CC Approved $1,200
Safety Cage 800 Transfer vehicles, need equipment – CC Approved 800
Staff Salaries/shared position 70,360 Increase shared position hours – CC Approved 70,360
Revenue (100,000) Increase for 96 juvenile daily average – CC Approved (100,000)

Juvenile Detention Fund Total 0.00 CC Approved 0.00

18. Co Clerk: Archive 2P/T(20 hrs wk) positions 23,621 Temporary positions for scanning – CC Approved 23,361
Split salary/fringe between Law Library & Records Mgmt – CC Approved $19,096 – ½ Salary-Fringe for RMO

Co Clerk Archive & Records Mgmt Fund Total 23,621 CC Approved 42,717

19. Personal Health HR Recommendations - Re-grades 2,114 2 positions differ from Judge's rec - refer to HR Handout – CC Approved 1,369 Re-grade TB Admin (1,369) Increase TB Revenue
Telephone Allowance 420 Phone stipend for CNP slot 1 - CC Approved 105 - ¼ year
Contingency (2,534) Decrease contingency to balance requests – CC Approved (105)

Personal Health Fund Total 0.00 CC Approved 0.00

20. Records Management/Law Librarian: Records Mgmt Increase Law Librarian hours Appoint Records Mgr or contract for services – Split salary/fridge between Law Library & Records Mgmt

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize for FY 2013 to hire as Full-time position, ½ Records Management and ½ Law Librarian & approve Melody Barron for that position. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Commissioner Whisenant voting "Aye". Judge Cobb not present for vote. MOTION PASSED

21. Law Library: Split salary/fringe between Law Library & Records Mgmt – CC Approved 5,663 – Add benefits to LL portion of position - CC Approved (5,663) Increase Revenue

Law Library Fund Total 0.00

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE OF REAL PROPERTY ALONG FM 150 AND FM 1626, INCLUDING EXISTING OR FUTURE USE OF EMINENT DOMAIN FOR THE ACQUISITION OF RIGHT OF WAY

Court convened into close Executive Session at 10:22 a.m. and reconvened into open court meeting at 10:27 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commission Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Ellie Dietz. No action taken.

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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into close Executive Session at 10:44 a.m. and reconvened into open court meeting at 11:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commission Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF EACH INDIVIDUAL EMPLOYEE ASSIGNED A WORKSPACE WITHIN THE HAYS COUNTY GOVERNMENT CENTER

Court convened into close Executive Session at 11:04 a.m. and reconvened into open court meeting at 1:08 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commission Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Michele Tuttle Hays County Treasurer, and Dee Dee Baen HR Director. No action taken.

Clerk's Note Agenda Item #27 RE: *DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION*-**was pulled**

Clerk's Note Agenda Item #28 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT*-**was pulled**

Clerk's Note Agenda Item #29 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR*-**was pulled**

Clerk's Note Agenda Item #30 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE*-**was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 August 21, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF AUGUST A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN EMERGENCY 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:

28357 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT AN AMENDMENT TO TJJD GRANT A STATE AIDE TO INCREASE FUNDING BY $50,000 TO PLACE JUVENILES IN A SECURE-CORRECTIONAL FACILITY AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Juvenile Probation Department to accept an Amendment to TJJD Grant a state aide to increase funding by $50,000 to place juveniles in a secure-correctional facility and amend the budget accordingly. All voting "Aye". MOTION PASSED

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 August 21, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4TH DAY OF SEPTEMBER A.D., 2012, 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chad Carlton from the First Seventh Day Advantest gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

28358 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of $1,584,523.69 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28359 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 21, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of August 21, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28360 APPROVE THE 2013 SHERIFF'S AND CONSTABLE'S FEES

Constable Darrell Ayers Precinct 3 spoke. Pursuant to Local Government Code 118.131 changes to the Sheriff's and Constables' fees for 2013 must be submitted and approved prior to October 1, 2012. The law requires each year Commissioners Court to set fees charged for Civil Services by the offices of the Sheriff and Constables and directs that these fees be reported to the Comptroller. After reviewing the fees the Sheriff and Constables are requesting the fees remain the same. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the 2013 Sheriff's and Constable's fees. All voting "Aye". MOTION PASSED**

28361 RATIFY THE COUNTY JUDGE'S EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN HAYS COUNTY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY INTEGRATED PUBLIC ALERT AND WARNING SYSTEM (IPAWS) PROGRAM MANAGEMENT OFFICE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify the County Judge's execution of a Memorandum of Agreement between Hays County and the Federal Emergency Management Agency Integrated Public Alert and Warning System (IPAWS) Program Management Office. All voting "Aye". MOTION PASSED

28362 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO EXTEND THE CONTRACT BETWEEN HAYS COUNTY AND COMMUNITY ACTION, INC. FOR THE FUNDING OF THE SAN MARCOS SENIOR CENTER EXPANSION

The project design is 90% complete and City staff is completing the environmental review steps required for a project funded with federal dollars. They anticipate construction to start in January 2013 and to take approximately 150 to 180 days to complete. Funding has already been provided. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute an amendment to extend the Contract between Hays County and Community Action, Inc. for the funding of the San Marcos Senior Center expansion. All voting "Aye". MOTION PASSED**

28363 APPROVE UTILITY PERMITS

This is to approve Utility Permit # 864 on Fire Cracker Drive issued to Scarborough Sunfield (water) Permit # 865 on River Road issued to Pedernales Electric and Permit #866 on Country Lane (Prec. 4) issued to Pedernales Electric. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Utility Permit # 864 on Fire Cracker Drive issued to Scarborough Sunfield (water) Permit # 865 on River Road issued to Pedernales Electric and Permit #866 on Country Lane (Prec. 4) issued to Pedernales Electric as submitted by the Road Department. All voting "Aye". MOTION PASSED**

28364 AMEND THE CAPCOG 911 GRANT BUDGET TO USE SAVINGS IN TRAVEL AND CONTINUING EDUCATION FOR OFFICE SUPPLIES

This budget amendment will allow the county to spend the remainder of the grant award on supplies needed for GIS. Increase Expense 001-657-99-037.5211 Office Supplies $1,041.00; Decrease Expense 001-657-99-037.5501 Travel ($185.00) Decrease Expense 001-657-99-037.5551 Continuing Education ($856.00). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the CAPCOG 911 grant budget to use savings in travel and continuing education for office supplies. All voting "Aye". MOTION PASSED**

28365 MOVE FUNDS FROM COUNTY WIDE TO THE TREASURER'S OPERATING BUDGET TO PURCHASE EQUIPMENT FOR THE MAIL ROOM AND AMEND THE BUDGET ACCORDINGLY

The Treasurer's Office needs to purchase a Mitel 5330 Phone System for the Mail Room at the Government Center in order to communicate with vendors and office staff. Funds were budgeted in County Wide contingencies during the FY2012 budget process for expenses related to the Government Center Mailroom and need to be moved to the Treasurer's budget. Amount required $459.00 Increase Misc Equipment: 001-620-00.5719_400 $459, Decrease Contingencies: 001-645-00.5399 ($459). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to move funds from County Wide to the Treasurer's Operating budget to purchase equipment for the Mail Room and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28366 AUTHORIZE THE PURCHASE OF JANITORIAL MAINTENANCE EQUIPMENT FOR THE GOVERNMENT CENTER AND AMEND THE BUDGET ACCORDINGLY

On August 21st the Court authorized the purchase of janitorial equipment in relation to the Hays County Facility Maintenance Department taking over janitorial services at the Government Center. Additional equipment (20" Advance 175 RPM Buffer by Advance & Two (2) Tilt Trash Carts) is needed and will be purchased at a reduced price from MMMM. Amount required $1,250.00, Increase: 001-695-00-5719_400 Misc Equipment 1,250.00, Decrease: 001-695-00.5208 Janitorial Supplies (1,250.00). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the purchase of Janitorial Maintenance Equipment for the Government Center and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28367 ORDER THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, IN HAYS COUNTY, TEXAS, FOR THE PURPOSE OF ELECTING THE COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION

An election is hereby ordered to be held on November 6, 2012, in Hays County, Texas, for the purpose of electing the following county and precinct officers as required by Article XVI, Section 65 of the Texas Constitution. County Sheriff, County Tax Assessor Collector, Commissioner, Pct. 1, Commissioner, Pct. 3, Justice of Peace, Pct. 1, Pl. 1, Constable Pct. 1, Constable Pct. 2, Constable, Pct. 3, Constable Pct. 4 and Constable Pct. 5. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to order the General Election to be held on November 6, 2012, in Hays County, Texas, for the purpose of electing the county and precinct officers as required by Article XVI, Section 65 of the Texas Constitution. All voting "Aye". MOTION PASSED**

28368 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENTAL AGREEMENT WITH COMPASS PAPER RECYCLING LLC FOR RENTAL OF A BALER FOR USE AS PART OF THE RECYCLING PROGRAM AT THE GOVERNMENT CENTER

In order to have Compass Recycling pick up cardboard as a part of the government center program, the cardboard must be baled. The funds requested will cover the rental and deliver for the current fiscal year. Amount required $500.00. 001-716-00-5473. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the county judge to execute a rental agreement with Compass Paper Recycling LLC for rental of a baler for use as part of the recycling program at the Government Center. All voting "Aye". MOTION PASSED**

28369 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH HOLT CAT FOR MAINTENANCE TO THE JAIL AND 911 GENERATORS

The Sheriff's Office is requesting to go in agreement with Holt Cat for scheduled maintenance for emergency services to the Jail and 911 generators. The generators must be inspected and pass a yearly inspection in order to comply with Texas Commission on Jail Standards. Year one of the agreement will cost a total of $6,135 for triennial service, year two - $2,040 & year three - $2,140 for yearly service. From line item number 001-618-03.5451. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute an agreement with Holt Cat for maintenance to the Jail and 911 generators. All voting "Aye". MOTION PASSED**

28370 AUTHORIZE THE COUNTY JUDGE AND PRECINCT 3 COMMISSIONER TO EXECUTE SUPPLEMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT AND SUPPLEMENT NO. 6 TO WORK AUTHORIZATION NO. 1 FOR LOOMIS PARTNER ON THE RM 2325 PRIORITY ROAD BOND PROGRAM PROJECT

The RM 2325 project, from Carney Lane to Fischer Store Rd., was identified as a key project in Precinct 3 as part of the 2008 Priority Road Bond Program. The project design is complete and construction is nearing completion. The project contractor is currently in liquidated damages due to overrunning the project schedule established in March of 2012. As such, it has become necessary to extend the Loomis Partners Work Authorization to provide construction phase services, as defined in Supplemental No. 4, for the remainder of the construction activities and project close out. Supplemental Agreement No.4 to the Professional Agreement and Supplemental Work Authorization No. 6 to Work Authorization No. 1 are attached for the Court's approval. Funds are available within the project's bond program budget. Amount required $10,000 From line item number 025-803-96-760.5621. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge and Precinct 3 Commissioner to execute Supplement No. 4 to the Professional Services Agreement and Supplement No. 6 to Work Authorization No. 1 for Loomis Partner on the RM 2325 Priority Road Bond Program Project. All voting "Aye". MOTION PASSED**

28371 AMEND BUDGET OF DISTRICT COURT FOR INDIGENT APPOINTED ATTORNEYS, TRANSCRIPTIONS, AND BAILIFF SALARIES FROM COUNTYWIDE

Due to multiple capital murder cases/trials and other cases, District Court requires additional funds to Bailiff's hours as part-time budgeted, with 14,750 additional, to Appointed Attorney for 149,500, and for Court Reporter transcripts for 4,000. Auditor's Office recommends transfer from available balance in Misc. Capital Improvements in Countywide Operations. Amount required $168,250 to 001-606-00.5021 Salaries 001-608-00.5440 Appointed Attorney 001-608-00.5445 Transcriptions from 001-645-00.5441 Misc. Capital Improvements. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend budget of District Court for Indigent Appointed Attorneys, Transcriptions, and Bailiff Salaries from Countywide. All voting "Aye". MOTION PASSED**

28372 AMEND THE BUDGET OF TRANSFER STATION FOR TRASH HAULING FROM CONTINGENCIES

Transfer Station requires additional trash hauling funds to complete year without ability to transfer within department. At budget adoption, Court set aside additional amount for Parks, which has not been used. Auditor's Office recommends 6,000 from that Contingencies funds. Amount required $6,000.00 to 001-716-00.5452 Trash Hauling from 001-645-00.5399 Contingencies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of Transfer Station for Trash Hauling from Contingencies. All voting "Aye". MOTION PASSED**

28373 AUTHORIZE THE PRECINCT 4 COMMISSIONER TO EXECUTE THE THIRD PARTY AGREEMENT WITH TXDOT FOR CHANGE ORDER NO. 1 ON THE RM 1826 AT CRYSTAL HILL RD. PRIORITY ROAD BOND PROGRAM PROJECT

Commissioner Whisenant Precinct 4, Delbert Bassett- Dripping Springs Resident and Bonnie Tull from the Goldenwood Neighborhood Association spoke. Change Order No. 1 - RM 1826 @ Crystal Hill Rd - TxDOT CSJ 1754-02-018. Contract Award Amount $1,390,918. Change Order No. 1 Amount $ 98,938.07. New Contract Amount $1,489,856.73 reason for Change Order: Initial project plans included splitting traffic entering and exiting the various subdivisions located along Crystal Hill Road into two single lanes in each direction. These lanes stayed within the existing constrained County ROW, but passed on either side of two relatively large oak trees located on the east side of the existing roadway. Construction of the Eastern most temporary detour pavement passed over a portion of the tree root zone and would require trimming of several large branches on both trees. Residents of the subdivisions located along Crystal Hill voiced concern over long term survivability of the oaks. The designer, in conjunction with TxDOT and the Commissioner, presented an option that created a two lane detour shifted

beyond the existing ROW onto a temporary construction easement granted by the property owner. The third party agreement and change order summary is attached. Funds are available within the project's budget. Amount required $98,938.07 line item number 025-804-96-884.5611. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Precinct 4 Commissioner to execute the third party agreement with TxDOT for Change Order No. 1 on the RM 1826 at Crystal Hill Rd. Priority Road Bond Program project. All voting "Aye". MOTION PASSED**

28374 CALL FOR A PUBLIC HEARING ON SEPTEMBER 18, 2012 TO ESTABLISH TRAFFIC REGULATIONS IN MEADOW OAKS SUBDIVISION

Jerry Borcherding Transportation Director spoke. This is to conduct a public hearing on September 18th to establish traffic regulations in Meadow Oaks Subdivision. Regulations include: a stop sign on Old Hwy 290 at Meadow Oaks Drive, a stop sign on Glen Valley Drive at Meadow Oaks Drive, a stop sign on Glen Valley Drive at Shadywood Lane, a stop sign on Hillside Drive at Meadow Oaks Drive, a stop sign on Meadow Oaks Drive at Greenridge Lane, a stop sign on Greenridge Lane at Meadow Oaks Drive, a stop sign on Greenridge Lane at Morgan Hill Drive, a stop sign on Morgan Hill Drive at Greenridge Drive, a stop sign on Hillside Drive at Morgan Hill Drive, a stop sign on Misty Slope Lane at Shadywood Lane, a stop sign on Misty Slope Lane at Morgan Hill Drive, a stop sign on Meadows Lane at Shadywood Lane, a stop sign on Meadows Lane at Morgan Hill Drive, and a speed limit throughout the subdivision of 25 MPH. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on September 18, 2012 to establish traffic regulations in Meadow Oaks subdivision. All voting "Aye". MOTION PASSED**

28375 CALL FOR A PUBLIC HEARING ON SEPTEMBER 18, 2012 TO ESTABLISH A TRAFFIC REGULATION ON SPRINGLAKE DRIVE

Jerry Borcherding Transportation Director spoke. This is to conduct a public hearing on September 18th to remove a stop sign on Springlake Drive at the intersection with Springlake Circle. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on September 18, 2012 to establish a traffic regulation on Springlake Drive. All voting "Aye". MOTION PASSED**

28376 VACATE CHRISTAL MOUNTAIN SUBDIVISION

Roxie McInnis Subdivision Coordinator and Constance Austin–Dripping Springs Resident spoke. Christal Mountain Subdivision is a two lot division of 24.12 acres which was approved by the Commissioners Court on January 6, 2009. The proposed plat vacation will convert the lots back to acreage. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to vacate Christal Mountain Subdivision. All voting "Aye". MOTION PASSED**

28377 CALL FOR A PUBLIC HEARING ON SEPTEMBER 25, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF TRACT 37, GLENN H. KOTHMANN PROPERTIES SUBDIVISION

Roxie McInnis Subdivision Coordinator spoke. The proposed replat will divide the 9.18 acre lot into two lots. The proposed Lot 37B will be served by an existing private well and on-site sewage facility. Lot 37A will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on September 25, 2012 to discuss final plat approval of the Replat of Tract 37, Glenn H. Kothmann Properties Subdivision. All voting "Aye". MOTION PASSED**

28378 ALLOW A PLATTING EXCEPTION PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE FOR OWNERS OF LOTS 207 AND 238, WIMBERLEY CAMPFIRE NO. 2, SECTION FOUR

Roxie McInnis Subdivision Coordinator spoke. In September 2001, the tank for the on-site sewage facility for lot 207 was installed and permitted over the property line; therefore the system is in violation of the Hays County Rules for On-Site Sewage Facilities. In order to bring the system into compliance, the owners could replace the tank, amend the plat, or convey portions of the lots by metes and bounds. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to allow a platting exception pursuant to Section 232.010 of the Texas Local Government Code for owners of Lots 207 and 238, Wimberley Campfire No. 2, Section Four. All voting "Aye". MOTION PASSED**

28379 MAKE ADJUSTMENTS TO THE COUNTY ELECTION PRECINCTS POLLING LOCATIONS FOR THE NOVEMBER 6, 2012, GENERAL ELECTION

Joyce Cowan Elections Administrator spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to make adjustments to the County Election Precincts polling locations for the November 6, 2012, General Election. All voting "Aye". MOTION PASSED**

28380 ADOPT ADDITIONAL DATES TO THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 6, 2012, GENERAL ELECTION

Joyce Cowan Elections Administrator spoke. The discussion was to add additional days at TX State LBJ Student Center 700 Student Center Dr. San Marcos, Texas on Oct 22 & 23 the dates Oct 24 & 25 – 10a.m. to 7 p.m. was adopted on August 14, 2012 and to add two days to the Early voting Schedule at Kyle City Hall 100 W. Center St. Kyle, Texas 78640 on Oct. 26 & 27 (Friday 10 a.m. to 7 p.m.). This will amend the schedule adopted by the court on August 14, 2012 for the November 6, 2012 Early Voting Schedule. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt additional dates to the Early Voting Schedule for the November 6, 2012, General Election. Commissioner Jones and Judge Cobb voting "No" and Commissioner Ingalsbe, Commissioner Conley and Commissioner Whisenant voting "Aye". MOTION PASSED**

28381 RELOCATE THE DUTIES, RESPONSIBILITIES AND BUDGET OF THE DISTRICT COURT COLLECTIONS (COMPLIANCE OFFICE) UNDER THE TREASURER'S OFFICE

During the FY2013 budget hearings the relocation of the Compliance office and budget was discussed. The FY 2013 budget reflects the transfer of the Compliance budget to the Treasurer's budget. Court action is necessary to approve the relocation of the duties and responsibilities of the Compliance office under the Treasurer's office. During the last few weeks the Treasurer's office has begun the process to accomplish this task and has made all necessary arrangements for a successful transition. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to relocate the duties, responsibilities and budget of the District Court Collections (Compliance Office) under the Treasurer's office. All voting "Aye". MOTION PASSED**

County Clerk's Note Agenda Item #25 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT CONTRACT WITH THE U.S. DEPARTMENT OF JUSTICE, UNDER THE FY12 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, IN THE AMOUNT OF $11,128.00* **– was pulled**

28382 ACTION TO ADD LIMITED INSURANCE COVERAGE THROUGH THE TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL FOR DISTRICT JUDGES, THE DISTRICT ATTORNEY, AND TAKINGS CLAIMS

Special Council Mark Kennedy spoke. Coverage through the County's Risk Pool includes the option of certain endorsements that provide limited coverage for the categories identified above. Staff considers this option to be a policy decision that must be made by the Commissioners Court. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to add limited insurance coverage through the Texas Association of Counties Risk Management Pool for District Judges, the District Attorney, and takings claims. All voting "Aye". MOTION PASSED**

28383 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE RENEWAL/AGREEMENT FOR THE WIMBERLEY PRECINCT 3 OFFICE

Commissioner Conley Precinct 3 spoke. This is a (3) year lease renewal for the Precinct 3 offices in Wimberley that includes the addition of Suite 9, an expansion, which will contain offices for Hays County Sheriff's Office and Commissioner. Line item number 002-645-00.5472 **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Lease Renewal/Agreement for the Wimberley Precinct 3 office. All voting "Aye". MOTION PASSED**

28384 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A NOTICE OF INTENT TO PARTICIPATE IN THE TEXAS HOG OUT COUNTY GRANTS PROGRAM AND IDENTIFY FUNDS IN FY 2013 TO BE USED AS THE COUNTY'S CONTRIBUTION

Nick Dornak, Plum Creek Watershed Coordinator, previously presented information on the program. In order to participate in the program a notice of intent must be submitted. Mr. Dornak will administer the program. Funds will need to be identified for the County's contribution which will be used as a bounty. Amount required $1,500.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a notice of intent to participate in the Texas Hog Out County Grants Program and identify funds in FY 2013 to be used as the County's contribution. All voting "Aye". MOTION PASSED**

28385 AMEND THE SHERRIFF'S OFFICE FIELD TRAINING OFFICER (FTO) BUDGET WITH DIRECTION FROM THE AUDITOR'S OFFICE AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AGREEMENT WITH THE HAYS COUNTY SHERIFF AND HAYS COUNTY LAW ENFORCEMENT ASSOCIATION, RECOGNIZING MODIFICATIONS OF ARTICLE 8, SECTION 8 OF THE EXISTING AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS COUNTY LAW ENFORCEMENT ASSOCIATION

Captain Mike Davenport and Special Counsel Mark Kennedy spoke. During the bargaining process, it was agreed upon that Field Training Officers (FTO) would receive paid compensation for the hours they spent training a new employee as long as funds were available. It was determined after the Collective Bargaining Agreement to staff 17 employees at the Government Center who were all subject to the FTO Program. These new positions virtually doubled the amount of people that we had anticipated needing training. Subsequently, the FTO funding was exhausted in May. The total is $2,498 which includes Corrections Officer back pay and September estimated hours for Patrol and Corrections Officers. Salary savings will be used; a budget amendment is not necessary. Amount required $2,498. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Sherriff's Office Field Training Officer (FTO) budget with direction from the Auditor's Office and to authorize the County Judge to execute a letter agreement with the Hays County Sheriff and Hays County Law Enforcement Association, recognizing modifications of Article 8, Section 8 of the existing Agreement between Hays County and the Hays County Law Enforcement Association. All voting "Aye". MOTION PASSED**

28386 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ORDER RATIFYING THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY REGIONAL WATER AND WASTEWATER SYSTEMS SCHEDULE FOR RATES, FEES, CHARGES AND TERMS AND CONDITIONS OF RETAIL TREATED WATER AND WASTEWATER SERVICES

Commissioner Whisenant Precinct 4 and Special Counsel Mark Kennedy spoke. West Travis County Public Utility Agency is a public utility agency created by concurrent ordinance of Hays County, The City of Bee Cave and West Travis County Municipal Utility District No. 5. The governing bodies of the Participating Entities authorized and approved the creation of the Agency as a separate agency and political subdivision of the State of Texas. The Agency adopted the West Travis County Public Utility Agency Regional Water and Wastewater Systems Schedule for Rates, Fees, Charges and Terms and Conditions of Retail Treated Water and Wastewater Services on March 15, 2012. During its review of the Agency's recent bond issue, the Texas Attorney General's Office requested that the governing bodies of the Participating Entities ratify rates and fees adopted by the Agency. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute Order Ratifying the West Travis County Public Utility Agency Regional Water and Wastewater Systems Schedule for Rates, Fees, Charges and Terms and Conditions of Retail Treated Water and Wastewater Services. All voting "Aye". MOTION PASSED**

28387 APPROVE THE HIRING OF A TEMPORARY, PART TIME MEDICAL ASSISTANT FOR 25 HOURS PER WEEK AT $16.50 PER HOUR TO FILL A VACANCY CREATED BY THE RESIGNATION OF A REGISTERED NURSE IN THE WELL CHILD/IMMUNIZATIONS CLINIC AT THE PERSONAL HEALTH DEPARTMENT

Lon Shell spoke. The hiring of this temporary, part time position will fill a vacancy created by the resignation of a well child/immunizations nurse. The selected candidate has experience working in the clinic as an intern and as a temporary employee. The range for the position is $14.04 to $20.56 per hour. It is requested that the position be filled at the $16.50 per hour rate due to the applicants experience and familiarity with the clinic. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the hiring of a temporary, part time Medical Assistant for 25 hours per week at $16.50 per hour to fill a vacancy created by the resignation of a Registered Nurse in the well child/immunizations clinic at the Personal Health Department. All voting "Aye". MOTION PASSED**

28388 AUTHORIZE THE COUNTY JUDGE TO APPOINT DR. CHARLES P. ANDERSON AS THE LOCAL HEALTH AUTHORITY IN HAYS COUNTY; AND TO EXECUTE AN AGREEMENT RELATING TO THAT APPOINTMENT

Dr. Anderson's contract and appointment as the Local Health Authority are being renewed. Due to possible changes in the structure of Personal Health after the first quarter of FY2013, the initial contract has been shortened to end on December 31, 2012. It will however, automatically convert into a month-to-month contract, which may be terminated with thirty (30) days' written notice. Amount required $500.00 per month line item number 120-675-00.5448. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to appoint Dr. Charles P. Anderson as the Local Health Authority in Hays County; and to execute an Agreement relating to that appointment. All voting "Aye". MOTION PASSED**

28389 APPROVE SERVICE AGREEMENTS FOR PHYSICIANS PROVIDING CONSULTATION AND SUPERVISORY SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC AND WOMEN'S HEALTH CLINIC

Due to possible changes in the structure of Personal Health after the first quarter of FY2013, the initial contract has been shortened to end on December 31, 2012. It will however, automatically convert into a month-to-month contract, which may be terminated with thirty (30) days' written notice. The following physicians will provide consultation and supervisory services to the Hays County Personal Health Family Clinic and its Advanced Practice Registered Nurse. Dr .Charles P. Anderson and Dr. Alberto Santos. The following physicians will provide consultation and supervisory services to the Hays County Women's Health Clinic and its Advanced Practice Registered Nurse: Dr. Barrett Blaue, Dr. Kari Fay, Dr. Teresa Irwin, Dr. Beth Reid, Dr. John Bosco, Dr. Jennifer Goss and Dr. James Zachrison. Amount required $100.00 per Clinic line item number 120-675-07.5448 for Family Clinic physicians, 120-675-99-020.5448 for Women's Health Physicians. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Service Agreements for physicians providing consultation and supervisory services for the Hays County Personal Health Department Family Clinic and Women's Health Clinic. All voting "Aye". MOTION PASSED**

28390 APPROVE HIRING A TEMPORARY LVN FOR THE FAMILY CLINIC OF THE PERSONAL HEALTH DEPARTMENT TO DOUBLE FILL A POSITION FOR GREATER THAN TWO WEEKS AT 25 HOURS PER WEEK BEGINNING SEPTEMBER 10TH AND 40 HOURS PER WEEK BEGINNING SEPTEMBER 24TH AND AMEND THE BUDGET ACCORDINGLY

Lon Shell spoke. The Family Clinic LVN position (slot 1140-001) will become vacant near the end of September due to maternity leave. At this time the exact date the position will become vacant is unknown. In the event the position is double filled in excess of two weeks, Court approval is required. Court approval is also required for a budget amendment necessary to fund the position for 25 hours per week beginning September 10th and 40 hours per week beginning September 24th. Funding for a portion of this position in FY 2013 will require changes to the proposed FY 2013 budget. This position is temporary and will end when the Family Clinic LVN returns from leave. Amount required $1,362.00 Increase Staff Salary: 120-675-07.5021 $1,264, Increase FICA: 120-675-07.5101_100 79, Increase Medicare: 120-675-07.5101_100 19, Decrease DH Salary: 120-675-00.5011 ($1,362). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve hiring a temporary LVN for the family clinic of the personal Health Department to double fill a position for greater than two weeks at 25 hours per week beginning September 10th and 40 hours per week beginning September 24th and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28391 REIMBURSE O'REILLY AUTO PARTS FOR WATER AND SEWER USAGE AT THE JUSTICE CENTER

O'Reilly has continued to pay the water bill for their leased portion of the Justice Center after their lease ended in January 2003. O'Reilly has requested to be reimbursed by the County. The Court needs to decide if they wish to reimburse them for the County's water usage that they have paid for the last 9 years. If the Court decides to reimburse O'Reilly, we recommend only reimbursing the last 4 years since that is as far back as the City of San Marcos maintains water usage billing records for a given property. The amount based upon the last 4 years is $8,660.23. O'Reilly has since closed the account. Amount required $8,660.23 line item number 001-695 00.5480_150. County Auditor comment: This expenditure may require a budget amendment at year end in the Justice Center utility line item of about $2,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to reimburse the last 4 years to O'Reilly Auto Parts for water and sewer usage at the Justice Center. All voting "Aye". MOTION PASSED**

HOLD A PUBLIC HEARING ON THE FY2013 PROPOSED TAX RATE INCREASE - 1:30 P.M

Judge Cobb opened public hearing. No public input. Judge Cobb closed public hearing. Hays County will hold two more public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 0.24 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate of effective tax calculated under Chapter 26, Tax Code). The Second public hearing will be held on September 11, 2012 at 7:00 PM at Commissioners Courtroom, Hays County Courthouse, 111 E. San Antonio Street, San Marcos, Texas 78666. Members of the public are encouraged to attend the hearings and express their views.

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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into closed Executive Session at 10:30 a.m. and reconvened into open court meeting at 10:45 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Council Mark Kennedy and Lon Shell. No Action Taken.

28392 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE, EXCHANGE, OR VALUE OF A 1-ACRE TRACT OF LAND OWNED BY HAYS COUNTY NEAR THE INTERSECTION OF HUNTER AND CENTERPOINT ROADS

Court convened into closed Executive Session at 10:45 a.m. and reconvened into open court meeting at 11:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Council Mark Kennedy and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Hays County Emergency Services District #3, as presented in Executive Session, for the sale of a 1-acre tract of land owned by Hays County at the intersection of Hunter and Centerpoint Road in Precinct 2. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF EACH INDIVIDUAL EMPLOYEE ASSIGNED A WORKSPACE WITHIN THE HAYS COUNTY GOVERNMENT CENTER

Court convened into closed Executive Session at 11:00 a.m. and reconvened into open court meeting at 11:40 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Council Mark Kennedy and Lon Shell. No Action Taken

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

On advise of Fire Marshal the burn ban will remain lifted.

County Clerk's Note Agenda Item RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

County Clerk's Note Agenda Item RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **- was pulled**

County Clerk's Note Agenda Item RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **- was pulled**

A motion was made by Commissioner Jones, 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 September 4, 2012.

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF SEPTEMBER A.D., 2012, 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:

Judge Cobb asked for a moment of silence in remembrance of 9/11 that happened 11 years ago today. He also mentioned that Ed Yossi Barkley a good friend of his recently passed away. Ben Nelson Rector at St. Mark's Episcopal Church 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 – San Marcos resident, and Judge Jim Powers – Dripping Springs resident made public comments.

28393 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 $608,709.70 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28394 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 4, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of September 4, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28395 ACCEPT A DONATION FOR THE HISTORICAL COMMISSION'S OPERATING BUDGET

The Historical Commission has received a donation for operating expenses. Amount required $5,000.00 no matching county funds needed. Increase Revenue 001-676-00.4610 Contributions ($5,000.00). Increase Expense 001-676-00.5201 General Supplies 500.00 Increase Expense 001-676-00.5448 Contract Services $4,500.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a donation for the Historical Commission's Operating Budget. All voting "Aye". MOTION PASSED**

28396 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE EQUIPMENT FOR THE EVIDENCE ROOM AND AMEND THE BUDGET ACCORDINGLY

Due to the nature of evidence, in general, there is the constant presence of potentially dangerous particulate matter in the air. One of the major concerns is a fungus, commonly found on Marijuana, called Aspergillus. The spores from this fungus can cause asthma complications, lung infections and, potentially, death in persons with compromised immune systems. The concern is not only for those who are exposed to the evidence room; but, also, for everyone in the building located at 1303 Uhland Rd. everyone in the building is potentially exposed to these hazardous particulates. The funds have been identified in the Sheriff's Office budget. Amount required $ 780.00. 001-618-00.5362 Criminal Invest. Exp. Decrease ($780) 001-618-00.5719_400 Misc. Equipment Increase $780. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to purchase equipment for the Evidence Room and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28397 MOVE FUNDS FROM ID BADGE REVENUE TO THE HUMAN RESOURCES OPERATING BUDGET TO PURCHASE ID BADGE SUPPLIES AND AMEND THE BUDGET ACCORDINGLY

The Human Resources Department is tasked with printing and issuing ID badges to Attorneys that enter the building for Court on a regular basis and wish to purchase the badge. Badges are only issued after the Sheriff's Office has completed a complete background check. Funds are needed to purchase additional supplies and revenue received for the fee that is charged will be used to cover the costs. Amount required $240.00 Increase HR Office Supplies: 001-677-00.5211 $240 Increase ID Badge Revenue: 001-000-00.4427 ($240). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to move funds from ID Badge revenue to the Human Resources Operating budget to purchase ID Badge supplies and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28398 MOVE FUNDS FROM COUNTY WIDE CONTINGENCIES TO THE DISTRICT COURT'S OPERATING BUDGET FOR CONTRACT COURT REPORTER SERVICES AND AMEND THE BUDGET ACCORDINGLY

The full time Court Reporter for the 428th District Court will be on medical leave for the remainder of this month. Funds are needed to contract for Court Reporter services for the remainder of this fiscal year. Amount required $4,800.00. Increase Transcription Services: 001-608-00.5445 $4,800 Decrease Contingencies: 001-645-00.5399 ($4,800). County Auditor stated that since the agenda request was submitted another invoice was received and is requesting a total of $15,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to move funds from County Wide Contingencies to the District Court's Operating budget for contract Court Reporter services and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28399 AUTHORIZE THE COUNTY JUDGE TO A EXECUTE CONTRACT FOR UP TO $12,000.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE TITLE V PRENATAL PROGRAM

This is a renewal contract between Texas Department of State Health Services and Hays County Personal Health Department to provide prenatal services for the Title V eligible clients. Hays County will adhere to the current schedule of allowable services and rates as referenced in the policies and procedures manual for the Title V Maternal & Child Health Fee for Service for Child Health, and Prenatal care. This Contract provides funding for the program from September 1, 2012 through August 31, 2013 with reimbursements made on a monthly basis. The original Contract will be mailed to Texas Department of State Health Services. 120-675-49-020.4301. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to a execute contract for up to $12,000.00 from the Texas Department of State Health Services for the Title V Prenatal program. All voting "Aye". MOTION PASSED**

28400 APPROVE JUNE 2012 TREASURER'S REPORT/INVESTMENT REPORT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve June 2012 Treasurer's Report/Investment Report. All voting "Aye". MOTION PASSED

28401 AMEND THE BUDGET OF THE AUDITOR'S OFFICE FOR THE PURCHASE OF A SCANNER FROM SALARIES SAVINGS AND A TRANSFER FOR EMPLOYEE RECOGNITION COSTS TO THE HUMAN RESOURCES DEPARTMENT

The Auditor's Office needs a scanner for our paperless audits, records management, and accounting; Cost is $1544 per IT, and can be funded from salaries savings. Auditor's Office wishes to transfer to Human Resources for the cost of employee recognition, estimated at $200. Amount required $1,744.00 to 001-606-00.5712_400 Computer Eqpt. from 001-606-00.5021 Staff and to 001-677-00.5334 Human Resources Employee Recognition from 001-606-00.5211 Office Supplies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the budget of the Auditor's Office for the purchase of a scanner from salaries savings and a transfer for employee recognition costs to the Human Resources. All voting "Aye". MOTION PASSED**

28402 AMEND BUDGET OF TREASURER OFFICE FOR THE PURCHASE OF A TIME CLOCK FROM OFFICE SUPPLIES

Treasurer is in need of an additional time clock and can fund from office supplies. Amount required $2,950.00 to 001-620-00.5719_400 Misc Eqpt from 001-620-00.5211 Office Supplies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend Budget of Treasurer Office for the purchase of a time clock from office supplies. All voting "Aye". MOTION PASSED**

28403 AMEND BUDGET OF EMERGENCY MANAGEMENT FOR TELEPHONE EXPENSES FROM CONTINUING EDUCATION

Emergency Management telephone needs additional amount and can move from Continuing Ed savings. Amount required $350 from 001-656-00.5551 Continuing Ed to 001-656-00.5489 Telephone. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Budget of Emergency Management for Telephone expenses from Continuing Education. All voting "Aye". MOTION PASSED**

28404 AMEND BUDGET OF VETERANS OFFICE FOR OFFICE SUPPLIES FROM TRAVEL

Veteran's Officer requested to move travel savings to office supplies. Amount required $900 to 001-720-00.5211 Office Supplies from 001-720-00.5501 Travel. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Budget of Veterans Office for office supplies from travel. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #13 RE: *APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR SHERIFF GARY CUTLER* **– was pulled**

28405 APPROVE SPECIFICATIONS FOR IFB#2012-B10, BOUNDARY FENCING FOR JACOB'S WELL NATURAL AREA AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

Bids are solicited for furnishing the services set forth in this bid. Completed bids must be received in the purchasing office before 2:00 p .m. on Thursday, September 27, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve specifications for IFB#2012-B10, Boundary Fencing for Jacob's Well Natural Area and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED**

28406 AMEND THE BUDGET OF DEVELOPMENT SERVICES FOR VEHICLE MAINTENANCE FROM CONTINUING EDUCATION AND TRAVEL

Development Services requires additional vehicle maintenance expense and can fund the needed amount from Travel ($294) and Continuing Ed ($609) for a total of $903 to 001-657-00.5413 Vehicle Maint. from 001-657 00.5501 Travel from 001-657-00.5551 Continuing Ed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Budget of Development Services for Vehicle Maintenance from Continuing Education and Travel. All voting "Aye". MOTION PASSED**

28407 AMEND BUDGET OF DISTRICT COURT FOR INDIGENT TRIAL/PRETRIAL EXPENSES FROM CONTINGENCIES

Indigent Trial/Pretrial expends for interpreting, investigating, and expert witnesses. . In one capital murder case, just trial/pretrial expense are 19,999, with additional for another case for 10,000. We are estimating all four courts will require total of 30,000 to finish FY12, and are requesting from Contingencies. Amount required $30,000 to 001-608-00.5304_274 District Court Indigent Trial/Pretrial from 001-645-00.5399 Countywide Contingencies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend Budget of District Court for Indigent Trial/Pretrial expenses from Contingencies. All voting "Aye". MOTION PASSED**

28408 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 2656 WINDY HILL ROAD, KYLE, TX 78640

Kyle Project, LLC (Crumley, D.E. & Nova Family LP) is proposing an OSSF to serve a convenience store with takeout food service at 2656 Windy Hill Road, Kyle, TX 78640 in Precinct 1This property is 2.94 acres. Water is supplied by a Public Water Supply. This OSSF is an aerobic LPD with flow equalization. The system is designed for a maximum of 883 gpd. The system designer is Stan Burrier, P.E. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Institutional OSSF Permit at 2656 Windy Hill Road, Kyle, TX 78640. All voting "Aye". MOTION PASSED**

28409 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR PATRICIA HOM

The Hays County Sheriff's Office would like to send our Criminal Analyst Patricia Hom to attend the ISS World America Intelligence Support Systems for Law Interception, Criminal Investigation and Intel gathering training in Washington DC Oct. 10-12, 2012. This is only offered once per year. This training is the next level up in the analyst field. Amount $2,265; 001-618-00.5551. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Out Of State Training Travel Request for Patricia Hom. All voting "Aye". MOTION PASSED**

28410 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED $130,000 WITH LNV, INC. FOR DESIGN SERVICES ON A STP MM FUNDED PROJECT TO IMPROVE THE INTERSECTION OF SH 21 AND FM 150 (E) WITH FUNDING REIMBURSEMENT IN ACCORDANCE WITH THE TXDOT ADVANCE FUNDING AGREEMENT (AFA) APPROVED BY THE COURT ON JULY 17

Mike Aulick spoke. The Consultant Selection Team (Commissioner Ingalsbe, Jerry Borcherding and Tim Vandevorde) reviewed the letters of intent and interviewed all three firms which submitted. Based on the written submittals and interviews the Consultant Selection Team unanimously recommends LNV, Inc. According to the AFA, TxDOT is requesting that Hays County procure the design services for the project. TxDOT will let the project for construction in the summer of 2013 at an estimated cost of $1,100,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement in an amount not to exceed $130,000 with LNV, Inc. for design services on a STP MM funded project to improve the intersection of SH 21 and FM 150 (E) with funding reimbursement in accordance with the TxDOT Advance Funding Agreement (AFA) approved by the Court on July 17. All voting "Aye". MOTION PASSED**

28411 ANVIL BLOCK SUBDIVISION [12-3-20 – 1 LOT] **APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Anvil Block Subdivision is a proposed 7.00 acre division of land located off of Posey Road in Precinct 3. Water service will be provided by the City of San Marcos and wastewater treatment will be accomplished by an on-site sewage facility to be permitted by Hays County. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of Anvil Block Subdivision. All voting "Aye". MOTION PASSED**

28412 ENOCH ACRES [12-4-30 – 1 LOT] **APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Enoch Acres is a proposed 2.97 acre division of land located off of Country Lane in Precinct 4. Lot 1 will be served by a private well and on-site sewage facility at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Enoch Acres. All voting "Aye". MOTION PASSED**

28413 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR CONTINUANCE OF THE TEXAS AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY PROJECT

Lt. Graves spoke. The Travis County Sheriff's Office is requesting approval of the annual agreement with the Texas Automobile Burglary and Theft Prevention Authority (ABTPA) to continue the Sheriff's combined Auto Theft Task Force Grant. Funding for the program includes Travis County and other counties with the sheriff of each county forming the Advisory Board of the program. The grant award provides funding for the Hays County Field Agent in the amount of $51,088, which does not include fringe benefits. Hays County will provide the additional funds to cover the fringe benefits, which historically has funded in the past. The additional funds of $23,072.00 will be funded through the Sheriff's FY13 Budget. The grant award must be completed and returned to Travis County by September 15, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Assistance Agreement for continuance of the Texas Automobile Burglary and Theft Prevention Authority Project. All voting "Aye". MOTION PASSED**

28414 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND ACCESS IMPROVEMENT, A TEXAS DOMESTIC NON-PROFIT CORPORATION, RELATED TO DEVELOPMENT OF THE PARKING MOBILITY PROGRAM

Mark Kennedy Special Counsel spoke. 25% of all disabled parking is abused at any time (jumping to 75% in bad weather). Parking Mobility is a volunteer program that addresses disabled parking abuse by empowering those affected and educating the broader community on disability issues. It satisfies the Texas Legislature's intent by enacting the highest fines in the country ($500-$1,250; Texas Transportation Code 681.011). It also provides an educational alternative for first time violators vs negative reinforcement (high fine). **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute the Memorandum Of Understanding between Hays County and Access Improvement, a Texas domestic non-profit corporation, related to development of the Parking Mobility Program. All voting "Aye". MOTION PASSED**

HOLD A PUBLIC HEARING ON THE FY2013 PROPOSED TAX RATE INCREASE - 7:00 P.M.

The meeting was reopened at 7:02 p.m. Judge Cobb opened the public hearing. No public input was received. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to close the public hearing. Bill Herzog County Auditor mentioned that the next meeting will be the last time the public will have input before the budget is adopted. The next Commissioners Court will be held on September 18, 2012 at 1:30 p.m.

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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into close Executive Session at 2:15 p.m. and reconvened into open court meeting at 2:30 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF THE DIRECTOR OF THE TRANSPORTATION DEPARTMENT, THE DIRECTOR OF THE INFORMATION TECHNOLOGY DEPARTMENT, THE ELECTIONS ADMINISTRATOR, AND THE DIRECTOR OF THE JUVENILE PROBATION DEPARTMENT

Court convened into closed Executive Session at 10:02 a.m. and reconvened into open court meeting at 1:40 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jerry Borcherding Transportation Director, Jeff McGill IT Director, and Joyce Cowan Elections Administrator. Department Head evaluations and no action was taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF ALL INDIVIDUAL EMPLOYEES WITHIN THE AUDITOR'S OFFICE

Court convened into closed Executive Session at 1:40 p.m. and reconvened into open court meeting at 2:15 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed Executive Session 2:30 p.m. and reconvened into open court meeting at 3:45 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The burn ban will remain in force. Next week the Fire Marshall will be in court to address the burn ban issue.

County Clerk's Note Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

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

Jeff Watson gave a brief update. FM 1626 Southern Section (FM 2270 to FM 967) – Environmental Process (45% Complete/draft EA Report 90% Complete), Design (Schematic 99% complete PS&E 60% complete), ROW Coordination & Acquisition (10% complete), Utility Coordination & relocation (15% complete), Construction (0% complete); FM 1626 Northern Section (FM 967 to Brodie Ln) – Environmental Process – TxDOT (complete), Design (schematic 100% complete, PS&E 100% complete), ROW Coordination & Acquisition (75% complete), Utility Coordination & Relocation (45% complete), Construction (0% complete); Yarrington Road Bridge – Environmental Process (complete), Design (schematic 100% complete PS&E 30% complete), ROW Coordination & Acquisition (0% complete), Utility Coordination & Relocation (5% complete), Construction (0% complete); FM 110 (IH 35 to SH 123) – Environmental Process – TxDOT (100% complete), Design (Schematic 100% complete), Design (Schematic 100% complete PS&E 100% complete), ROW Coordination & Acquisition (99% complete), Utility Coordination & Relocation (85% complete), Construction (0% complete); US 290 (Nutty Brown Road to Trautwein Road) – Construction – COMPLETE; IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass) – Environmental Process (100% complete), Design (schematic 100% complete PS&E 100% complete), ROW Coordination & Acquisition (98% complete), Utility Coordination & Relocation (100% complete), Construction (100 complete); IH 35 Phase IIA (RM 150 Realignment) – Environmental Process (100% complete), Design (schematic 100% complete PS&E 100% complete), ROW Coordination & Acquisition (75% complete), Utility Coordination & Relocation (50% complete), Construction (1% complete); IH 35 Phase IIB (FM 1626 to Yarrington) – Environmental Process (100% complete), Design (schematic 100% complete PS&E 100% complete), ROW Coordination & Acquisition (100% complete) Utility Coordination & Relocation (98% complete), Construction (1% complete); FM 2001 (Frontage Road Connector) - Construction – COMPLETE.

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant gave a quick report on the PUA. They are planning another meeting for September 24, 2012.

A motion was made by Commissioner Jones seconded by Commissioner Whisenant to recess until 7:00 p.m.

A motion was made by Commissioner Jones, seconded by Commissioner Conley 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 September 11, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF SEPTEMBER A.D., 2012, 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:

Jim Clements of Kyle gave the invocation and David Lyle led the court in the Pledge of Allegiance to the United States Flag and Jim Clements led the court in the Pledge to the Texas State Flag. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

Jim Clements recognized the County Judge and presented him with an Honorary Cap from the AMVETS. David Lyle introduced AMVETS. Judy Clements spoke of National Constitution Week and DAR. Alan Cameron – Wimberley resident presented a gavel to the AMVETS and presented a patch to David Lyle from VSO Jude Prather.

28415 ADOPT A PROCLAMATION DECLARING THE ESTABLISHMENT OF THE CENTRAL TEXAS AMVETS POST 115 IN THE CITY OF KYLE, HAYS COUNTY

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Proclamation declaring the establishment of the Central Texas AMVETS Post 115 in the City of Kyle, Hays County. All voting "Aye". MOTION PASSED

28416 ADOPT A PROCLAMATION DECLARING THE WEEK OF SEPTEMBER 17TH THROUGH SEPTEMBER 23RD CONSTITUTION WEEK IN HAYS COUNTY

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the week of September 17th through September 23rd Constitution Week in Hays County. All voting "Aye". MOTION PASSED

28417 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of $807,673.29 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28418 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 11, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of September 11, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28419 AMEND BUDGET OF COMMISSIONER PRECINCT 4 TO ADJUST STAFF SALARY FROM TEMPORARY PERSONNEL

Temporary personnel was budgeted at adoption, but paid from staff line item, requiring budget adjustment. Amount required $560. To 001-604-00.5021 Staff from 001-604-00.5449 Temporary Personnel. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe Amend Budget of Commissioner Precinct 4 to adjust staff salary from temporary personnel. All voting "Aye". MOTION PASSED**

28420 AMEND BUDGET OF DISPUTE RESOLUTION FUND FOR CONTRACT SERVICES FROM REVENUE RECEIVED

The Dispute Resolution Fund expends the fees taken after received, August fees received will require budget increase for $472 to expend. Amount required $472 to 115-740-00.5448 Contract Svcs from 115-740 00.4401_612 from 115-740-00.4401_625. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend Budget of Dispute Resolution Fund for Contract Services from Revenue received. All voting "Aye". MOTION PASSED**

28421 AMEND BUDGET OF GOVERNMENT CENTER SECURITY FOR EQUIPMENT LEASE FROM CONTINUING EDUCATION

Government Center Security requires last month FY12 payment of copier lease and needs to use continuing ed savings to fund. Amount required $161 to 001-613-00.5473 Eqpt Lease from 001-613-00.5551 Continuing Ed. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend Budget of Government Center Security for Equipment Lease from Continuing Education. All voting "Aye". MOTION PASSED**

28422 AMEND BUDGET OF HEALTH CLINIC FROM PERSONAL HEALTH FOR CONTRACT SERVICES IN FAMILY HEALTH SERVICES FUND

Health Clinic requires additional contract services for August/September invoices, and Personal Health operating can fund from savings in (3) line items. Amount required $7,000 to 120-675-07.5448 Clinic Contract Services from 120-675-00.5411; Eqpt Maint from 120-675-00.5473; Eqpt Lease from 120-675-00.5480_200 Utilities. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Budget of Health Clinic from Personal Health for Contract Services in Family Health Services Fund. All voting "Aye". MOTION PASSED**

28423 APPROVE RENEWAL OF CONTRACT FOR MR. JOHN CARSON, R.PH TO PROVIDE PHARMACY SERVICES TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT

This is presently an annual contract for Mr. John Carson, R.Ph to provide pharmacy consultation services and monthly audits to the Hays County Personal Health Department. Retention of a professional Pharmacist-in-Charge (P.I.C.) is required due to the Health Department's designation as a Class D Pharmacy. The Texas State Board of Pharmacy requires a monthly inspection and an annual in-service. These services will be provided from October 1, 2012 through December 31, 2012, then renewable on a month to month basis. Amount required $100.00 per visit 120-675-00.5448. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve renewal of contract for Mr. John Carson, R.Ph to provide Pharmacy services to Hays County Personal Health Department. All voting "Aye". MOTION PASSED**

28424 AUTHORIZE INSTITUTIONAL OSSF PERMIT #2012-546 AT 3401 CREEK ROAD, DRIPPING SPRINGS, TX IN PRECINCT 4

Hancock/Hanks Investments, Ltd. is proposing to construct an on-site sewage facility to serve a second venue center (Spiritual Oaks Events Hall) at Camp Lucy Events Event Center. This on-site sewage facility is designed for 1400 gallons per day (maximum flow on weekends) with the flow equalized throughout the week to 600 gallons per day. The property is 94.33 acres in size. This on-site sewage facility will consist of a 2000 gallon grease trap, 2-1500 gallon pretreatment tanks, 4000 gallon equalization and pretreatment tank, 1500gpd aerobic treatment unit, and a 2000 gallon pump tank that will disperse to a low pressure dosed drainfield. The water supply will supplied by Dripping Springs Water Supply Corp. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit #2012-546 at 3401 Creek Road, Dripping Springs, TX in Precinct 4. All voting "Aye". MOTION PASSED**

28425 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 10765 MILLER LANE, AUSTIN, TX 78737

Charles Herzfeld is proposing an OSSF to serve a single family residence and wholesale bakery at 10765 Miller Lane, Austin, TX in Precinct 4. This property is 1.299 acres. Water will be supplied by a Public Water Supply. This OSSF is an aerobic drip irrigation system with flow equalization. The system is designed for a maximum of 440 gpd. The system designer is Jon Maass, R.S. and Tommy R. Partridge, P.E. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant action to Authorize Institutional OSSF Permit at 10765 Miller Lane, Austin, TX 78737. All voting "Aye". MOTION PASSED**

28426 APPROVE THE JULY 2012 TREASURER'S REPORT AND INVESTMENT REPORT

Approve the July 2012 Treasurer's Report and Investment Report. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the July 2012 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED**

28427 HOLD A PUBLIC HEARING TO ESTABLISH A TRAFFIC REGULATION ON SPRINGLAKE DRIVE

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Jerry Borcherding Transportation Department gave staff recommendation to keep the stop sign. This is to remove a stop sign on Springlake Drive at the intersection with Springlake Circle. Frank Wolfe spoke in support of removing the stop sign. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to keep the stop sign in place as is and recommend that the stop located at the northwest corner of the intersection on Springlake Drive and Springlake Circle remain at a stop sign for safety and that there would be improvements made to the other two sides of this intersection in matters of warning and ability to draw attention to the intersection for possible users. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28428 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN MEADOW OAKS SUBDIVISION

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Jerry Borcherding Transportation Department gave staff recommendation. This is to conduct a public hearing on September 18th to establish traffic regulations in Meadow Oaks subdivision. Regulations include: a stop sign on Old Hwy 290 at Meadow Oaks Drive, a stop sign on Glen Valley Drive at Meadow Oaks Drive, a stop sign on Glen Valley Drive at Shadywood Lane, a stop sign on Hillside Drive at Meadow Oaks Drive, a stop sign on Meadow Oaks Drive at Greenridge Lane, a stop sign on Greenridge Lane at Meadow Oaks Drive, a stop sign on Greenridge Lane at Morgan Hill Drive, a stop sign on Morgan Hill Drive at Greenridge Drive, a stop sign on Hillside Drive at Morgan Hill Drive, a stop sign on Misty Slope Lane at Shadywood Lane, a stop sign on Misty Slope Lane at Morgan Hill Drive, a stop sign on Meadows Lane at Shadywood Lane, a stop sign on Meadows Lane at Morgan Hill Drive, and a speed limit throughout the subdivision of 25 MPH. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to establish traffic regulations in Meadow Oaks subdivision. All voting "Aye". MOTION PASSED**

28429 RETHABER RANCH COMPOUND [12-4-32--1 LOT] APPROVE FINAL PLAT

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Rethaber Ranch Compound is a proposed 5.56 acre division of land located off of Darden Hill Road in Precinct 4. Water service is provided by the West Travis County Public Utility Agency and wastewater treatment is accomplished by an existing on-site sewage facility permitted by Hays County. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve final plat of Rethaber Ranch Compound. All voting "Aye". MOTION PASSED**

28430 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION IN THE AMOUNT OF $28,970.15

Jeff Hauff Hays County Grants Administrator spoke. On February 21, 2012 Commissioners Court authorized submission of a grant application to the Office of the Governor, Criminal Justice Division for equipment for the Jail booking area, the Narcotics Task Force and the Criminal Investigation Division. The grant award will facilitate the purchase of three Laptops for the booking area, one FLIR Bi-Ocular Thermal Camera for the Narcotics Task Force and one Electronic Video Recording System for the Criminal Investigation Division. The Electronic Recording conference room will provide proper equipment to record confession statements that can be admissible as evidence during a court trial. The FLIR Bi-Ocular will provide recorded footage, photographs and/or videotape of criminal activity when limited lighting is available to capture evidence that can support a more successful prosecution. The three additional Laptops in the booking area will help reduce the time the officers spend completing required paper work and will allow them more time to be out patrolling. The equipment purchases will be budgeted in the FY13 Budget. The Grant period is effective from September 1, 2012 through March 31, 2013. Attached is the grant award. This will need to be added to Fy13 Budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to accept a Grant Award from the Office of the Governor, Criminal Justice Division in the amount of $28,970.15. All voting "Aye". MOTION PASSED**

28431 WAIVE THE SEPTIC PERMIT FEE FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY ORGANIZATION

In the past the Commissioners' Court has waived the fees for this nonprofit group. This will allow WVHH to proceed with the building of their next home at 23 Lonestar Trail in Wimberley. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to waive the septic permit fee for the Wimberley Valley Habitat for Humanity organization. All voting "Aye". MOTION PASSED**

28432 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY, THE CITY OF SAN MARCOS, TEXAS STATE UNIVERSITY - SAN MARCOS, AND THE TEXAS PARKS AND WILDLIFE DEPARTMENT, RELATED TO AN INTERPRETIVE AND EDUCATIONAL CENTER NEAR THE HEADWATERS OF THE SAN MARCOS RIVER

Commissioner Conley spoke. The Memorandum of Understanding is entered into by and between the City of San Marcos, Hays County, Texas Parks and Wildlife Department and Texas State University – San Marcos. It is the goal of the parties to protect and enhance the natural resources found in and around Spring Lake and the San Marcos River. This MOU has been developed by the parties to promote and facilitate planning for an interpretive and educational center at the headwaters of the San Marcos River to inform the public about the natural and cultural resources found in and around the San Marcos River, to educate the public on how to protect and preserve these important resources, to encourage and enhance research efforts regarding resources found in Spring Lake and the San Marcos River, and to inform the public about the recreation opportunities available at the site. This MOU is designed to assure that all planning for this effort proceeds in a manner that is fully supportive of the missions of the four parties. Any of the parties may terminate its participation in activities associated with this MOU by notifying the other parties in writing. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Memorandum of Understanding between Hays County, the City of San Marcos, Texas State University - San Marcos, and the Texas Parks and Wildlife Department, related to an interpretive and educational center near the headwaters of the San Marcos River. All voting "Aye". MOTION PASSED**

28433 AUTHORIZE INSTITUTIONAL OSSF PERMIT #2012-507 AND GRANT A VARIANCE TO TAC 30 CHAPTER 285, TABLE X (MINIMUM SEPARATION DISTANCES FOR ON-SITE SEWAGE FACILITIES) AT 440 FISCHER STORE ROAD, WIMBERLEY, TX

Clint Garza, Development Services Director spoke. J&S Real Estate Investments LP is proposing a new ON-SITE SEWAGE FACILITY to relieve an existing on-site sewage facility that is showing signs of overuse. This permit number is 2012-303. This property is 8.12 acres. Water will be supplied by Public Water Supply. This OSSF will consist of a 1469 gallon pretreatment tank, 1850 gallon equalization tank, 750 gallon lift station, 2-1000 gpd aerobic treatment units with pump chambers that will dose drip irrigation dispersal fields. The system designer, Kyle Dehart, R.S. is requesting a variance to TAC 30 Chapter 285, Table X (Minimum Separation Distances for On-Site Sewage Facilities) which requires 50' separation from sewer lines to public water wells. When these buildings were built the building sewer stubouts were installed within 50' of a private water well. As the business grew, the water well had to be converted to a privately owned public water system and now that the onsite sewage facility is being upgraded a variance is required from this section of the rules. His justification for the variance is: The sewer lines will be sleeved inside a larger diameter pipe, ends sealed and set in cement stabilized sand within 50 feet of the Well head. This will afford equal or better protection to the 50' setback. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit #2012-507 and grant a variance to TAC 30 Chapter 285, Table X (Minimum Separation Distances for On-Site Sewage Facilities) at 440 Fischer Store Road, Wimberley, TX. All voting "Aye". MOTION PASSED**

28434 AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO (2) CONTRACTS BETWEEN WEST THOMSON REUTERS AND THE HAYS COUNTY LAW LIBRARY

One of the contracts is for law books and updates for the law library and the other is for computer assisted legal research. Amount required $14,241.60 & $21,204.00; 084-690-00.5213 & 084-690-00.5448. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute two (2) contracts between West Thomson Reuters and the Hays County Law Library. All voting "Aye". MOTION PASSED**

28435 RATIFY THE COUNTY JUDGE'S EXECUTION OF THE ENGAGEMENT CONTRACT BETWEEN HAYS COUNTY AND MILLIMAN FOR ACTUARIAL SERVICES

This contract is almost a renewal and is for Actuarial Equivalence Testing for the Retiree Drug Subsidy. Amount required $2,300.00;003-730-00.5303. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify the County Judge's execution of the Engagement Contract between Hays County and Milliman for actuarial services. All voting "Aye". MOTION PASSED**

HOLD A PUBLIC HEARING ON THE FY 2013 HAYS COUNTY PROPOSED BUDGET-1:30PM

Judge Cobb opened public hearing. Mary E. Gonzales – San Marcos resident and Candidate for Commissioner Pct 1, Jerry Gracy – San Marcos resident and Director of Hays County Food Bank, Sam Brannon – San Marcos resident made public comments. Judge Cobb closed public hearing. Hays County Auditor, Bill Herzog spoke. This budget will raise more total property taxes than last year's budget by $1,030,427 (1.95%). And of that amount, $1,665,140 is tax revenue to be raised from new property added to the tax roll this year. Prior to the adoption and thereafter, a copy of the budget will be on file in the offices of the Hays County Clerk and Hays County Auditor, as well as the County's website @ www.co.hays.tx.us for public inspection.

28436 SET THE FY 2013 SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS

Hays County Auditor, Bill Herzog spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to set the FY 2013 salaries and allowances for Hays County Elected Officials. All voting "Aye". MOTION PASSED**

28437 ADOPT THE FY 2013 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES AS A RESULT OF THE PUBLIC HEARING

Hays County Auditor, Bill Herzog spoke. Vickie Wilhelm spoke of changes to the budget. (1) Treasurer's Office Increase Telephone Expense 260 Addtl phone line for Mail Room 260 (2) IT Increase Software Maintenance 810 Fire Marshal AVL License 810 (3) Building Maint Increase Equipment Lease 1,645 Taking over Compliance copier until lease ends 1,645 (4) Auditor's Office Increase Salaries/Fringe 23,170 Implement new organizational structure 23,170 (5) County Wide Increase Equipment Maint 977 Maintenance Fee for Mail Machine 977 (6) Development Services Re-grade Admin I to Admin III 3,066 Slot 0273-025 3,066; Decrease Admin I salary to min (2,887) Vacant Slot 0273-029 (2,887); Decrease Fuel (179) to balance request (179); (7)District Court/ Courthouse Security Fund Increase Salaries/Fringe/Uniform 13,302 Remove Bailiff Positions effective 12/31 - add 3 Deputy; Positions effective 1/1/13 13,302; Increase Equipment 11,505 3 each, Hand-Held Radio, Taser, Vest 11,505 (8) Departmental Grants; DA - E Byrne Equipment Increase Revenue (669) ;DA - E Byrne Equipment Increase Expense 669 Office Supplies 669;DC - E Byrne Equipment Decrease Revenue 438 ;DC - E Byrne Equipment Decrease Expense (438) Office Supplies (438);CCL2 - E Byrne Equipment Decrease Revenue 231 ;CCL2 - E Byrne Equipment Decrease Expense (231) Office Supplies (231);SO - Auto Theft Task Force Decrease Revenue 12,094 ; SO - DOJ Bullet Proof Vest Increase Expense 850 LE Equipment 850; TJPC-P JJAEP Increase Revenue (2,638) ; TWDB Flood Protection Plan Decrease Expense (26,135) Contract Services (26,135); OEM - GDEM LE Strike Reallocate expenses per Grant 0 0 net effect 0; TJPC-A State Aid Reallocate expenses per Grant (4,668) ; TJPC-M Special Needs Reallocate expenses per Grant (925) 0 net effect (925); Juvenile Probation Op; Move TJPC grant exp to operating 5,595 ; CJD LE Technology Budget New Grant 0 0 net effect - 28,971 Revenue & Expenses 0 (9) Departmental Telephone Increase/Decrease for actual 1,200 (10) Non Departmental Increase Sales Tax Revenue (25,525) (11) County Wide Reduce Transfer to Law Library (11,118) ; (15,000) Transfer from Shoot Safe Fund (15,000); 15,000 Increase Co-Wide contingencies 15,000; Include District Judge's, Extension Agents stipends & Court Reporters in 3% Merit Pool; Earmark $20k from savings in Co-Wide Salary adjustments for 1 time employee increases. (12) Veteran's Office Increase Miscellaneous Expense 1,000 Roll FY12 contribution 1,000 (13) County Wide Increase Communication Eqpt 571,633 Roll FY12 Radio Migration Plan Phase I 571,633 Increase Misc Jail Improvements 68,852 Roll FY12 Jail Imm Needs Maintenance funds 68,852 (14) Revenue/Expense for Special Revenue Funds; Fund 081 DA Drug Forfeiture 0 Reallocate expenses - 0 net effect 0; Fund 084 Law Library (11,118) Increase Revenue (11,118); Fund 100 County & District Court Tech Fund 4,500 Increase General Supplies 4,500; Fund 108 District Court Records Tech Fund 9,000 Increase General Supplies 9,000; Fund 110 Justice Court Bldg Security Fund 11,500 Increase General Supplies 11,500; Fund 144 Historical Jail Restoration Fund 200,000 Increase Misc Capital Improvements 200,000; Fund 149 SECO Energy Fund 0.00; Decrease Revenue & Expense (36,031) - Grant will be completed this fiscal year 0.00; Fund 150 Park Bond 2011 Fund 6,200,000 Budget Projects 6,200,000; Fund 171 LCRA Fund 8,000 Decrease Flood Protection Grant Revenue (18,437) & Contract Services (10,437) 8 ,000; Fund 172 Shoot Safe Fund (15,000) Transfer to General Fund (15,000). **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to allocate up to $20,000 from savings in pay increase line item countywide that is developed from attrition to use by the County Judge's Office to distribute as necessary to County Employees. All voting "Aye" MOTION PASSED**

A motion was made by Commissioner Conley, Commissioner Whisenant to move the Fund 172 – Shoot Safe Fund for $15,000 into the general fund under Contingencies in the amount of $15,000 and to accept the Amendments made by the Auditor's Office. All voting "Aye". MOTION PASSED

A motion was by Commissioner Conley, seconded by Commissioner Jones to adopt the FY 2013 Hays County budget after making any final changes as a result of the public hearing. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt how the pooled is calculated for each department head consistent with the letter that was handed out by DeeDee Baen Human Resources Director on how the pooled is distributed within each department with the need for an evaluation to be turned in prior to allocation of the 3% and also bring in the Extension Agent supplement of 3% of our pooled and the District Judges 3% of the supplement that was allocated to them as part of their salary for their hard work for the citizens of Hays County. All voting "Aye". MOTION PASSED

28438 RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY 2013 HAYS COUNTY BUDGET

Hays County Auditor, Bill Herzog spoke. Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the Commissioner's Court to ratify the property tax increase reflected in the budget. This budget will raise more total property taxes than last year's budget by $1,030,427 (1.95%). And of that amount, $1,665,140 is tax revenue to be raised from new property added to the tax roll this year. Joe Cox thanked the Court for their support. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to ratify the property tax increase reflected in the FY 2013 Hays County budget. All voting "Aye". MOTION PASSED**

28439 APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY 2013 AND LEVY THE TAXES

Hays County Auditor, Bill Herzog spoke. The Commissioners' Court of Hays County, Texas, pursuant to Chapter 26 of the Texas Property Tax Code, hereby adopts this order setting the fiscal year 2013 ad valorem tax rate as follows. All figures are in pennies per $100 taxable property valuation: General Maintenance & Operations 29.96 cents General Debt 12.56 cents Road and Bridge Maintenance & Operations 4.38 cents. Total Ad Valorem Tax Rate for Fiscal Year 2013 46.90 cents. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve an order adopting the tax rate for FY 2013 and levy the taxes. All 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 THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into closed Executive Session at 12:58 p.m. and reconvened into open court meeting at 1:20 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF THE DIRECTOR OF DEVELOPMENT SERVICES, THE DIRECTOR OF HUMAN RESOURCES, AND THE GRANTS ADMINISTRATOR

Court convened into closed Executive Session at 10:20 a.m. and reconvened into open court meeting at 12:45 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Clint Garza – Director or Development Services, Dee Dee Baen – Director of Human Resources and Jeff Hauff – Grants Administrator. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, SALE, EXCHANGE, OR VALUE ASSOCIATED WITH PROPERTY(IES) ALONG WOODACRE DRIVE IN WIMBERLEY, TEXAS

Court convened into closed Executive Session at 3:05 p.m. and reconvened into open court meeting at 3:48 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. No action taken.

28440 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE, EXCHANGE, OR VALUE OF A 1-ACRE TRACT OF LAND OWNED BY HAYS COUNTY NEAR THE INTERSECTION OF HUNTER AND CENTERPOINT ROADS

Court convened into closed Executive Session at 1:20 p.m. and reconvened into open court meeting at 1:30 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant authorize Legal Counsel to execute all documents necessary to perfect closing on the 1 – acres tract owned by Hays County at the intersection of Hunter Road and Centerpoint Road in Precinct 3. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Mark Chambers spoke. At this time the burn ban will remain lifted. He will continue to monitor and report to the County Judge.

Clerk's Note Agenda Item #32 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

Clerk's Note Agenda Item #33 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

Clerk's Note Agenda Item #34 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE* **– was pulled**

A motion was made by Commissioner Jones, 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 September 18, 2012.

Liz Q Gonzalez

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF SEPTEMBER A.D., 2012, 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**
ROSE ROBINSON	**DEPUTY COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb 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

RECOGNIZE HAYS COUNTY TREASURER, MICHELLE TUTTLE, AS THE RECIPIENT OF THE 2012 COUNTY TREASURERS' ASSOCIATION OF TEXAS OUTSTANDING TREASURER AWARD

Hays County Treasurer, Michelle Tuttle, has recently been named the 2012 Outstanding Treasurer by the County Treasurers' Association of Texas.

RECOGNIZE HAYS COUNTY EXTENSION AGENT, RICHARD PARRISH, FOR HIS EXCELLENCE IN ANIMAL SCIENCE PROGRAMMING AWARD FROM THE TEXAS ASSOCIATION OF EXTENSION 4-H AGENTS

The Texas Association of Extension 4-H Agents (TAE4-HA) Conference was held August 1-3 in Round Rock with Hays County Extension Agents Richard Parrish and Laura Petty participating. They joined Extension professionals from across the state to take part in educational workshops and association business meetings as well as gain new ideas and resources from exhibits. During the conference, TAE4-HA also presented its awards. Richard Parrish, Agriculture and Natural Resources agent, was honored with the "Excellence in Animal Science Programming Award" for his Livestock Extravaganza. The program is a youth livestock workshop that helps 4-H and FFA Members increase their knowledge and skills related to their respective livestock species, create awareness of the importance of the Quality Counts ethics program, and allow them the chance to visit one-on-one with industry representatives.

28441 ADOPT A PROCLAMATION DECLARING TUESDAY, OCTOBER 2, 2012 AS NATIONAL NIGHT OUT

Phillip Taylor spoke. The National Association of Town Watch (NATW) is sponsoring its 29th Annual Nationwide Crime, Drug, and Violence Prevention Program on October 2nd, 2012 called "National Night Out". This provides a unique opportunity for Citizens of Hays County to join forces with thousands of communities across the State of Texas in promoting cooperative, police-community crime and drug prevention efforts. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Proclamation Declaring Tuesday, October 2, 2012 as National Night Out. All voting "Aye". MOTION PASSED**

28442 ADOPT A PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER AS TURKEY'S TACKLING HUNGER MONTH

The Hays County Food Bank represents a countywide effort to provide nutritious food to people year-round that depends upon the generous support of communities throughout the county. In 2011 the Food Bank provided 620,000+ pounds of food at no cost to 14,000 people who need assistance living within their limited resources, and also distributed turkeys with all the trimmings for Thanksgiving meals to more than 2,450 families throughout Hays County. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a Proclamation recognizing the month of October as Turkey's Tackling Hunger Month. All voting "Aye". MOTION PASSED**

28443 ADOPT A PROCLAMATION DECLARING SEPTEMBER 23 - 29, 2012 AS RESOURCE CONSERVATION AND DEVELOPMENT 50TH ANNIVERSARY WEEK

September 27, 2012 is the 50th Anniversary of the establishment of the Resource Conservation and Development (RC&D) Program developed under the administration of President John F. Kennedy with leadership by Secretary of Agriculture Orville Freeman to help conserve natural resources and to enhance the social and economic well-being of rural communities through volunteer driven RC&D Councils. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring September 23-29, 2012 as Resource Conservation and Development 50th Anniversary Week. All voting "Aye". MOTION PASSED**

RECOGNITION OF THE SERVICE OF MEMBERS ON THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD

The Commissioners Court would like to give recognition to the Service of Members on the Hays County Parks and Open Space Advisory Board. Judge Bert Cobb members are Michael Aulick, Jon Engel, Kathy Boydston and Linda Tenorio. Commissioner Ingalsbe Precinct 1 members are Todd O. Deracz, David Salazar and Ron Riggins. Commissioner Jones Precinct 2 members are Jim Camp, Barbara G. Vinson, Jeff Kaufmann and Pauline Tom. Commissioner Conley Precinct 3 members are Gary Amaon, John D. Estepp and Sherri S. Bilson. Commissioner Ray Whisenant Precinct 4 members are Nancy H Potter, Melinda Mallia, Martha Brown and Donna Brasher.

PRESENTATION BY RICK PERKINS OF THE CLEAN AIR FORCE

Rick Perkins Volunteer/Board Member of Clean Air Force gave a presentation.

28444 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount $550,098.32 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED

28445 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 18, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of September 18, 2012 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED

28446 APPROVE AWARD OF BID #2012-09 ROAD IMPROVEMENTS/HOT MIX OVERLAY TO HUNTER INDUSTRIES

Purchasing received two bids provided by Hunter Industries and Lone Star Paving with Hunter Industries providing the lowest bid. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve award of Bid #2012-09 Road Improvements/Hot Mix Overlay to Hunter Industries. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28447 AMEND BUDGET OF SEVERAL DEPARTMENTS IN GENERAL FUND FOR TELEPHONE EXPENSES FROM CONTINGENCIES

After the move, the Grande telephone costs were reallocated to depts; These offices require additional budget for telephone from outside source To 001-608-02..5489 Telephone District Court Reporters. Amount required $3,217. To 001-628-00.5489 Telephone Justice of Peace 3; To 001-715-00.5489 Telephone TABC; To 001-630-00.5489 Telephone Justice of Peace 5; To 001-637-00.5489 Telephone Constable 3; To 001-646-00.5489 Telephone Civic Center; To 001-651-00.5489 Telephone DPS-License & Weights; From 001-645-00.5399 Countywide Contingencies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend Budget of several Departments in General Fund for Telephone expenses from Contingencies. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28448 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE SUPPLIES FOR THE TRAINING ACADEMY AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office would like to purchase year end supplies for the Training Academy. On Dec. 6, 2011, Commissioner's Court authorized the Sheriff's Office to amend the operating budget for tuition and related expenses for the Training Academy. The funds have been received for tuition fees. Amount Required $775.00. Increase Revenue: 001-618-00.4408 ($775.00) Increase Training Academy: 001-618-00.5333 $775.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to purchase supplies for the Training Academy and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28449 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR ON-LINE COMPUTER SERVICES RELATED TO THE CERTIFICATION OF VITAL RECORDS IN THE COUNTY CLERK'S OFFICE

This is a renewal of a contract with the Texas Department of State Health Services that allows the County Clerk's Office to provide Birth Certificates for anyone born in the State of Texas through an on-line connection with DSHS Vital Statistics Unit. The State is reimbursed a small portion of the fee charged by the County for each birth certificate issued. This contract will renew a similar agreement with DSHS that was valid from September 1, 2010 to August 31, 2012. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute contract with the Texas Department of State Health Services for on-line computer services related to the certification of vital records in the County Clerk's Office. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28450 ACCEPT AND RECORD IN-KIND IMMUNIZATIONS FROM THE DEPARTMENT OF STATE HEALTH SERVICES, RECORD HISTORICAL COMMISSION OPERATING AND DOCUMENTARY DONATIONS, AND AMEND VARIOUS DEPARTMENTAL BUDGETS IN PREPARATION FOR THE COUNTY'S FY2012 YEAR-END PROCESS

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept and record In-Kind Immunizations from the Department of State Health Services, record Historical Commission Operating and Documentary donations, and amend various departmental budgets in preparation for the County's FY2012 year-end process. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED

28451 CALL FOR A PUBLIC HEARING ON OCTOBER 9, 2012 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF DACY LANE AND BEBEE RD

This is to conduct a public hearing on October 9th to establish a 4-way stop at the intersection of Dacy Lane and Bebee Rd. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to call for a public hearing on October 9, 2012 to establish traffic regulations at the intersection of Dacy Lane and Bebee Rd. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28452 REPLAT OF TRACT 37, GLENN H. KOTHMANN PROPERTIES SUBDIVISION [12-4-35-2 LOTS] **APPROVE FINAL PLAT**

Judge opened public hearing. Bruce R. Merrill III property owner and Commissioner Whisenant spoke on behalf of Roxie McInnis Subdivision Coordinator that gave staff recommendation. Judge closed public hearing. The proposed replat will divide the 9.18 acre lot into two lots. The proposed Lot 37B will be served by an existing private well and on-site sewage facility. Lot 37A will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Replat of Tract 37, Glenn H Kothmann Properties Subdivision. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28453 APPROVE A RESOLUTION TO AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE, OFFICE OF RURAL AFFAIRS, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR WATER SYSTEM IMPROVEMENTS WITHIN THE CEDAR OAK MESA WATER SUPPLY CORPORATION SERVICE AREA

The Cedar Oak Mesa Water Supply Corporation has requested Hays County to sponsor a grant application to the Texas Department of Agriculture, Office of Rural Affairs for Texas Community Development Block Grant (TxCDBG) funding for assistance to provide further water system improvements within the Wimberley Campfire No. 2 Subdivision. The proposed improvements include replacing substandard water lines with new 6" water lines to improve the water distribution system performance and fire protection capability. Project funds in the amount of $275,000 will be requested to replace undersized water lines, valves, provide service reconnections, and install fire hydrants within the subdivision, and provide for engineering and grant administration services. The TxCDBG program requires a 5% match to the grant amount request that will be met through funds provided by the Cedar Oaks Mesa Water Supply Corporation. Hays County has previously served to sponsor and administer TxCDBG program funding for the Cedar Oak Mesa Water Supply Corporation that has included replacement of a portion of the water lines and construction of a new 50,000 gallon water storage tank. Amount required $13,750 to be funded by the Cedar Oak Mesa Water Supply Corporation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve a Resolution to authorize the County Judge to submit a grant application to the Texas Department of Agriculture, Office of Rural Affairs, Texas Community Development Block Grant Program for water system improvements within the Cedar Oak Mesa Water Supply Corporation service area. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28454 CANCEL COMMISSIONERS COURT DATES OF NOVEMBER 6, 2012, NOVEMBER 27, 2012 DECEMBER 25, 2012 AND JANUARY 1, 2013

The cancellation dates for Commissioners Court are November 6th is Election Day, November 27th is the Tuesday after the Thanksgiving Holiday, December 25th is Christmas and January 1 is New Year's Day. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to cancel Commissioners Court dates of November 6, 2012, November 27, 2012 December 25, 2012 and January 1, 2013. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28455 APPOINT MARK CHAMBERS TO REPLACE JEFF TURNER ON THE SAN MARCOS/HAYS COUNTY EMS BOARD

With the resignation of Jeff Turner, the county has an open position on the San Marcos/Hays County EMS Board. Mark Chambers is very familiar with the duties and responsibilities of this board and with the operations of EMS organizations. He previously served a few years on this board and will be a great asset. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to appoint Mark Chambers to replace Jeff Turner on the San Marcos/Hays County EMS Board. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

28456 WAIVE THE FEES ASSOCIATED WITH THE RENTAL OF THE HAYS COUNTY CIVIC CENTER FOR THE SAN MARCOS ROTARY CLUBS EVENT, THE EARLY ACT FIRST KNIGHT TOURNAMENT

The San Marcos Rotary Club has held this event at the Civic Center in past years. The Early Act First Knight (EAFK) program was developed by Rotarian Chris Byrd and Founder and Executive Director of Knights of the Guild, Randall Parr. EAFK has developed into a character education program that puts Rotary ideals into the daily academics of mainstream K-8 education. The EAFK approach to teaching character education creatively integrates the instruction of noble character traits with the theme of gallant knights and chivalry. Each new school year, the orientation is integrated with the Tournament of Champions, a medieval tournament complete with Knights, costumed warhorses, and musical soundtracks. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to waive the fees associated with the rental of the Hays County Civic Center for the San Marcos Rotary Clubs event, The Early Act First Knight Tournament. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

DISCUSSION REGARDING THE INCLUSION OF AN INVOCATION DURING COMMISSIONERS COURT MEETINGS

Court convened into closed Executive Session at 11:30 a.m. and reconvened into open court at 12:00 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken.

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe a motion was made to recess until 1:30 p.m. All voting "Aye". MOTION PASSED

County Clerk's Note Agenda Note #22 RE: *10:30 AM: PASS-THROUGH FINANCE AND PRIORITY ROAD BOND PROGRAMS WORK SESSION* **– was pulled**

County Clerk's Note Agenda Item #23 RE: *EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE* PERFORMANCE *AND DUTIES OF THE VETERANS SERVICE OFFICER AND THE FIRE MARSHALL* **– was pulled**

County Clerk's Note Agenda Item #24 RE: *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 MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES* **– was pulled**

County Clerk's Note Agenda Item # 25 RE: *EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY* **– was pulled**

28457 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, SALE, EXCHANGE, OR VALUE ASSOCIATED WITH PROPERTY(IES) ALONG WOODACRE DRIVE IN WIMBERLEY, TEXAS

Court convened into closed Executive Session at 1:45 p.m. and reconvened into open court at 2:30 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. **A motion was made by Commissioner Conley seconded by Commissioner Whisenant to allocate a not to exceed dollar amount of $752,000.00 out of the Hays County Park Bond Fund to purchase and foreclosing cost and for demolition associated with the Condos at 111 Woodacre Drive and to authorize the County Judge to execute contracts and Special Counsel to execute all documents that are associated with closing. All voting "Aye". MOTION PASSED**

DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Fire Marshall recommends to leave the burn ban lifted.

County Clerk's Note Agenda Item #28 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT* **– was pulled**

County Clerk's Note Agenda Item #29 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **– was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke and gave an update of the previous meetings.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 September 25, 2012.

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

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF OCTOBER A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL 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:

Judge Cobb called the meeting to order.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT BUCK

Court convened into closed executive session at 8:05 a.m. and reconvened into open court meeting at 9:15 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Amy Madison. No action taken.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant 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 October 1, 2012.

Liz Q Gonzalez

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

COMMISSIONERS COURT HAYS COUNTY, TEXAS