



JUNE 14, 2011

VOLUME U PG 601

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 CORPORATION'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 or 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 SOLICIT 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 along 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 detain 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 Borchering 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 which 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 SHOOTINGSPOUNTS 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 COMMISSIONERS' COURT MINUTES



VOLUME U PG 609

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

