



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

