



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 by 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 Sheriff'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 Borcharding 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 Borcharding 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 Borcharding 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 process 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 Borcharding, 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. Borcharding 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, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**

