



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 Borcharding 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 ADOPTED 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

Lauren 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*



AUGUST 23, 2011

VOLUME U PG 671

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**

