



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF SEPTEMBER A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Associate Pastor Fred Pratt, Solid Rock Church gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

Abel Velasquez Safety Specialist introduced new Hays County employees James Blankenship, Brandon Boyd, Priscilla Cortez-Lopez, Justin Franks, Holly Hallman, Bradley Henry, Joseph Medrano, Rebecca Mullen, Jason Rogers, Mallory Slattery, Michael Stuckey, Karly Watson, Kyri Wright.

PRESENTATION BY LULAC COUNCIL 4876 "THE NEW GENERATION" TO HAYS COUNTY

Danny Crooks, Richard Anzaldua, Peter Ramirez members of LULAC presented the Court with a plaque in gratitude for the County's participation in the Los Lonely Boys concert.

PRESENTATION ON THE CAPITAL AREA FOOD BANK

Kathy Golson Sr. Director Advocacy and Public Policy of the Capital Area Food Bank of Texas presented an update on the food bank, its programs, and how it serves the citizens in Hays County. The Capital Area Food Bank serves a 21 county area. The counties served are: Bastrop, Bell, Blanco, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Gillespie, Hays, Lampasas, Lee, Limestone, Llano, McLennan, Milam, Mills, San Saba, Travis, and Williamson.

28405 PROCLAMATION DECLARING SEPTEMBER 18 THROUGH SEPTEMBER 24, 2011 AS CHILD PASSENGER SAFETY WEEK

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to declare September 18 through September 24, 2011, as Child Passenger Safety Week. All voting "Aye". MOTION PASSED

28406 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$695,748.44 and add an invoice in the amount of \$1,320.00 to Jack Austin, as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28407 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 6, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court minutes of September 6, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28408 AMEND THE GOVERNMENT CENTER SECURITY BUDGET FOR UNIFORM ALLOWANCE AND HOLIDAY OVERTIME EXPENSE

Funds for the monthly uniform stipend and holiday overtime are needed for the remainder of FY2011 for the additional staff that has been hired. Funds from the uniform expense line item & staff salaries will be used to cover this amendment. Amount Required is \$3,210.00 (001-613-00.5192- Increase uniform allowance \$2,400.00; 001-613-00.5036- Increase Holiday Overtime \$810.00). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Government Center Security budget for uniform allowance and holiday overtime expense. All voting "Aye". MOTION PASSED



28409 APPROVE AWARD OF IFB #2011-B07 ROAD IMPROVEMENTS/HOT-MIX OVERLAY TO ASPHALT PAVING COMPANY

Purchasing received the five bids with Asphalt Paving Company providing the lowest and best bid for the project. The six road improvements are (1) Winters Mill Parkway (Drive) Pct 3 (2) Skyline Drive (part) Pct 3 (3) Elder Hill Road, CR 179 (La Ventana-RR12) Pct 4 (4) Riverhills Subdivision (Dedeke Place, Picasso Dr, Riverhills, Ruiz St) Pct 1 (5) Copper Hills Subdivision (Cooper Hills Dr, Copperleaf Trail, Copper Place, Hawk Dr) Pct 2 (6) Kyle Crossing Connector Pct 2. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve award of IFB #2011-B07 Road Improvements/Hot-Mix Overlay to Asphalt Paving Company. All voting "Aye". MOTION PASSED**

28410 AMEND THE BUDGET OF CONSTABLE PRECINCT 2 FOR FUEL EXPENSES

Constable James Kohler Pct 2 office requires additional fuel, funds after transferring all available funds within with his budget. Amount required is \$1,100 to 001-636-00.5271 fuel from 001-645-00.5441 Countywide Legal. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of Constable Precinct 2 for fuel expenses. All voting "Aye". MOTION PASSED**

28411 AMEND THE BUDGET OF JUVENILE CENTER FOR FOOD SUPPLIES FROM PERSONNEL SAVINGS

The Juvenile Center will require additional food supplies, and will need to transfer from personnel savings. Amount required \$6,500.00 to 070-685-99-017.5232 Food Supplies from 070-685-00.5160_400 Medical Insurance. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of Juvenile Center for Food Supplies from Personnel savings. All voting "Aye". MOTION PASSED**

28412 ACCEPT DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received several donations for the Historical Jail Restoration Project from various entities. These funds will be used for contract services along with funds that were previously donated. Amount required \$420.00 (144-676-00.4610 contributions). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept donations for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project All voting "Aye". MOTION PASSED**

28413 APPROVE THE JULY 2011 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the July 2011 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

28414 AMEND JUVENILE PROBATION BUDGET IN ORDER TO REFLECT TJPC CONTRACT CHANGES EFFECTIVE SEPTEMBER 1, 2011 AND TO USE SAVINGS IN TRAVEL FOR CONTINUING EDUCATION

The Juvenile Probation Department has received Grants A, F, H, O, X, Y, and Z as individual awards from the Texas Juvenile Probation Commission. On September 1, 2011 these grants collapsed into one award referred to as A- State Financial Assistance. This budget amendment is required in order to properly capture the grant activity for the month of September. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend Juvenile Probation budget in order to reflect TJPC contract changes effective September 1, 2011 and to use savings in travel for continuing education. All voting "Aye". MOTION PASSED**

28415 ACCEPT DISTRICT CLERK FEE COLLECTION REPORT FOR MAY - JULY 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept District Clerk Fee Collection Report for May - July 2011. All voting "Aye". MOTION PASSED



28416 AMEND SHERIFF OPERATING & JAIL DIVISION BUDGETS FOR REGULAR AND HOLIDAY OVERTIME PAY

Due to staffing shortages and coverage over the holidays, the Sheriff's Office and Jail will require additional overtime funds to complete this fiscal year. Funds from the Sheriff's Office salary savings and the Jail Division insurance savings will be use to cover this amendment. Amount required \$45,000.00 (\$20,000-Sheriff Operating regular overtime; \$8,000-Jail Division regular overtime, \$17,000- Jail Division holiday overtime). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend Sheriff Operating & Jail Division budgets for regular and holiday overtime pay. All voting "Aye". MOTION PASSED**

28417 AMEND THE BUDGET OF CONSTABLE PCT 1 FOR PURCHASE OF REPLACEMENT COMPUTER AND SUPPLIES

Constable David Peterson would like to transfer \$3,350 to Information Technology for replacement computer, monitor, and scanner and \$860 to his Law Enforcement Supplies for car seat, charger, and cones, all from personnel savings. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the Budget of Constable Pct 1 for purchase of replacement computer and supplies. All voting "Aye". MOTION PASSED**

28418 ADOPT THE COMPREHENSIVE FUND BALANCE POLICY FOR HAYS COUNTY AS REQUIRED UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) 54

The Governmental Accounting Standards Board released Statement 54 "Fund Balance Reporting and Governmental Fund Type Definitions, which is effective for the fiscal year ending September 30, 2011. The new Statement is intended to improve the usefulness of the amount reported in fund balance by providing more structured classifications. Under GASB 54, the County needs to formally adopt a policy for the new fund balance classification. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt the Comprehensive Fund Balance Policy For Hays County As Required Under Governmental Accounting Standards Board (GASB) 54. All voting "Aye". MOTION PASSED**

28419 APPROVE UTILITY PERMIT(S)

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve permit #836 on Woodacre Dr. Deer Ridge Dr., Acacia Dr. and Persimmon Dr. to Aqua Texas and one on Creek Road no permit # to Dripping Springs Water Supply Corporation. All voting "Aye". MOTION PASSED

28420 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON CYPRESS RD, CR 225

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borchering gave staff recommendation. The request is to establish a stop sign on Cypress Rd at Old Stagecoach Rd and a speed limit of 30 MPH on Cypress Rd, off of Old Stagecoach Rd near Kyle. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to establish traffic regulations a stop sign on Cypress Rd, CR 225 at Stagecoach Rd and a speed limit of 30 MPH on Cypress Rd off of Old Stagecoach Rd near Kyle. All voting "Aye". MOTION PASSED**

28421 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON INDIAN CREEK ROAD

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borchering gave staff recommendation. The request is to establish a speed limit of 25 MPH on Indian Creek Rd near Mountain City. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish traffic regulations a speed limit of 25 MPH on Indian Creek Road. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #20 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN HAYS COUNTY AND TYLER TECHNOLOGY FOR SOFTWARE LICENSING AND PROFESSIONAL SERVICES PERTAINING TO THE PROCUREMENT OF 5 ELECTRONIC TICKET WRITERS FOR THE HAYS COUNTY SHERIFF'S OFFICE – was pulled*



28422 SET PETIT AND GRAND JUROR REIMBURSEMENT AMOUNT FOR JURY DUTY SERVICE

Beverly Crumley District Clerk explained the new legislation that reduces the amount the State will reimburse the County. Government Code requires the Commissioners Court to determine the daily reimbursement for jury service. SB1 Article 40 provides that jurors receive reimbursements for jury service to the level, or amount provided for in the General Appropriations Act, as opposed to the current guaranteed \$ 40 a day reimbursement after the first day. Currently, Hays County pays its petit jurors at the rate of \$6.00 per day for voir dior and \$40.00 per day for service as a member of the jury. Grand jurors are paid \$10.00 for the first day and \$40.00 for each day of service thereafter. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to set Petit and Grand Juror reimbursement amount for jury duty service; the amount paid on the first day is \$6 for Petit Jury and \$ 10 for the first day on Grand Juror and paid an additional \$34 after the first day for both Petit and Grand Jury. All voting "Aye". MOTION PASSED**

28423 AUTHORIZE THE COUNTY JUDGE TO ADOPT A STANDARD PROJECT CONSTRUCTION MANUAL FOR FUTURE USE ON PROJECTS LET BY HAYS COUNTY WITHIN THE PASS THROUGH PROGRAM

Jeff Watson gave an overview of the Manual. Special Counsel Mark Kennedy spoke of a couple of minor changes – 1)under Chapter 12 – Certificate of Insurance will be per person per accident, 2)under Chapter 13 – Williamson County needs to be changed to Hays County. Adoption of the proposed Project Construction Manual will set forth a statute for all contractors to abide by when submitting bid packages; the Construction Manual will include but is not limited to 1)addenda 2)invitation for bids 3) Bid instruction/requirements 4) Bid Forms/Schedule of rate and prices/conflict of interest statements/ etc. 5) standard forms of contract 6) contractors assurance 7) wage rates 8) performance/payment/retainage bonds 9) certificates of insurance 10)general/special conditions 11) technical specifications. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to adopt a Standard Project Construction Manual with edits made by Special Counsel for future use on projects let by Hays County within the Pass Through Program. All voting "Aye". MOTION PASSED**

28424 ADOPT A RESOLUTION ENDORSING AND SUPPORTING TXDOT APPROVAL OF FUNDING FOR THE FM 2439 (HUNTER ROAD) PROJECT AND THE IH 35 PROJECT AS DESCRIBED ON THE TXDOT AUSTIN DISTRICT CANDIDATE LIST OF PROPOSITION 12 PROJECTS DATED AUGUST 9, 2011

Mike Aulick of Aulick and Associates gave a Summary of CAMPO & TxDOT Projects. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a resolution endorsing and supporting TxDOT approval of funding for the FM 2439 (Hunter Road) project and the IH 35 project as described on the TxDOT Austin District Candidate List of Proposition 12 Projects dated August 9, 2011. All voting "Aye". MOTION PASSED**

28425 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

The Law Librarian provides assistance to patrons, controls inventory and purchasing, performs clerical, office and reception duties. The work involves filing, daily customer relations, and computer applications. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize Commissioner Ingalsbe and Special Counsel Mark Kennedy to be empowered to bring back a recommendation to court regarding the Librarian position. All voting "Aye". MOTION PASSED**

28426 INCREASE NOT-TO-EXCEED FEE FOR MICHAEL AULICK TO \$50,000 AND AMEND THE BUDGET ACCORDINGLY

Existing funds allocated for submission and monitoring of CAMPO and TxDot funding opportunities have been exhausted. Program changes published after the initial Call-For-Projects required additional time to research and apply to Hays County submissions, causing an increase in preparation expense. There is an immediate need for continuing assistance with monitoring the funding programs and activity promoting Hays County projects through Campo and TxDot staff. The approval process continues to be extremely complicated and warrants the continued use of Michael Aulick Associates. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to increase Not-to-Exceed fee for Michael Aulick to \$50,000 and amend the budget accordingly. All voting "Aye". MOTION PASSED**



28427 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) RELATED TO THE INSPECTION OF UTILITY IMPROVEMENTS IN AND NEAR THE WOOD CREEK NORTH SUBDIVISION

Aqua Texas is in the process of repairing some water lines in and near the Woodcreek North Subdivision. The Memorandum of Understanding will grant Hays County the responsibility and right to inspect the work for utility repairs in the ROW of both, Hays County roads and Woodcreek North Roads. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Memorandum of Understanding (MOU) related to the inspection of utility improvements in and near the Wood Creek North Subdivision. All voting "Aye". MOTION PASSED**

28428 AUTHORIZE DEVELOPMENT SERVICES TO NEGOTIATE A CONTRACT WITH CAPCOG FOR AIR PHOTOS

Steve Floyd, Program Manager, GIS/911 Addressing spoke of the air photos and the 12 in. resolution. In May of 2011 CAPCOG began soliciting its member organizations to submit any areas of interest for the GEOMAP Project. Due to other local participants and CAPCOG's interest in this project, the County participation has been reduced by 40%. Air photos would be flown, and Geo Map's economy of scale could help us get a image resolution of twelve inches. Our current air photos were flown in March 2010, and the image resolution is twenty four inches. Amount required \$15,000-001-657-00.5448. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Development Services to negotiate a contract with CAPCOG for air photos as presented by staff and amend the budget accordingly. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO §551.087 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS INCLUDING PROJECT DEMETER AND PROJECT SKY BLUE

Court convened into closed executive session at 10:18 am and reconvened into open court meeting at 10:35 am In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Amy Madison. No action taken.

28429 EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING EXISTING AND/OR CONTEMPLATED LITIGATION RELATED TO JEREMIAH VENTURE

Court convened into closed executive session at 10:35 am and reconvened into open court meeting at 10:50 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Legal Counsel to negotiate and execute a Settlement Agreement in the Jeremiah Ventures case, conditioned upon approval of the Pct. 2 Commissioner. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed executive session at 10:50 am and reconvened into open court meeting at 11:49 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, and Special Counsel Mark Kennedy. No action taken.

28430 ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Fire Marshal Mark Chambers explained that the Burn Ban will expire at midnight tonight and is requesting the Court reinstate it. The Court must make a "finding that circumstances present in all or part of the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to place a new 90 day Burn Ban in effect. All voting Aye". MOTION PASSED**

Clerk's Note Agenda Item 32 RE: DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT – was pulled



HAYS COUNTY COMMISSIONERS' COURT MINUTES



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enda item #33 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, ES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – was pulled*

Clerk's Note Agenda item #34 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE – was pulled*

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on September 13, 2011.

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

