



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 27<sup>TH</sup> 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:**

Pastor John McComb with San Marcos Community 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**

Lucy Johnson City of Kyle Mayor made public comments.

**28455 ADOPT A PROCLAMATION DECLARING OCTOBER 4, 2011 AS NATIONAL NIGHT OUT IN HAYS COUNTY**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring October 4, 2011 as National Night Out in Hays County. All voting "Aye".  
**MOTION PASSED**

**PRESENTATION OF A BUS FROM TRAVIS COUNTY'S SHERIFF'S OFFICE TO HAYS COUNTY**

The bus is a 1991, DT 466 (International) Diesel Turbo with the mileage of 74,152. The bus is equip with 24 seats, can hold up to 48 inmates, 1 driver seat and 2 officer seats, 2 inside cameras, 2 shotgun racks, storage for inmate property, and 3 AC units. Hays County purchased the bus from Travis County for \$1,500.

**28456 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 \$312,311.84 as submitted by the County Auditor. All voting "Aye".  
**MOTION PASSED**

**28457 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 20, 2011**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of September 20, 2011 as presented by the County Clerk. All voting "Aye".  
**MOTION PASSED**

**28458 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RESOLUTION CERTIFYING THAT THE COUNTY HAS MADE A GRANT TO THE COMBINED COMMUNITY ACTION FOR \$13,000 IN FISCAL YEAR 2012 TO PROVIDE HOME DELIVERED MEALS TO HOMEBOUND PERSONS IN THE COUNTY THAT ARE ELDERLY OR HAVE A DISABILITY**

Amount required \$13,000 (001-895-98-323.5800 already budgeted for FY2012). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a resolution certifying that the County has made a grant to the Combined Community Action for \$13,000 in fiscal year 2012 to provide home delivered meals to homebound persons in the County that are elderly or have a disability. All voting "Aye".  
**MOTION PASSED**



- 28459 ACCEPT AND RECORD DONATED LAND FOR JACOBS WELL, IN-KIND IMMUNIZATIONS FROM THE DEPARTMENT OF STATE HEALTH SERVICES, ADDITIONAL GRANT FUNDS FROM THE TASK FORCE ON INDIGENT DEFENSE, GRANT FUNDS FROM THE ORGANIZED CRIME DRUG ENFORCEMENT GRANT, DONATIONS FOR THE HISTORICAL JAIL RESTORATION PROJECT, AND APPROVE VARIOUS BUDGET AMENDMENTS IN PREPARATION FOR THE COUNTY'S FY 2011 YEAR END PROCESS**

Donations for Historical Jail Restoration project total of \$2,710, Grant funds from the Organized Crime Drug Enforcement grant total of \$2,697, additional grant funds from the Task Force on Indigent Defense total of \$12,423, in-kind Immunization supplies from DSHS total of \$438,449, and donated property from WVWA for Jacobs Well project total is \$ 2,260,309. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept and record donated land for Jacobs Well, In-kind Immunizations from the Department of State Health Services, Additional grant funds from the Task Force on Indigent Defense, Grant funds from the Organized Crime Drug Enforcement grant, Donations for the Historical Jail Restoration project, and approve various budget amendments in preparation for the County's FY 2011 year end process. All voting "Aye". MOTION PASSED**

- 28460 APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND A HOMELAND SECURITY TRAINING EXERCISE: URBAN SHIELD 2011, IN ALAMEDA COUNTY CALIFORNIA, OCTOBER 14TH - 18TH, 2011**

The Urban Shield 2011 exercise is designed to strengthen each agency's preparedness to respond to threats and domestic terrorist attacks, major disasters, and other emergencies. This year exercise will incorporate Law Enforcement, Fire EMS, and Explosive Ordinance Disposal (EOD) teams geared toward developing mechanisms for improved delivery of service. Hays County agencies will come together in late 2012 to participate in a similar exercise within the Central Texas Region. Hays County will be hosting a full scale exercise as part of Urban Shield Texas 2012. Attendance will improve the overall vision and capabilities to plan and develop Hays County's participation in this acclaimed event. Amount required \$1247.00 (includes airfare, room, per diem) 001-656-00.5551 Continuing Education. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Out of State Travel for Jeff Turner, Emergency Management Coordinator, to attend a Homeland Security Training Exercise: Urban Shield 2011, in Alameda County California, October 14th - 18th, 2011. All voting "Aye". MOTION PASSED**

- 28461 APPROVE OUT OF STATE TRAVEL FOR CHUCK CHAPMAN, EMERGENCY PREPAREDNESS COORDINATOR FOR THE PERSONAL HEALTH DEPARTMENT. TRAVEL IS TO ATTEND URBAN SHIELD, HOMELAND SECURITY TRAINING EXERCISE IN ALAMEDA COUNTY, CALIFORNIA, OCTOBER 14, 15, 16 AND 17, 2011**

The Urban Shield 2011 exercise, conducted in affiliation with the San Francisco/ Bay Area UASI, is designed to strengthen each agency's preparedness to respond to threats of foreign or domestic terror attack, major disaster, and other emergencies. This year's exercise will incorporate law enforcement, fire, EMS, EOD, and other public agency teams, geared toward developing mechanisms for improved delivery of response. Hays County agencies will come together in late 212 to participate in a similar exercise with the CAPCOG region. Hays County will host a full scale exercise as part of the Urban Shield Texas 2012. Attendance at the Alameda exercise will provide our participation to this acclaimed event. Amount required \$533.44(room and per-diem) 120-675-99-058.5501. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Out of State Travel for Chuck Chapman, Emergency Preparedness Coordinator for the Personal Health Department. Travel is to attend Urban Shield, Homeland Security Training Exercise in Alameda County, California, October 14, 15, 16 and 17, 2011. All voting "Aye". MOTION PASSED**

- 28462 CALL FOR A PUBLIC HEARING ON NOVEMBER 1, 2011, TO CONSIDER 1) THE PROPOSED IMPROVEMENTS TO MYSTIC CREEK DRIVE AND MYSTIC OVERLOOK IN HAYS COUNTY TO BRING THE ROADWAYS UP HAYS COUNTY ROAD STANDARDS, AND 2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT, PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY ON MYSTIC CREEK DRIVE AND MYSTIC OVERLOOK**

Mystic Creek Drive and Mystic Overlook is located within the Mystic Creek Subdivision in Hays County and has approximately 26 property owners. It is estimated by our Road Department that the cost to bring these roads up to county standards is approximately \$192,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to call for a public hearing on November 1, 2011, to consider 1) the proposed improvements to Mystic Creek Drive and Mystic Overlook in Hays County to bring the roadways up Hays County road standards, and 2) the assessment of all or part of the costs of the improvement, pro rata, against the record owners of the real property on Mystic Creek Drive and Mystic Overlook. All voting "Aye". MOTION PASSED**

**28463 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)**

Captain Mark Cumberland of the Sheriff's Office spoke of transfers to from patrol deputies to the new Government Center. The Sheriff's Office is asking to fill the following positions: Deputy, Slot 80GC, grade 250, salary range 42,719, date vacant 10/01/2011 – Deputy, Slot 85GC, grade 250, salary range 42,719, never been filled – Deputy, Slot 86GC, grade 250, salary range 42,719, never been filled – Corrections Officer, slot 43GC, grade 210, salary range 31879, date vacant 10/01/2011 – Corrections Officer, slot 90, grade 210, salary range 32,196, date vacant 10/01/2011 – Deputy, Slot 63, grade 250, salary range 42,719, date vacant 07/01/2011 – Deputy, Slot 27, grade 250, salary range 42,719, date vacant 07/01/2011 – Deputy, Slot 23, grade 250, salary range 42,719, date vacant 10/02/2011 – Deputy, Slot 30, grade 30, salary range 42,719, date vacant 09/19/2011 – Deputy, Slot 15, grade 250, salary range 42,719, date vacant 09/19/2011 – Deputy, Slot 22, grade 250, salary range 42,719, date vacant 07/01/2011 – Corrections Officer, slot 7, grade 210, salary range 33918, date vacant 10/06/2011 – ECO, Slot 20, grade 109, salary range 29,204, never been filled – ECO, Slot 17, grade 109, salary range 29,204, date vacant 06/30/2011 – ECO, Slot 10, grade 109, salary range 29,204, date vacant 11/14/2010. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to fill vacant positions in the Hays County Sheriff's Office. All voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #11 RE:** *AUTHORIZE THE COUNTY JUDGE OR DESIGNEE TO EXECUTE SUPPLEMENTAL CONTRACTS FOR THE PROGRAM MANAGEMENT SERVICES TO WORK AUTHORIZATIONS NO. 16, 17, 18, 19, 20, 21, & 22 WITH PRIME STRATEGIES, INC – was pulled*

**Clerk's Note Agenda Item #12 RE:** *AUTHORIZE THE COUNTY JUDGE OR DESIGNEE TO EXECUTE FY2012 WORK AUTHORIZATIONS NO. 23, 24, 25, 26, 27, 28 & 29 UNDER THE PROGRAM MANAGEMENT SERVICES CONTRACT FOR THE PASS-THROUGH PROGRAM WITH PRIME STRATEGIES, INC – was pulled*

**28464 AUTHORIZE THE HAYS COUNTY COMMISSIONERS COURT TO EXECUTE A RESOLUTION OF SUPPORT FOR REMOVAL OF STATE HIGHWAY 45 BETWEEN LOOP 1 AND FARM-TO-MARKET ROAD 1626 AND CONSTRUCTION OF A COUNTY ROAD BETWEEN LOOP 1 AND FARM-TO-MARKET ROAD 1626**

Gerald Daugherty – Austin resident, Pam Baggett – Austin resident, Janice Culp – Austin resident, Warren Kettman – Buda resident, John McNabb – Austin resident, Howard Falkenberg – Austin resident, Don Inbody – Buda resident, Melissa Frensley – Buda resident, John Fowler – Austin resident, Brad Hagen – Buda resident made public comments. The Hays County resolution of support for removal of State Highway 45 between Loop 1 and Farm-to-Market Road 1626 and Construction of a 2-3 lane County Road between Loop1 and Farm-to-Market Road 1626. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the Hays County Commissioners Court to execute a Resolution of Support for Removal of State Highway 45 between Loop 1 and Farm-to-Market Road 1626 and Construction of a County Road between Loop 1 and Farm-to-Market Road 1626 and requesting a response from Travis County within 60-days. All voting "Aye". MOTION PASSED**

**AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTER-LOCAL AGREEMENT WITH THE CITY OF KYLE FOR CONSTRUCTION OF DACY LANE PHASE I ADJACENT TO SETON HOSPITAL**

Discussion but no action taken.

**DISCUSSION AND POSSIBLE RESOLUTION REGARDING A COUNTYWIDE POLICY FOR PROJECTS PERFORMED UNDER CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE**

Chapter 253 of the Texas Transportation Code allows Commissioners Court to determine whether improvements to a road are necessary for the public health, safety and /or welfare of the residents of the county. Upon this determination, Commissioners Court may purpose to (1) improve the road to comply with county standards for roads; and (2) assess all or part of the costs of the improvements pro rata against the record owners of the real property of the subdivision. A countywide policy would set the parameters for what percentage of materials, labor and/ or equipment property owners would reimburse the county for bringing their road up to standard. In our current Ch. 253 project, the county will be reimbursed 50% of the total project cost. Court did not take any action.



**28465            AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF UHLAND REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF UHLAND, PURSUANT TO HB1445 (2001)**

The City of Umland and Hays County have never executed a 1455/interlocal agreement for plat approvals in the ETJ. The City has approved agreement which will get both entities in compliance with state law. This interlocal agreement will streamline the platting process by utilizing Hays County as the "one-stop" shop for plat review and approvals. Development Services staff will still coordinate with the City and require compliance with regulations identified by the City at the time of review. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with the City of Umland regarding subdivision and development regulation in the extraterritorial jurisdiction of Umland, pursuant to HB1445 (2001). All voting "Aye". MOTION PASSED**

**28466            APPOINT THE CITIZEN COMMITTEE FOR THE HAYS COUNTY TRANSPORTATION PLAN**

Each Commissioner will make their respective appointments to the County's transportation plan. There will be a 15 member board. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to appoint the citizen committee for the Hays County Transportation Plan and instruct Jerry Borcharding and our consultants to begin a process to contact these citizens and start to organize the kick off of the Hays County Transportation plan. Judge Cobb is appointing Winton Porterfield, Dwain Lee York and one to be determined. Commissioner Ingalsbe is appointing Susan Narvaiz, Diane Hervol, and David Salazar. Commissioner Jones is appointing Joe Hernandez, Brad Hagen and Daniel Heideman. Commissioner Conley is appointing Glen Straube, Michael Moeller and Jeffrey Jewett. Commissioner Whisenant is appointing Ben Sorrell, Roy O'Dell and one to be determined. All voting "Aye". MOTION PASSED**

**28467            AUTHORIZE THE COUNTY JUDGE TO APPROVE EXPENSES INCURRED FOR THE EMERGENCY OPERATION OF THE COUNTY'S CALL CENTER**

The County Auditor is receiving request for reimbursement for expenses relating to the operation of the Call Center. At this point it is less than \$700.00. There may be other invoices that the County is not aware of. It would be more efficient to all the County Judge to determine what expenses should be reimbursed. I would recommend that the county pay for the expenses out of contingencies 001-645-00.5399. No amount has been determined. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to approve expenses incurred for the emergency operation of the County's Call Center and authorize the County Judge to approve any additional costs incurred. All voting "Aye". MOTION PASSED**

**28468            RECEIVE APPOINTEES FOR JACOB'S WELL NATURAL AREA STAKEHOLDERS GROUP**

On September 6, 2011 Commissioners Court voted to approve the formation of the Jacob's Well Natural Area Stakeholders Group to provide input and feedback on the planning and development of the project area. Each Commissioners Court member will announce who they have appointed to sit on the board. Judge Cobb will appoint Winton Porterfield. Commissioner Ingalsbe will appoint Naomi Narvaiz. Commissioner Jones will appoint Jim Camp. Commissioner Conley will appoint Sara Dishman. Commissioner Whisenant will bring back appointment. Duanne Redus will be one of the appointees to the Wimberley Watershed Association. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to move and improve the formation of the Jacob's Well Natural Area Stakeholders Group to provide input and feedback on planning and development of the project area. The Jacob's Well Natural Area Stakeholders Group which is a 15-member board which is made up of 5 appointees from the court 1 from each member of the court, 1 from the City of Wimberley, 1 from the City of Woodcreek, 2 from the Wimberley Valley Watershed Association, 2 from the Trinity District, 1 from the Northwood Creek which will be Commissioner Conley Pct 3, Parks, Advisory Committee who appoint Gary Amen, Natural Conversancy will send a representative in TSU. All voting "Aye". MOTION PASSED**

**28469            CREATION OF A REGIONAL WATER AND WASTEWATER AGENCY VIA COLLABORATION WITH GOVERNMENTAL AND QUASI-GOVERNMENTAL ENTITIES IN HAYS AND TRAVIS COUNTIES**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Jones for the Hays County Commissioners Court to post notice of its propose intention to consider a resolution to participate in the west Travis County Public Utility Agency. All voting "Aye". MOTION PASSED**





**CHANGE EXISTING JUSTICE OF THE PEACE PRECINCT 4, JUSTICE CLERK FROM A PART TIME TO A FULL TIME POSITION**

Justice of the Peace Terry Kyle would like to change existing 70% position to a full time 40 hour position. A full time position at entry level requested \$39,269.40 a present part time 70% cost \$ 25,743.54 additional funds required is \$13,525.86. This request is being made due to the fact the current clerk is retiring. **A motion was made by Commissioner Whisenant to change existing Justice of the Peace Precinct 4, Justice Clerk from a part time to a full time position with the money to come out of contingencies and amend the budget accordingly. Motion Died for lack of second. MOTION FAILED**

**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 HAYS COUNTY PRECINCT 2 BUILDING**

Court convened into closed executive session at 11:58 am and reconvened into open meeting at 12:12 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. No action taken.

**NO ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

At this time the burn ban will remain in effect. The Judge asked the citizens of Hays County to be aware of their surroundings and Hays County has been declared the number one county in Texas at risk for burning.

**Clerk's Note Agenda item #24 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 #25 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 #26 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 27, 2011.



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

