



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 25TH DAY OF OCTOBER 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
LIZ Q. GONZALEZ	COUNTY CLERK

WITH RAY O. WHISENANT, JR., COMMISSIONER PCT. 4 ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor James Jacobs of New Life Church in Kyle 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

Constable Pct. 2 James Kohler made public comment.

PRESENTATION OF RETIREMENT AND SERVICE AWARD GIFTS

Justice of the Peace Pct. 4 Terry Kyle gave a brief history of Ora Richardson's work and dedication to Hays County. JP 4 Justice Clerk, Ora Richardson has served 15 years, 4 months of service with Hays County.

28523 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 24TH TO THE 28TH JUVENILE DIABETES AWARENESS WEEK IN HAYS COUNTY

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the week of October 24th to the 28th Juvenile Diabetes Awareness Week in Hays County. All present voting "Aye". MOTION PASSED

28524 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$1,334,842.43 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28525 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 18, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of October 18, 2011 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28526 ACCEPT A CASH DONATION OF \$37.52 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a cash donation in the amount of \$37.52 and request to deposit into line item 052-618-00.5222. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a cash donation of \$37.52 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED

28527 ACCEPT A GRANT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE BULLETPROOF VEST PARTNERSHIP (BVP) IN THE AMOUNT OF \$12,600.00

On June 28, 2011 the Commissioners Court authorized submission of a grant application to the Bureau of Justice Assistance in the amount of \$25,200 for 28 bulletproof vests. The Bulletproof Vest partnership program reimburses one-half (50%) of the cost of the vests. Notice of award was received via-e-mail, and acceptance is done electronically. County's portion - \$12,600 FY2012 & FY2013 Budget 001-6158-99-.4301. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a grant award from the Bureau of Justice Assistance (BJA) for the Bulletproof Vest Partnership (BVP) in the amount of \$12,600.00. All present voting "Aye". MOTION PASSED



28528 AUTHORIZE COUNTY JUDGE TO RENEW AGREEMENT BETWEEN CENTRAL TEXAS MEDICAL CENTER (CTMC) AND THE PERSONAL HEALTH DEPARTMENT (PHD) FOR CTMC TO PERFORM CHEST X-RAYS REFERRED BY THE PHD TUBERCULOSIS (TB) CONTROL DEPARTMENT

This is a two year renewal of the agreement between CTMC and the PHD so that CTMC will perform chest x-rays for the TB Department at the rate of \$30.00 for a one-view and \$35.00 for a two-view x-ray. The agreement is effective October 1, 2011 through September 30, 2013, unless terminated by either party. (120.675.99.022-5448). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize County Judge to renew agreement between Central Texas Medical Center (CTMC) and the Personal Health Department (PHD) for CTMC to perform chest x-rays referred by the PHD Tuberculosis (TB) Control Department. All present voting "Aye". MOTION PASSED**

28529 AUTHORIZE COUNTY JUDGE TO APPROVE AMENDMENT TO CURRENT CONTRACT BETWEEN AMEP AND THE PERSONAL HEALTH DEPARTMENT (PHD)

The current contract between the PHD and the Kyle OB/GYN group for physician services is with AMEP. The OB/GYN group is currently being contracted under Tri-County Clinical doing business as Kyle Parkway OB/GYN Associates. This amendment changes the assignment from AMEP to Tri-County Clinical effective September 1, 2011. This is just an amendment to the current contract. There is no change in our reimbursement rate or the doctors. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize County Judge to approve amendment to current contract between AMEP and the Personal Health Department (PHD). All present voting "Aye". MOTION PASSED**

28530 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-DOCUMENTARIES AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT AND AMEND BUDGET ACCORDINGLY

The Historical Commission has received donations for the Parks Johnson documentary. These funds will be used for the production and distribution of the Parks Johnson DVD's. No matching county funds needed. Increase Revenue: 001-676-00-055.4610 (\$12,020.00) Budget Expense 001-676-00-055.5201-general supplies \$2,020.000, Budget Expense: 001-676-00-055.5448 \$10,000.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept contributions for the Historical Commission-documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly. All present voting "Aye". MOTION PASSED**

28531 ALLOW OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR AND LAUREEN CHERNOW, HAYS COUNTY COMMUNICATION SPECIALIST, TO ATTEND DEPARTMENT OF HOMELAND SECURITY-UNITED STATES FIRE ADMINISTRATION'S NATIONAL EMERGENCY TRAINING CENTER (NETC) NATIONAL FIRE ACADEMY AND EMERGENCY MANAGEMENT INSTITUTE COURSES E388: ADVANCE PUBLIC INFORMATION OFFICER COURSE, DECEMBER 5, 2011 TO DECEMBER 8, 2011

Jeff Turner and Lauren Chernow have been accepted into a training program at the Department of Homeland Security-United States Fire Administration's National Emergency Training Center (NETC) National Fire Academy and Emergency Management Institute in Emmittsburg Maryland. The course will cover topics in Homeland Security Preparedness, Response, Recovery and Mitigation to Emergencies which are necessary for continued education requirements. This program has a zero cost to travel and board with only cost for meals. Travel costs will be paid up front with travel reimbursed once the course is completed; zero room costs. Amount required is \$234.28 each 001-656-00.5551 (Turner) 001-677-00.5551 (Chernow). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to allow out of state travel for Jeff Turner, Emergency Management Coordinator and Lauren Chernow, Hays County Communication Specialist, to attend Department of Homeland Security-United States Fire Administration's National Emergency Training Center (NETC) National Fire Academy and Emergency Management Institute courses E388: Advance Public Information Officer Course, December 5, 2011 to December 8, 2011. All present voting "Aye". MOTION PASSED**

28532 ACCEPT THE BOND FOR FISCAL SURETY FOR THE REVEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS IN HIGHPOINTE SUBDIVISION, PHASE 3, SECTION 2-B, PHASE B

Clint Garza Development Services Director gave staff recommendation. HighPointe Subdivision has issued a revegetation bond for \$9,023.67. The Transportation Department has inspected and recommends acceptance. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to accept the bond for fiscal surety for the revegetation of the street and drainage improvements in HighPointe subdivision, Phase 3, Section 2-B, Phase B. All present voting "Aye". MOTION PASSED**



28533 CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND RELEASE OF THE CONSTRUCTION BOND FOR HIGHPOINTE SUBDIVISION, PHASE 3, SECTION 2-B, PHASE B

Clint Garza Development Services Director gave staff recommendation for the acceptance of the construction of roads and drainage improvements within Phase 3, Section 2-B, Phase B. The Transportation Department has inspected and approved the improvements. These private roads shall not be maintained by Hays County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to consider the acceptance of road construction and drainage improvements, and release of the construction bond for HighPointe subdivision, Phase 3, Section 2-B, Phase B. All present voting "Aye". MOTION PASSED**

28534 RESUBDIVISION OF A PORTION OF LOT D-15, DOUGLAS ESTATES [11-4-36 - 1 LOT] AND APPROVE PRELIMINARY PLAN; CALL FOR PUBLIC HEARING NOVEMBER 22, 2011

Clint Garza Development Services Director gave staff recommendation. Douglas Estates is a, 40 lot, recorded subdivision located off of Bell Springs Road in Precinct 4. One of the original lots, Lot D-15, was divided by metes and bounds rather than the requisite plat revision in 1996 and is thus considered a non-compliant parcel. The owner of a portion of the lot has listed his property for sale and has begun the process of replatting the parcel to ensure future owners do not have difficulty obtaining permits from the Development Services Department. The resubdivision of a portion of Lot D-15 will create lot D-15 (6.01 acres) and will allow that portion of the lot to be developed. The owner of the remaining portion (4.050 acres) of the lot has been notified and declined to be involved in the replat. Judge Cobb wanted voiced concern about the remaining portion of the lot and wanted to be certain that the owner of that portion of Lot D-15 follow the platting process as the owner platting his portion currently. Clint Garza assured the court, no development authorizations will be issued on the remaining portion unless all platting requirements have been met. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve preliminary plat of Resubdivision of a portion of Lot D-15, Douglas Estates 1 Lot and call for public hearing November 22, 2011. All present voting "Aye". MOTION PASSED**

28535 AUTHORIZE PAYMENT OF \$398.00 TO AVATT SERVICES, INC. FOR SERVICES PERFORMED AT THE HAYS COUNTY ANNEX AND REQUESTED BY THE BUILDING MAINTENANCE DEPARTMENT

Ron Knott Building Maintenance spoke. A purchase order must be issued for invoices totaling \$300 or more. Therefore, the invoice cannot be paid until approved by Commissioners Court. This invoice was submitted to the Auditor's office for payment without the issuance of a purchase order. Once approval is granted by the Court this invoice will be resubmitted for payment. Amount required \$398.00 (001-695-00.5411). **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize payment of \$398.00 to Avatt Services, Inc. for services performed at the Hays County Annex and requested by the Building Maintenance Department. All present voting "Aye". MOTION PASSED**

28536 AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO MODIFY THE JOB DESCRIPTION AND TITLE OF THE CURRENT DISTRICT ATTORNEY'S OFFICE "ADMINISTRATIVE ASSISTANT III - LEGAL OFFICE ADMINISTRATOR" POSITION, MAKING IT AN "ADMINISTRATIVE ASSISTANT IV - EXECUTIVE ADMINISTRATOR" AND PLACING IT AT A GRADE 112

Sherri Tibbe Hays County District Attorney gave an overview of the duties that will be performed. The job description for the position in question has not been updated since 2009. In 2009, the District Attorney Office's instituted a Divisional structure and named "Division Leads" who were graded as "Admin III" positions. The grade for this position is a 110. Administration from the D.A.'s Office feels that the Administrator that manages those Grade 110 positions and the positions under the Division Leads should be at a higher grade than 110. There are not currently an "Admin IV" position, but conversations with HR staff have lead counsel to conclude that the present case in perhaps a good basis for creating an "Admin IV" position. Amount required none due to Salary Savings. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Department of Human Resources to modify the job description and title of the current District Attorney's Office "Administrative Assistant III - Legal Office Administrator" position, making it an "Administrative Assistant IV - Executive Administrator" and placing it at a Grade 112. All present voting "Aye". MOTION PASSED. An amended motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to clarify this position will be exempt and declaring an effective date of November 16, 2011. All present voting "Aye". MOTION PASSED**

28537 APPROVE APPOINTMENT OF PAMELA MCAFEE TO THE JACOBS WELL NATURAL AREA STAKEHOLDERS GROUP

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve appointment of Pamela McAfee to the Jacobs Well Natural Area Stakeholders Group. All present voting "Aye". MOTION PASSED



28538 DESIGNATE THE SOUTH DOOR OF THE HAYS COUNTY GOVERNMENT CENTER AT 712 SOUTH STAGECOACH TRAIL, AS THE LOCATION FOR POSTING PUBLIC NOTICES AND HOLDING PUBLIC SALES OF REAL PROPERTY; EFFECTIVE DATE JANUARY 3, 2012

This is Pursuant to Texas Property Code 51.002(a), the court needs to take action to move postings of public notices and sales. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to designate the south door of the Hays County Government Center at 712 South Stagecoach Trail, as the location for posting public notices and holding public sales of real property; effective date January 3, 2012. All present voting "Aye". MOTION PASSED**

28539 ACTION TO HAVE COUNSEL EXECUTE A LETTER OF TERMINATION TO LYNX PROPERTY SERVICES FOR THE LEASE OF PROPERTY LOCATED AT 700 N. LBJ, SAN MARCOS, TX 78666 (ADULT PROBATION)

Adult Probation is moving to the new Government Center in December and will no longer require the lease space. The current lease required expired on April 1, 2011 and Hays County utilized its option to go month to month. The agreement requires a 60 day notice of termination. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe action to have counsel execute a letter of termination to Lynx Property Services for the lease of property located at 700 N. LBJ, San Marcos, TX 78666 (Adult probation). All present voting "Aye". MOTION PASSED**

28540 AUTHORIZE THE COUNTY JUDGE SIGN THE AGREEMENTS FOR THE LAW ENFORCEMENT CENTER FIRE ALARM SYSTEM AND THE SECURITY SYSTEM

The new CCTV Security System and Fire Alarm System (both installed by separate divisions of MCS) at the LEC will be complete by the end of October. Both systems will be under warranty for the 1st year after completion; however a service/maintenance agreement for both would be advantageous to the County and take burden off the maintenance department for the future. In addition, City Fire Marshal, Kenneth Bell recommended a service agreement for the fire alarm system be put in place. Fire Alarm System: Total cost of \$22,900 (\$5,725.00 annually after year 1) over the course of the first years which include testing/inspection and service maintenance. Service Agreement: 1st year: 100% warranty; included with installation; 2nd-5th years (\$5,725 annually). **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge sign the agreements for the Law Enforcement Center Fire Alarm System and the Security System. All present voting "Aye". MOTION PASSED**

28541 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF BUDA REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF BUDA, PURSUANT TO HB1445 (2001)

To date, the City of Buda and Hays County do not have an executed 1445/interlocal agreement for plat approvals in the ETJ. The City has approved the agreement which will get both entities in compliance with state law. This interlocal agreement will streamline the platting process by utilizing the City of Umland 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 Buda regarding subdivision and development regulation in the extraterritorial jurisdiction of Buda, pursuant to HB1445 (2001). All present voting "Aye". MOTION PASSED**

28542 AMEND THE LCRA SERVICE FEE FUND FOR COSTS ASSOCIATED WITH THE HAYS COUNTY WATER QUALITY MONITORING PROGRAM

Development Services Director Clint Garza gave a brief explanation on testing being conducted. County Judge requested that all surrounding Water Districts and Bioterrorism staff be given these test results in addition to the entities that we currently send them to. On October 26, 2010, the Commissioners Court approved the Hays County Water Quality Monitoring Program to join TCEQ's Texas Clean Rivers Program. Hays County was written into both LCRA and GBRA's Quality Assurance Protection to monitor a total of 10 sites located in various watersheds throughout Hays County. Development Services staff is ready to begin the official monitoring for FY 2012. During annual budget processing funds were not requested from the LCRA service fee fund for FY2012 lab fees and supplies which will be necessary to continue moving forward with county-wide program. Amount \$5438.00 171-691-00-5391 (\$5,438), 171-691-00.5391 \$5,438. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to amend the LCRA Service Fee Fund for costs associated with the Hays County Water Quality Monitoring Program. All present voting "Aye". MOTION PASSED**



10:00 AM WORKSHOP REGARDING MARKETING, SELLING, AND/OR LEASING HAYS COUNTY PROPERTIES INCLUDING A PRESENTATION FROM CBRE REPRESENTATIVES

CBRE Representatives Scott Senese, Walter Saad, and Cathy Nabours gave a powerpoint presentation. Currently, Hays County has 4 locations they are considering for sale. 1) Hays County Annex – 102 N. LBJ Dr.; 2) Hays County Records Bldg. – 137 N. Guadalupe St.; 3) Hays County Justice Center – 110 W. MLK Dr.; 4) Max C. Smith Bldg. – 302 W. San Antonio St. all located in San Marcos. CBRE was selected as a provider of real estate services for Hays County during the June 19th Commissioners Court.

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 10:52 am and reconvened into open meeting at 11:30 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy, County Auditor Bill Herzog, and consultants from CBRE. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Burn Ban will remain in effect. There is a possible chance for rain this week according to local forecasts. Where in the County would consider a temporary lift of the ban at that time. Notice will be posted if/when this occurs.

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*

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe 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 October 25, 2011.



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

