



NOVEMBER 1, 2011

VOLUME U PG 717

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 1ST DAY OF NOVEMBER 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
ROSE ROBINSON	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THT IS:

Constable Darrell Ayers Precinct 3 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 James Kohler Pct 2 made a public comment.

28543 ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS "PANCREATIC CANCER AWARENESS MONTH" IN HAYS COUNTY

Natalie Dailey an advocate for the Pancreatic Cancer Action Network in the in the Austin/San Marcos Area and a resident of Dripping Springs spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Proclamation declaring the month of November as "Pancreatic Cancer Awareness Month" in Hays County. All voting "Aye". MOTION PASSED

28544 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 \$1,104,666.55 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Jones, seconded by Commissioner Whisenant to add a check to the batch for the State of Texas in the amount of \$12,081.74 for unclaimed funds that are due. All voting "Aye". MOTION PASSED

28545 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 25, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of October 25, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28546 APPROVE SPECIFICATION FOR IFB #2012-B01 LEISUREWOODS CHANNEL B DRAINAGE IMPROVEMENTS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specification for IFB #2012-B01 Leisurewoods Channel B Drainage Improvements and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

28547 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT AND SEND TO GOODWILL FOR RECYCLING

Goodwill has expressed an interest in receiving the computer equipment from the County. Information Technology has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment and send to Goodwill for recycling (pursuant to LGC 263.152- Disposition). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Information Technology to dispose of Computer Equipment and send to Goodwill for recycling. All voting "Aye". MOTION PASSED



28548 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CIVIC CENTER

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's office performed an internal examination of the Hays County Civic Center's financial records for the period of May 1, 2010 to May 31, 2011. The internal examination consisted of reviewing receipts, deposits, leases, fixed assets, and other supporting documentation. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Report for the Hays County Civic Center. All voting "Aye". MOTION PASSED**

28549 ACCEPT A DONATION OF \$100.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation in the amount of \$100.00 and request to deposit into line item 001-618-4610 Contributions. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a donation of \$100.00 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28550 AMEND THE FY2012 BUDGET OF THE TRANSFER STATION FOR EQUIPMENT

The Transfer Station needs to replace a heat pump. Amount required \$540.00 to 001-716-00.5719_400 Misc Eqpt from 001-716-00.5301 Operating. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the FY2012 Budget of the Transfer Station for equipment. All voting "Aye". MOTION PASSED**

28551 AMEND THE FY2012 BUDGET OF THE HISTORICAL COMMISSION FOR CONTRACT SERVICES TO ADD DOWNTOWN DRIPPING SPRINGS TO THE NATIONAL REGISTER OF HISTORIC PLACES

Court authorized on October 18, 2011 an interlocal agreement with Dripping Springs for sharing Historical Commission expense for consultant, for nomination of the city to the Nation Register, not to exceed \$10,000. This action budgets \$5,000 from the city and \$5,000 from the Commission. Amount required \$10,000 to 001-676-00.5448 Contract Services from 001-676-00.4301 Intergovernmental. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the FY2012 Budget of the Historical Commission for contract services to add Downtown Dripping Springs to the national register of historic places. All voting "Aye". MOTION PASSED**

28552 APPROVE THE RE-APPOINTMENT OF MARILYN G. MILLER TO SERVE AS COMMISSIONER ON THE BOARD OF EMERGENCY SERVICES DISTRICT #6

This is a reappointment to re-appoint Marilyn G. Miller to server as Commissioner on the Board of Emergency Services District #6. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the re-appointment of Marilyn G. Miller to serve as Commissioner on the Board of Emergency Services District #6. All voting "Aye". MOTION PASSED**

28553 AMEND THE BUDGET OF CONSTABLE PCT. 1 FOR EQUIPMENT COST FROM SUPPLIES

Constable David Peterson in Pct 1 needs to increase his Law Enforcement equipment line to allow for the shipping costs totaling \$43.17. Amount required \$ 43.00 to 001-635-00.5717_400 Law Enforcement Eqpt from 001-635-00.5206 Law Enforcement Supplies. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Budget of Constable Pct. 1 for equipment cost from supplies. All voting "Aye". MOTION PASSED**

28554 AMEND THE BUDGET OF JAIL OPERATIONS FOR REPLACEMENT EQUIPMENT

Jail medical needs to purchase a replacement scanner for medical facility, and requires transfer from office eqpt. Amount required \$1,080.00 to 001-618-036.5711 Office Eqpt from 001-618-03.5211 Office Supply. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Budget of Jail Operations for replacement equipment. All voting "Aye". MOTION PASSED**



28555 AMEND THE BUDGET OF THE DISTRICT ATTORNEY DRUG FORFEITURE FUND FOR CLERICAL PERSONNEL

Special Counsel Mark Kennedy spoke. The Hays County Criminal District Attorney's Office has a serious back log in file management due to the heavy work load already placed on current employees. In an effort to remedy this back log, the DA's office would like to hire 2 part-time 20 hour clerical personnel utilizing their Asset Forfeiture Fund. Amount required \$15,000 081-607-00.5021 Staff \$13,934; 081-607-00.5101_100 FICA \$864; 081-607-00.5101_200 Medicare \$202; 081-607-00.5211 Office Supplies (\$15,000). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Budget of the District Attorney Drug Forfeiture Fund for clerical personnel. All voting "Aye". MOTION PASSED**

28556 PUBLIC HEARING TO AUTHORIZE DISTRIBUTION OF BALLOTS FOR THE PROPOSED IMPROVEMENTS TO MYSTIC CREEK DRIVE AND MYSTIC OVERLOOK IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH 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

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Special Counsel Mark Kennedy, Commissioner Whisenant and Hays County Tax Assessor Luanne Caraway spoke. Transportation Director Jerry Borchering provided the estimated. This Hearing is guided by Chapter 253 of the Texas Transportation Code, which dictates that the Commissioners Court may, after finding that the proposal improvements are necessary for the public health, safety, or welfare of the residents of Hays County, Order a "mailed ballot" election of the property owners in the above-named subdivision, said mail-outs to occur no later than the 10th day after this Public Hearing. If this Court orders an election, then not later than the 30th day after Public Hearing all returned votes shall be tallied and results shall be declared. Granted that a majority of lot owners on Mystic Creek Drive and Mystic Overlook vote in favor of the improvements and the long term pay back of costs, then construction of those improvements will begin according to scheduling priorities set by RPTP. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize distribution of ballots for the proposed improvements to Mystic Creek Drive and Mystic Overlook in Hays County to cause the roadway to comply with Hays County road standards, and 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; and, being that this project is necessary for the health, safety and welfare of Hays County citizens, authorizing these improvements should a majority of the subdivision residents vote for the improvements and assessment. All voting "Aye". MOTION PASSED**

28557 SUNRISE ACRES REPLAT OF LOTS 20 & 21 [11-2-5--3 LOTS] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie Botkin Subdivision Coordinator gave staff recommendation. The Sunrise Acres Subdivision is a recorded subdivision located off of BeBee Road in Precinct 2. Sunrise Acres was originally divided in 1983 as a 93 lot subdivision. Today there are 131 taxable parcels on the CAD records. The newly configured lots will be sized as follows; Lot 20A 1.118 acres, Lot 21A 3.429 acres, Lot 21B 14.276 acres. Lots 21A and 21B are currently developed and are served by Goforth Water and on-site sewage facilities. Lot 20A will also utilize Goforth Water and OSSF at the time development. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of Sunrise Acres Replat of Lots 20 & 21. All voting "Aye". MOTION PASSED**

28558 ADOPT A RESOLUTION TO CAST HAYS COUNTY'S 1586 VOTES FOR LUANNE CARAWAY, CANDIDATE FOR THE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

Luanne Caraway was nominated by the Hays County Commissioners Court on October 11, 2011. The cast of 1586 votes for Luanne Caraway as candidate for the Hays Central Appraisal District Board of Directors for a term of two years beginning January 1, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a resolution to cast Hays County's 1586 votes for Luanne Caraway, candidate for the Central Appraisal District Board of Directors. All voting "Aye". MOTION PASSED**

28559 ACCEPT DONATION OF A 0.839 ACRE TRACT OF LAND ADJACENT TO THE JACOB'S WELL NATURAL AREA PROJECT

Wimberley Springs Partners Limited, a Texas limited partnership, has agreed to donate what is commonly known as the "triangle tract", which is located near the A.D.A trail entrance to the Jacob's Well Natural Area. The "triangle tract" currently features a tennis court, which will likely be removed as part of the Master Plan for this project. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept donation of a 0.839 acre tract of land adjacent to the Jacob's Well Natural Area project. All voting "Aye". MOTION PASSED**



28560 WAIVE THE FEES ASSOCIATED WITH THE RENTAL OF THE HAYS COUNTY CIVIC CENTER FOR THE SAN MARCOS ROTARY CLUBS EVENT NAMED THE EARLY ACT FIRST KNIGHT TOURNAMENT

This event will take place on November 17th from 1pm -3pm. The San Marcos Rotary Club has held this event at the Civic Center in past years. The Early Act First Knight (EAFK) program was developed by Rotarian Chris Boyd and Founder and Executive Director of Knights of the Guild, Randall Parr. EAFK has developed into a character education program that puts Rotary ideals into the daily academics of mainstream K-8th grade Education. The EAFK approach to teaching character education creatively integrates the instruction of noble character traits with the theme of gallant knights and chivalry. Each new school year, the orientation is integrated with the Tournament of Champions, a medieval tournament complete with Knights, costumed warhorses, and musical soundtracks. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to waive the fees associated with the rental of the Hays County Civic Center for the San Marcos Rotary Clubs event named the Early Act First Knight Tournament. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING PROJECTS SUBMITTED TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) FOR SURFACE TRANSPORTATION PROGRAM METROPOLITAN MOBILITY (STP MM) FUNDS

Commissioner Conley Pct 3 spoke of projects submitted to the Capital Area Metropolitan Planning Organization. Michael Aulick of Aulick and Associates, Kenneth Williams, City Manager of Buda, City Manager of Kyle Texas, Dolf Burrus, City of Dripping Springs, Lanny Lambert City Manager of Kyle, Jim Nuse City Manager of City of San Marcos, Linda Huff Director of Engineering from the City of San Marcos, Michelle Fisher City of Dripping Springs, Jon Thompson City of Dripping Springs spoke. CAMPO Phase 1 Hays County Projects- STP MM Eligible Projects-Submitted June 30: (1) IH 35 – Buda (Main St) to Kyle (FM 1626) add freeway ramps and turnarounds (2) US 290 - Dripping Springs, Mercer St to Mighty Tiger Trail-sidewalk north side (3) SH 21 @ FM 150 - intersection improvements (4) SH 21 @ Cottonwood Gin Road – intersection improvements (5) SH 80 @ Old Bastrop Highway – intersection improvements (6) RR 12- RR 32 to FM 3407 purchase ROW for future parkway (7) RR 12- RR 32 to FM 3407 - hike and bike trail on north side (8) RR 12 Winters Mill Parkway to Joe Wimberley Blvd – hike and bike trail (9) RM 1826 @ Crystal Hill Drive – intersection improvements, new bridges (10) RM 1826 @ Darden Hill Road – intersection improvements. Projects on County Roadways: (1) Dacey Lane – Bebee Rd. to Windy Hill Rd – widen lanes, add shoulders (2) Elder Hill Road – RR 12 to FM 150 – safety improvements, new bridge(s) (3) Lakewood Dr. @ Fm 1626 – new bridges (4) Old Bastrop Highway – Centerpoint Road to Francis Harris Lane – widen lanes, add shoulders (5) add sidewalks near schools in Precinct 1 (a) Bunton Creek Rd – IH 35 to Goforth Rd, (Lehman HS and Fuentes Elem (b) FM 150 – Heidenreich Lane to SH 21 (Simon High School) (c) Old Bastrop Hwy from SH 123 to San Marcos High School (d) Old Bastrop Hwy from E. McCarty Lane to Centerpoint Rd (San Marcos HS) (e) E. McCarty Lane from Loop 110 to Old Bastrop Hwy. (San Marcos HS). CAMPO Phase 2 Hays County Projects-Submitted August 5 Precinct 1 (1) Old Bastrop Hwy (CR 266 San Marcos River Bridge) (2) Yarrington Rd. overpass over IH 35-Kyle/SM loop. Precinct 2 (3) FM 150-RM 3237 to RM 2770-add shoulders, SETs (4) FM 967-Onion Creek to west of FM 1636-shoulders, turn lanes. Precinct 3 (5) RM 12-Oakwood Loop to CR 346-add 5'shoulders, SETs (6) FM 2439/Hunter Rd. Centerpoint to Posey, median, Sho. (7) RM12 @ Old Kyle Rd-Wimberley CBD improvements. Precinct 4 (8) RM 1826-SH 45 to FM 150, add shoulders, SETs (9) RM 1826 @ Nutty Brown Rd-intersection imp. (10) RM 1826 @ FM 150-intersection improvements (11) FM 150-Rm 1826 to RM12-add shoulders, SETs,(12) RM12 @ Fitzhugh Rd- intersection improvements (13) RM 12- Fitzhugh Rd to FM 150-shoulders, SETs.

28561 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE TB CONTRACT BETWEEN TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD)

Priscilla Hargraves Personal Health Director introduced Lisa Cornelius, M.D, M.P.H. Regional Medical Director and Jon Huss Deputy Regional Director of the Texas Department of State Health Services. This amendment is an agreement between DSHS Region 7 and the PHD so that the TB-RN will provide TB case management services to three Tuberculosis patients in Caldwell County. There is currently no DSHS nurse in Caldwell County. Without the assistance of Hays County and the PHD Region 7 would be required to send an RN from Region 7 office in Temple to perform this service. DSHS Region 7 to reimburse Hays County for the mileage incurred for the PHD TB-RN to perform this service. Region 7 estimates this service will be required approximately two months. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an amendment to the TB contract between Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD) and have the County Judge to sign All voting "Aye". MOTION PASSED**



28562 SET A PUBLIC HEARING ON DECEMBER 6, 2011 TO CONSIDER CHANGES TO THE HAYS COUNTY FOOD SANITATION REGULATIONS

Clint Garza Development Services Director spoke. Hays County last amended regulations for food service establishments in 2001. Since that time additional authorities have been granted to Counties under chapter 437, Texas Health and Safety Code. Changes are minimal but updated definitions the new regulations will require each food establishment to have a single Food Manager certification. Additionally, the 2007 legislative session resulted in greater enforcement authority for Counties operating under Chapter 437. Staff doesn't anticipate action on the proposal changes and Commissioners Court cannot make changes until a public hearing is held pursuant to chapter 437.005 of the H&SC. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to have a public hearing on December 6, 2011 to consider changes to the Hays County Food Sanitation Regulations. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

28563 ADOPT POLICIES REGARDING THE USE AND/OR ISSUANCE OF AIR CARDS, CABLE TV, FAX MACHINES, LANDLINE AND CELL PHONES, SOCIAL MEDIA, AND EMAIL

Lauren Chernow Public Information spoke of the policies of Landlines and Cell Phones which are a large expense for the County. Rafael Marquez Information Technology Web Master and Yvette Johnson of the Sheriff's spoke. This purpose of the Landline and Cell Phone Policy is to reduce expenses that each device is being used to its best advantage and in the most cost-effective way. Elected Officials and department heads are responsible for ensuring that each employee is trained on proper phone use. This policy is in effect immediately upon adoption by the Commissioners Court. Elected officials and department heads who have already authorized the uses of any type of County-paid cell phone or stipend for employees have 60 days from the adoption of this policy to complete and submit request forms for those employees to the Auditor's Office. The Air Card Policy is to reduce unnecessary, wasteful costs to the County by providing rules for all County-paid personnel who acquire and/or use County-paid Air Cards and to delineate who is authorized to use an Air Card and how Air Cards will be activated, deactivated and paid for. This policy also applies to any individual who is not a County-paid employee but because of a contractual agreement with Hays County is authorized to use a County-paid Air Card. Cable/TV Line Policy is to reduce unnecessary, wasteful costs to the County by providing rules for all County office/department requests for and use of Cable/TV Lines and to ensure that a business need exists for each Cable/TV Line authorized. The policy on Fax Machine is to provide guidelines for all County Office/department requests for and use of Fax Machines. Fewer Fax Machines equal fewer phone line costs and fewer equipment rental/purchases costs. All Fax Machines must be regularly reviewed at least quarterly by elected officials and department heads to determine if a specific fax machine is required for County business for outgoing and/or incoming Fax's. The Social Media Policy is for use and monitoring of social media sites requires employee time that directly impacts productivity and results in costs to taxpayers. The purpose of the Hays County social media policy is to provide rules and set public expectations for conduct by and content developed/published by elected officials, department heads and employees who; (A) use social media for Hays County business (B) access social media venues while on duty, and/or (C) use Hays County equipment (i.e., computers, internet access) to connect to social media sites. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt policies regarding the use and/or issuance of air cards, cable TV, fax machines, landline and cell phones, social media, and email effectively . All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Court decided to leave the burn ban in effect.

County Clerk Note 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

County Clerk Note 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

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

The Hays County Water and Sewer Authority continue to meet. There will be a discussion made November 16, 2011 of the LCRA Divestiture.



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 November 1, 2011.



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

