



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 15<sup>TH</sup> DAY OF NOVEMBER A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

**AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Commissioner Conley 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, Dorothy Knight – Wimberley resident, and Jack Hollon – Wimberley resident made public comments.

**28582 ADOPT A PROCLAMATION DECLARING NOVEMBER 2011 AS NATIONAL HOME CARE MONTH**

Carol Trafford Central Texas Medical Center Hospice Care Director spoke of the National Home Care Proclamation and how the home services provide high quality and compassionate health care services for the disabled, elderly, and chronically ill individuals eager to live independently in their own homes. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a proclamation declaring November 2011 as National Home Care Month. All voting "Aye". MOTION PASSED**

**28583 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 \$1,411,805.07 as submitted by the County Auditor. All voting "Aye". **MOTION PASSED**

**28584 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 8, 2011**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of November 8, 2011 as presented by the County Clerk. All voting "Aye". **MOTION PASSED**

**28585 ADOPT A RESOLUTION TO RE-APPOINT JEFF BARTON TO THE BOARD OF DIRECTORS OF THE CAPITAL AREA HOUSING FINANCE CORPORATION**

The Articles of Incorporation of the Capital Area Housing Finance Corporation authorize the Commissioners Court of Hays County to appoint one director of the Corporation and the term of the current director from this county, Jeff Barton, expires October 21, 2011. Jeff Barton will be re-appointed Director of the Corporation to serve for the four-year term beginning October 22, 2011 and ending October 21, 2015, or until his successor is duly appointed and qualifies. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Resolution to re-appoint Jeff Barton to the Board of Directors of the Capital Area Housing Finance Corporation. All voting "Aye". MOTION PASSED**



**28586      AUTHORIZE THE COUNTY JUDGE TO ACCEPT AN AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR FY2011 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) IN THE AMOUNT OF \$64,723.00**

This is a renewal grant that the County has been receiving for jail operation expenses which include correctional facilities that incarcerate or detain undocumented criminal aliens for a minimum of four consecutive days are eligible to apply for SCAAP payments are calculated using a formula that provides a share of funding to jurisdictions that apply and are based on the number of eligible criminal aliens, as determined by the Department of Homeland Security. Once SCAAP data has been validated and analyzed, applicants receive an e-mail notification that awards are ready for on-line acceptance and drawdown. No matching funds required. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to accept an award from the Bureau of Justice Assistance (BJA) for FY2011 State Criminal Alien Assistance Program (SCAAP) in the amount of \$64,723.00. All voting "Aye". MOTION PASSED**

**28587      APPROVE MOVING OF FUNDS FROM MISCELLANEOUS EQUIPMENT TO SUPPLIES IN THE EMERGENCY MANAGEMENT BUDGET TO PURCHASE WHITE BOARDS FOR THE EOC AND AMEND THE BUDGET ACCORDINGLY**

Through reduced costs there has been a cost savings which would allow for an additional two white boards to be purchased through already budget funds of \$900. Two boards were approved during the FY12 budget process; however, the actual costs are less than \$300 each and therefore do not need to be charged to equipment. Two boards have been ordered and with the remaining funds, two additional boards will be purchased to allow information to be displayed during EOC operations. Amount required \$900.00 decrease equipment 001-656-00.5719\_400 (\$900) increase supplies 001-656-00.5201 \$900. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve moving of funds from miscellaneous equipment to supplies in the Emergency Management budget to purchase white boards for the EOC and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28588      AMEND FY2011 BUDGET TO BALANCE END OF YEAR PERSONNEL AND OTHER LINE ITEMS**

General Fund and other funds-personal items will transfer from within departments. Other than personnel-District Court and County Courts at Law require transfer from Countywide. This will come out General funds and other funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend FY2011 Budget to balance end of year personnel and other line items. All voting "Aye". MOTION PASSED**

**28589      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL OF THE INTERLOCAL AGREEMENT (ILA) BETWEEN THE CITY OF WOODCREEK AND HAYS COUNTY REGARDING ROAD REPAIR AND MAINTENANCE**

The ILA between the City of Woodcreek and Hays County expired on September 30, 2011 and the renewal would be retroactive to October 1, 2011. The City of Woodcreek has increased their budget for roads from \$50k to \$60k. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a renewal of the Interlocal Agreement (ILA) between the City of Woodcreek and Hays County regarding road repair and maintenance. All voting "Aye". MOTION PASSED**

**28590      AMEND THE BUDGET CLASSIFICATION FOR THE SMITH ROBERTSON CONTRACT RELATED TO THE FM1626B PROJECT**

On August 30<sup>th</sup> Commissioner's Court authorized to extend and increase the Smith Robertson contract in the amount of \$10,000 for environmental and legal issues related to the FM 1626B project. The additional funds were identified as coming from the PTF Program Management team budget. However, due to an oversight in PSI budget documentation, the savings is actually in the FM1626B allocated funds from the '01 bond issue. There is a request for the court to allow reclassification of payments made to Smith Robertson from the PTF Fund 023 to the '01 Bond Fund 022. Amount required \$10,000 line item number 022-802-96-629.5448. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the budget classification for the Smith Robertson contract related to the FM1626B project. All voting "Aye". MOTION PASSED**



**28591      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 1 TO AGREEMENT FOR THE USE OF STATE OF TEXAS AUTOMATION EQUIPMENT, RELATED TO REGISTRATION TITLE SYSTEM WORKSTATIONS IN THE HAYS COUNTY TAX OFFICE**

Originally, the Tax Assessor Collectors Office believed 3 new RTS Workstations would be used. Since there are only 2 additional Workstations being used, annual rental will be \$3,000 instead of \$4,500. Amount required \$3,000 (budgeted \$4,500) from 001-619-00.5473. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Amendment 1 to Agreement for the use of State of Texas automation equipment, related to Registration Title System Workstations in the Hays County Tax Office. All voting "Aye". MOTION PASSED**

**28592      ADOPT NIMS TRAINING AND NIMSCAST POLICY FOR HAYS COUNTY-NO ACTION**

Jeff Turner Director of Office of Emergency Management spoke. The NIMS (National Management System) was adopted by Hays County in 2006 as the standard by which all county departments will operate on day to day responses as well as emergency incidents. The NIMS provides a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment. With the adoption of the NIMS Training and NIMSCAST Policy, Hays County will continue to remain in compliance with the standards set forth in the NIMS Program. **A motion was made by County Judge, seconded by Commissioner Jones for no action today. All voting "Aye". MOTION PASSED**

**28593      AUTHORIZE THE PURCHASE OF ADDITIONAL EQUIPMENT IN THE JAIL OPERATIONS BUDGET**

Captain Brad Robinson of the Sheriff's Department spoke. During the FY12 budget process, the Jail was approved 4 riot or extraction suits at \$500 each. The Sheriff's Office was able to locate these suits for considerably less and therefore ordered a total of 6 suits. The Sheriff's Office would also like authorization from the Court allowing us this purchase and authorizing the Auditor's Office to process payment for a total of 6 suits. The total amount approved for the four suits is \$2,000, no additional funds are needed. Amount required \$2,000 001-618-03.5717. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the purchase of additional equipment in the Jail Operations budget. All voting "Aye". MOTION PASSED**

**28594      AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE NATIONAL RIFLE ASSOCIATION (NRA) FOR UP TO \$7,000 FOR THE PURCHASE OF 870 REMINGTON WINGMASTER SHOTGUNS**

Deputy Constable Mitch Johnson, Constable David Peterson Pct 1, and Grants Director Jeff Hauff spoke. The office of Constable James Kohler Precinct 2 is requesting to submit an application for this grant from the National Rifle Association to purchase (20) 870 Remington Wingmaster Shotguns for each of the Hays County Constables offices. The shotguns are \$350 each. The application requires no matching funds. In addition, the application is to be submitted electronically. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to submit a grant application to the National Rifle Association (NRA) for up to \$7,000 for the purchase of 870 Remington Wingmaster Shotguns. All voting "Aye". MOTION PASSED**

**28595      AUTHORIZE LEGAL COUNSEL TO RETAIN OUTSIDE COUNSEL FOR ASSISTANCE WITH MATTERS RELATING TO LCRA DIVESTITURE NOT TO EXCEED \$15,000 WITH FUNDS COMING FROM LCRA FUNDS**

Legal Counsel has agreed to propose retention of outside counsel due to complex matters associated with LCRA. Amount required \$ 15,000 001-645-00.5441. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize legal counsel to retain outside counsel for assistance with matters relating to LCRA divestiture not to exceed \$15,000 with funds coming from LCRA funds. All voting "Aye". MOTION PASSED**

**28596      ALLOW THE DIRECTOR OF TRANSPORTATION IN CONSULTATION WITH THE RESPECTIVE COMMISSIONER TO ADD, DELETE, OR SUBSTITUTE HOT MIX PROJECTS AS NECESSARY**

Jerry Borcharding Director of Transportation explained the contract. A clause was left out of the current, active Hot Mix contract that allowed projects to be "added or deleted as determined by the Hays County representative". This Court action will reinstate this clause and allow the usual flexibility needed to properly administer the Hot Mix contract. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to allow the Director of Transportation in consultation with the respective Commissioner to add, delete, or substitute hot mix projects as necessary. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**



**10:00 AM WORKSHOP AND PRESENTATION REGARDING A PROPOSED TAX INCREMENT FINANCING (TIF) ZONE IN OR NEAR DOWNTOWN SAN MARCOS**

Matthew Willis Director of Planning for the City of San Marcos spoke of the proposed Tax Increment Financing (TIF) Zone. The proposed City of San Marcos, TX Tax Increment Reinvestment Zone No. 5 consists of approximately 244 acres in the downtown core. The Downtown Master Plan, adopted in 2008, identified a number of challenges facing this area. The City has addressed one challenge, zoning standards that are inconsistent and contrary to creating a downtown environment, with the adoption of the San Marcos SmartCode in 2011, putting in place a zoning that is predictable and focused on preserving downtown character while enabling pedestrian-oriented mixed-use development. Some of the other downtown challenges remain: a shortage of Class A office space, the upcoming relocation of three county facilities including the Hays County Justice Center, financing a future commuter rail stop, and the condition of the streetscape in parts of downtown. One of the financial tools identified in the plan to help address these challenges is the creation of a tax increment reinvestment zone. Under this proposed plan, the City and Hays County would participate equally in a five-year tax increment reinvestment zone projected to generate approximately \$475,418 over the life of the proposed zone no. 5. It is currently proposed that zone no. 5 increment revenues will be allocated for redevelopment of the Hays County "Justice Center" property as a part of public-private partnership as allowed by Section 311.010(h) of the Texas Tax Code. In order to be eligible for zone no. 5 tax increment revenues for the "Justice Center" property, projects shall facilitate the following: (1) Jobs that are sustainable and provide economic benefit to the San Marcos community (2) Development that supports the commercialization of technology and research (3) Development that maximizes potential under the SmartCode (4) Walkable mixed use development that provides opportunities for professional office and urban residential and/or civic institutional components (5) Infrastructure improvements that facilitate place-centric contexts and/or place-based linkages to the future rail station and/or to the square (6) Development that leverages and supports additional adjacent development in terms of design under the SmartCode, pedestrian contexts and market potential. Because of the site's location on three frontages in the geographic center of the downtown area, streetscape improvements will be part of any development. However, the true value of this approach is that it powerfully leverages tax increment revenues for economic development beyond streetscape or maintenance improvements on a given block. The potential increase in tax base can help in supporting possible future passenger rail through primary job creation along with associated secondary and tertiary jobs. This approach also will encourage the engagement of higher education and other potential research partners through the focus on technology and research, ultimately ensuring that the site will be developed to its highest and best use. If the disposition of the "Justice Center" property is not facilitated within the terms of zone no. 5 or will not result in the policy outcomes delineated above, alternative projects will be delineated for the use of zone no. 5 tax increment revenues using the same six criteria outline above.

**28597 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: DISCUSSION OF ISSUES RELATED TO A RIGHT OF WAY ACQUISITION ON LAKEWOOD DR. AT FM 1626 TO ALLOW EXPENDITURE OF MORE THAN \$25,000 OVER BUDGETED AMOUNT FOR ROAD REGARDING LAKEWOOD PARCEL 1 ON FM 1626**

Court convened into closed executive session at 9:45 am and reconvened into open court meeting at 10:00 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy, and Allen Crozier. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to allow expenditure of more than \$25,000 over budgeted amount for road bond regarding Lakewood Parcel 1 on FM 1626. All voting "Aye". MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF WATER AND WASTEWATER SYSTEMS CURRENTLY OWNED BY THE LOWER COLORADO RIVER AUTHORITY**

Court convened into closed executive session at 10:45 am and reconvened into open court meeting at 11:48 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, and Special Counsel Mark Kennedy. No action taken at this time.

**28598 LIFT BURN BAN**

Mark Chambers Hays County Fire Marshal spoke of 80% chance of rain until 11:00 am today. The Burn Ban will be lifted immediately on a temporary basis and County Judge will place Burn Ban in effect when necessary. The rain is expected to be a temporary relief. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to lift the burn ban on a temporary basis. All voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #20 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



NOVEMBER 15, 2011

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**Clerk's Note Agenda item #21 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 #22 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.

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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 15, 2011.



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

