



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 22ND 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
LIZ Q. GONZALEZ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Will Conley 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

Conrad Fjetland – Kyle resident made public comment.

PRESENTATION OF RETIREMENT GIFT TO CAROLYN HALE

Carolyn Hale received a Service Award for her 19 years, 2 months of service with the Hays County District Attorney's Office.

28599 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 \$1,939,390.97 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28600 APPROVE COMMISSIONERS COURT MINUTES OF THE NOVEMBER 8 SPECIAL MEETING IN KYLE AND NOVEMBER 15, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court minutes of November 8 Special Meeting in Kyle and November 15, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28601 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CONSTABLE PRECINCT 4 OFFICE

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's office, performed an internal examination of the Hays County Constable Precinct 4 financial records for the period of January 1, 2010 through July 31, 2011. The internal examination consisted of reviewing disbursements, receipts, deposit, fixed assets, and other supporting documentation. Based on the internal examination, expect for the following findings and recommendations, cash receipts and disbursements appear to be adequately accounted for and related records appear to be accurately maintained in accordance with statutory requirements under subsection 112.001 of the Texas Local Government Code. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Report for the Hays County Constable Precinct 4 Office. All voting "Aye". MOTION PASSED**

28602 ACCEPT DISTRICT CLERK FEE COLLECTION REPORT FOR AUGUST - OCTOBER 2011

Article 103.005, Code of Criminal Procedure, required report of an officer listed in Article 103.003 who collects money other than taxes for a county shall report to the Commissioners Court of the County for which the money was collected during each term of the court. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept District Clerk Fee Collection Report for August - October 2011. All voting "Aye". MOTION PASSED**

28603 APPROVE RENEWAL FOR BID #2009-B01 "ROAD BUILDING MATERIALS" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

All terms and conditions remain unchanged and in full force and effect as provided in original bid. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve renewal for Bid #2009-B01 "Road Building Materials" for one (1) additional year as provided for in original bid. All voting "Aye". MOTION PASSED**



28604 ACCEPT A DONATION OF \$200.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM

The Sheriff's Office received a donation in the amount of \$200.00 and request to deposit into line item 001-618-00.4610. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a donation of \$200.00 to the Sheriff's Office Community Outreach Program. All voting "Aye". MOTION PASSED**

28605 AUTHORIZE THE PURCHASE OF ADDITIONAL SOFTWARE LICENSES FOR THE AUTOMATIC VEHICLE LOCATOR (AVL) PROJECT AND AMEND THE BUDGET ACCORDINGLY

On September 20, 2011 the Commissioners Court accepted grant funds from the Criminal Justice Division of the Governor's Office to enhance the dispatch communication functions within the Emergency Communication Center. As moving forward to implement this program, it was discovered that an additional 8 Supervisors Licenses would be beneficial to help supervisor's observe the GPS tracking devices. The additional funds will not be covered by the grant. \$9,000 was identified in the FY12 Information Technology budget for the Sheriff's Office software maintenance that will however, due to technical issues; Brazos Technology has agreed to waive the maintenance fees for FY12. Amount required \$9,000.00 these funds will be moved from the Information Technology Budget 001-680-00.5429 to the Sheriff's Office AVL Project-Software Maint/License 001-618-99-071.5429 **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the purchase of additional software licenses for the Automatic Vehicle Locator (AVL) project and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28606 TRACT 9 PIONEER RANCHES [11-4-40 - 2 LOTS] WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT

Roxie Botkin Subdivision Coordinator gave staff recommendation. Pioneer Ranches is an unrecorded subdivision located off of Fitzhugh Road in Precinct 4. The owner of Tract 9 is proposing to divide his 9.99 acres into two lots: Tract 9A-5.00 acres, Tract 9B-4.99 acres. Tract 9A is currently developed and utilizes a private well and on-site sewage facilities. Tract 9B will also be served by a private well and OSSF at the time of development. A plat of a portion of Tract 9 (5.00 acres) was approved on September 28, 2010 but was never recorded. This plat includes the remaining 4.99 of the existing tract. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve tract 9 pioneer ranches waive preliminary plan and approve final plat. All voting "Aye". MOTION PASSED**

28607 RESUBDIVISION OF A PORTION OF LOT D-15, DOUGLAS ESTATES [11-4-36 - 1 LOT] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Cobb opened the public hearing. Curtis Wilson – Dripping Springs resident spoke. Judge Cobb closed the public hearing. Douglas Estates is a recorded subdivision located off of Bell Springs Road in Precinct 4. The subdivision was originally platted in 1974 with 40 lots. There are currently 90 taxable parcels on the CAD records. Lot D-15 was divided by metes and bounds rather than the requisite plat revision in 1996 and is thus considered a non-complaint parcel. The resubdivision of a portion of Lot D-15 will create Lot d-15R (6.01 acres) and will allow that portion of the lot to be developed. The owner of the remaining portion of the lot has been notified and declined to be involved in the replat. Lot D-15R will be served by a private well and on-site sewage facility at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Resubdivision of a portion of Lot D-15, Douglas Estates. All voting "Aye". MOTION PASSED**

28608 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS RELATING TO THE PROPOSED TAX INCREMENT REINVESTMENT ZONE NO. 5

Matthew Willis Director of Planning for the City of San Marcos gave an overview of the TIRZ. A summary was provided in Commissioners Court during the workshop on November 15, 2011. Modifications have been made to the TIRZ agreement to account for the concerns raised during the workshop. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an interlocal agreement with the city of San Marcos relating to the proposed Tax Increment Reinvestment Zone No. 5 at 70%. All voting "Aye". MOTION PASSED**



28609 ELIMINATE CHIEF BAILIFF AND BAILIFF POSITIONS (FUNDED AT 4,924 HOURS) AND ADD ONE (1) FULL-TIME BAILIFF AND TWO (2) PART-TIME BAILIFFS AND AUTHORIZE PAYMENT UP TO THE 25TH PERCENTILE EFFECTIVE 1/1/2012

With the elimination of the Security Specialist positions in the County Court at Law Budget effective December 31, 2011, position reorganizations are necessary. Position Changes requested: Eliminate the Chief Bailiff position. The position is currently vacant. Eliminate Bailiff, funded at 4,924 hours. This position currently has one incumbent. Add (1) Bailiff, full-time. Add (2) Bailiffs, part-time, 50%. Request authority to post and fill all Bailiff Positions, including one existing position, up to the 25th percentile. Should current employees be selected, this may result in an exception to the promotion salary administration policy. All changes are being requested to be effective January 1, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to eliminate Chief Bailiff and Bailiff Positions (funded at 4,924 hours) and add one (1) Full-time Bailiff and two (2) Part-time Bailiffs and authorize payment up to the 25th percentile effective 1/1/2012. All voting "Aye". MOTION PASSED**

28610 SELECT A CONTRACTOR FOR ON-SITE DOCUMENT SHREDDING SERVICES FOR COUNTY BUILDINGS AND DATE TO BE SET BY RON KNOTT BUILDING MAINTENANCE FOR THE SERVICE WITH MONEY COMING OUT OF CONTINGENCIES

Cintas bid \$0.10 per lb., Shred It bid \$0.75 per lb. and Marshall bid \$0.05 per lb. are the three quotes received for the shredding services with Marshall bidding the lowest bid. The Justice Center, Annex, Courthouse, Records Building and Maintenance Facility are the offices which need shredding. Ron Knott Building Maintenance estimates there are 1500 boxes to be shredded. Amount required \$3,000.00 coming out of contingencies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to select Marshall as the contractor for on-site document shredding services for county buildings date to be set by Ron Knott Building Maintenance Director for the service with money coming out of contingencies. All voting "Aye". MOTION PASSED**

28611 AMEND THE INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS FOR THE IMPROVEMENT OF PARK FACILITIES AS IT REGARDS THE PURGATORY CREEK PRESERVE PROJECT

Todd Derkacz San Marcos resident spoke. On December 9, 2008 the Commissioners Court approved an Interlocal Agreement with the City of San Marcos, in the amount of \$3,100,000, for the funding of multiple park projects utilizing 2007 Park Bonds proceeds. The allocation was for five park areas, including development (construction) on the Purgatory Creek Preserve (\$1,600,000 identified for improvements on this property). On December 7, 2010 the Court reserved an addition \$800,000 in Park Bond funds for the City of San Marcos for land acquisition to expand the Purgatory Creek Preserve, contingent on addition funding from grants and other sources. Since an expected major federal grant was not awarded for this land acquisition project, the City and the Trust for Public Land re-evaluated the project and have been able to negotiate a purchase deal for a 107-acre portion of the property originally proposed for acquisition, adjacent to the current Preserve. Funds in the amount of \$800,000 have been secured for this purchase by the City of San Marcos and include City, grant, and other sources. An additional \$800,000 is needed for the acquisition. To accomplished this, the City of San Marcos is requesting to amend the original Interlocal Agreement with the County by: (1)re-allocation of funding for the Purgatory Creek Preserve development project, reducing construction costs by \$500,000 and re-applying this amount to land acquisition costs; (2) using \$300,000 of the \$800,000 committed by Hays County in December, 2010 for land acquisition. The amended Interlocal Agreement amount for the multiple parks project would be \$3,400,000 with the Purgatory Creek Preserve component increased to \$1,900,000 for both development and land acquisition. Remaining committed funds of \$500,000 would be returned to the County. Special Counsel spoke of Amendment Letter to be signed by both parties. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend the Interlocal Agreement with the City of San Marcos for the Improvement of Park Facilities as it regards the Purgatory Creek Preserve project. All voting "Aye". MOTION PASSED**

APPROVE AN INTERAGENCY COOPERATION CONTRACT AND A BUSINESS ASSOCIATE AGREEMENT (BAA) BETWEEN THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION (HHSC) AND THE PERSONAL HEALTH DEPARTMENT (PHD) – ITEM TABLED

Priscilla Hargraves Personal Health Director explained the Agreement. This contract and BAA allows for the PHD to be reimbursed by HHSC for administrative costs associated with providing direct client services to Medicaid clients. Currently the PHD receives Medicaid reimbursement for direct client services only. Reimbursement for administrative tasks will be based on "moment in time" time studies performed by HHSC in conjunction with the PHD. No additional expense will be incurred by the County.



28612 DISTRIBUTION OF FUNDS ALLOCATED TO HAYS COUNTY BY CAMPO OF APPROXIMATELY \$3.87 MILLION IN FEDERAL FUNDS

Mike Aulick of Aulick & Associates, Lucy Johnson Mayor of Kyle, Chance Sparks – Director of Planning for the City of Buda, Daniel Guerrero Mayor of San Marcos spoke. This is part of the ongoing discussion the Court has been having regarding the funds being distributed for transportation projects in Hays County. (1) Hays County Priority Projects are San Marcos (Loop 82/Aquarena Springs Dr. RR overpass) Kyle (reconstruct Bunton/Goforth Rd.), Dripping Springs (Mercer Street pedestrian improvements, Hays County Precinct 1 (SH 21 @ FM 150 intersection improvements) Hays County Precinct 2 (FM 967, Onion Creek to west of FM 1626-turn lanes, shoulders, Hays County Precinct 3 (RM 12, Oakwood Loop to CR 346-add shoulders and SETS) (2) CAMPO Technical Advisory Committee Recommended Projects in Hays County are San Marcos (San Marcos traffic signal synchronization and upgrade project) San Marcos (San Marcos cross town pathway) Kyle (FM 2770/FM 150 sidewalk/bicycle lane construction) Texas State University (campus bike share) Dripping Springs (Mercer Street pedestrian improvements) San Marcos (River Road/Riverside Dr bike and pedestrian improvements) San Marcos (N LBJ Dr intersection improvements (Sessom to Holland). **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe for the court to recommend to CAMPO Transportation Policy Board the following projects to funded and approve in regards to STP MM Dollars: (1) Kyle FM 2770/FM 150 sidewalk/bicycle lane construction Federal Funds needed \$770,400, (2) Dripping Springs Mercer Street pedestrian Improvements total Federal Funds needed \$419,696, (3) Hays County (Pct 1) SH 21 @ FM 150 intersection improvements total Federal Funds needed \$984,000, (4) San Marcos Loop 82/Aquarena Dr RR overpass dedicating a million dollars to the project if something were to happen and the project is not fulfilled the million dollars and dedicate to FM 967, Onion Creek to west of FM 1626 – turn lanes, shoulders (5) RM 12, Oakwood Loop to CR 346 – add shoulders and SET's Federal Funds needed \$1,200,000 and have a addition match from the County or the State for \$500,000 in which the county has saved \$400,000 on the project and have received a million addition money from the State of Texas that can be applied to make up the difference if the State does not have the money available to match us and fulfilled the gap. All voting "Aye". MOTION PASSED**

28613 CONTINUE HAYS COUNTY'S MEMBERSHIP IN THE TEXAS CONFERENCE OF URBAN COUNTIES AND PAY \$168 FROM CONTINGENCIES AND AMEND THE BUDGET ACCORDINGLY

The 2012 dues for Hays County's membership in the Texas Conference of Urban Counties have been invoiced. Due to the census the per capita cost has increased resulting in a total of \$6456. For the FY2012 \$6,288 was budgeted, if renewed, a budget amendment will be required to cover the difference. Amount required \$168 from Contingencies. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to continue Hays County's membership in the Texas Conference of Urban Counties and to pay \$168 from contingencies and amend the budget accordingly. All voting "Aye". MOTION PASSED**

NO ACTION REGARDING THE TRANSITION TO THE LCRA OPENSKY 900 MHZ DIGITAL SYSTEM

Jeff Turner Director of Office of Emergency Management gave a brief explanation of the radios. LCRA will provide the engineering, licensing, materials and labor necessary to migrate the existing Hays County radio equipment to LCRA's OpenSky 900 MHz digital radio system. The equipment to be replaced and/or upgraded is reflected: (1) Upgrade all current P5300 and M5300 model radio equipment with OpenSky software (2) Replace all handheld, mobile and desktop equipment that is not eligible for upgrade to OpenSky (3) Replace four existing EDACS Maestro Consoles with C3 IP Consoles that are fully compatible with OpenSky (4) Upgrade two existing EDACS Maestro Consoles to C3 IP Consoles (newer models-upgraded). No action taken.

28614 ESTABLISH NO SMOKING ON THE HAYS COUNTY GOVERNMENT CENTER PROPERTY, LOCATED ON STAGECOACH DR. IN SAN MARCOS, TEXAS

Policy issues to be discussed included but are not limited to: Reserve parking, Moving of additional large items from old county buildings to Government Center, Smoking, Wall Hangings and use of accessory items such as power strips and heaters. If departments need powerstrips they will need to go through Purchasing Department. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to designate the Government Center a non-smoking building. All voting "Aye". MOTION PASSED**

28615 SET THE COURT FILING FEES THAT FUND THE LAW LIBRARY AT \$35, PURSUANT TO SECTION 323.023 OF THE TEXAS LOCAL GOVERNMENT CODE EFFECTIVE IMMEDIATELY

Mark Kennedy Special Counsel explained the Law Library and funds collected. Currently, Hays County is collecting \$20 per civil case filed except suits for delinquent taxes to fund the law library. Section 323.023 of the Texas Local Government Code allows for the fee to be up to \$35. Staff recommends the fee be increased considering the County has supplemented the law library through the county budget for the last 2 years. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to set court filing fees that fund the law library at \$35, pursuant to Section 323.023 of the Texas Local Government Code, effective immediately. All voting "Aye". MOTION PASSED**



EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT INFORMATION, TO BE CALLED "PROJECT DISCOVERY"

Court convened into closed executive session at 11:15 am and reconvened into open court meeting at 11:18 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Amy Madison. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.076 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING THE SECURITY DEVICES IN THE HAYS COUNTY GOVERNMENT CENTER ON STAGECOACH DRIVE IN SAN MARCOS, TEXAS

Court convened into closed executive session at 11:18 am and reconvened into open court meeting at 11:33 am. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Amy Madison. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING THE EMPLOYMENT OF EACH INDIVIDUAL EMPLOYEE OF THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT, INCLUDING CUSTODIAL STAFF

Court convened into closed executive session at 11:33 am and reconvened into open court meeting at 12:45 pm. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and DeeDee Baen. No action taken.

BURN BAN AND/OR DISASTER DECLARATION - WILL CONTINUE TO BE LIFTED FOR AT LEAST ONE MORE WEEK

Fire Marshal Mark Chambers spoke of the Burn Ban being lifted for 1 week. As of this morning the Drought Index is at 608. Humidity is currently at 50%. Mark Chambers recommended leaving the Burn Ban lifted for at least one more week. He cautioned the residents of Hays County to burn responsibly.

Clerk's Note Agenda Item #25: *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: *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: *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 November 22, 2011.



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



