



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 5th DAY OF APRIL 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 Lonnie Poe from Sunset Canyon Baptist 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 COMMENT

27948 ADOPT A PROCLAMATION RECOGNIZING APRIL AS CHILD ABUSE AWARENESS MONTH

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a Proclamation recognizing April as Child Abuse Awareness Month. All voting "Aye". MOTION PASSED

27949 ADOPT A PROCLAMATION SUPPORTING SAN MARCOS HIGH SCHOOL STUDENT GOVERNMENT DAY AND RECOGNIZING MAY 13, 2011 AS STUDENT GOVERNMENT DAY IN SAN MARCOS

Kim Porterfield, San Marcos City Council Member gave an overview of this program. This San Marcos High School tradition, is a semester-long social studies program when SMHS students "take over" local government through shadowing, mock meetings and a culminating luncheon. The SMHS Student Council is spearheading the effort which gives SMHS students the opportunity to truly experience what it means to be involved in local government. It also gives those of us in elected positions a first-hand look at how our youth feel about issues important to them. Already at the high school, students have filed to run for office and are currently running campaigns. The students will vote and then the elected officials will appoint key staff and begin identifying issues for their agendas. They are being assisted by senators from Associated Student Government at Texas State University, who are facilitating issue identification, research, and agenda development for the mock meetings. Hays County Elections Administrator, Joyce Cowan is assisting with voting. This will give Hays County the opportunity to serve as a mentor who can inspire and encourage these high school students to become active, contributing citizens in all levels of government for the rest of their lives. The following were elected by their fellow students: County Judge – Andrew Liguez, Commissioner Pct. 1 – Samantha Govea, Commissioner Pct. 2 – Molly Hickson, Commissioner Pct. 3 – Sara Jo Porterfield, Commissioner Pct. 4- Jordyn Lattie and Sheriff – Pamela Stover. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation supporting San Marcos High School Student Government Day and recognizing May 13, 2011 as Student Government Day in San Marcos. All voting "Aye". MOTION PASSED

27950 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$2,592.47 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27951 APPROVE DONATED FUNDS IN THE AMOUNT OF \$700 TO THE SHERIFF'S OFFICE

The Sheriff's Office received two donations; one from Mr. and Mrs. Dolores Stern & Family (\$200) and the San Marcos Lions Club (\$500) and request to deposit into line item 001-618-00.4610-contributions. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve donated funds in the amount of \$700 to the Sheriff's Office. All voting "Aye". MOTION PASSED



27952 APPROVE RECOMMENDATION OF AWARD TO RGM CONSTRUCTORS FOR IFB#2011-B02 IMPROVEMENTS TO TURNERSVILLE ROAD & CR 118

The low bidder was RGM Contractors, LP. We have reviewed the statement of Bidder's Experienced submitted, and RGM Contractors, LP has successfully completed roadway improvements projects. We believed RGM Constructors, LP. has the experience and capacity to complete the Turnersville RD and CR 118 improvements project within the timeframe in the contract. Therefore the Turnersville RD and CR 118 improvements contract to be awarded to RGM Constructors, LP in the amount of \$2,078,275.67. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve recommendation of award to RGM Constructors for IFB#2011-B02 Improvements to Turnersville Road & CR 118. All voting "Aye". MOTION PASSED**

27953 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-BUCK WINN DOCUMENTARY AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received donations for the Buck Winn documentary. These funds will be used for the production and distribution of the Buck Winn DVD's. No matching county funds needed. Amount requested \$100.00 from 001-676-00-055.4610-contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept contributions for the Historical Commission-Buck Winn documentary and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**

27954 ACCEPT LEOSE FUNDS FOR THE FIRE MARSHAL OFFICE AND AMEND THE BUDGET FOR USE OF THOSE FUNDS

The Fire Marshal receives funds annually from the State Comptroller Office per State Occupation Code 1701.156 for expenses related to the continuing education of license peace officers. No matching county funds needed. Amount requested \$726.14 from 001-665-00.4310-contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept LEOSE funds for the Fire Marshal office and amend the budget for use of those funds. All voting "Aye". MOTION PASSED**

27955 ACCEPT THE BUDGET AMENDMENT OF THE SHERIFF'S DRUG FORFEITURE FUND

The Sheriff's Office would like to purchase a universal forensic extraction device for Narcotics with existing funds in the Sheriff's Drug Forfeiture Fund to use for investigative purposes. No additional funds needed. Amount requesting is \$4,564.00 moving funds from 053-618-00.5362 to 053-618-00.5717. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept the budget amendment of the Sheriff's drug forfeiture fund. All voting "Aye". MOTION PASSED**

27956 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WIMBERLEY AND HAYS COUNTY REGARDING MAINTENANCE OF THE WINTER'S MILL / BLUE HOLE HIKE AND BIKE TRAIL

The Blue Hole Bike and Bike Trail is nearing completion. Hays County is proposing that the cost of maintaining the trail be shared by the City of Wimberley and Hays County. This inter-local Agreement details the responsibilities of each party and outlines a maintenance plan. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between the City of Wimberley and Hays County regarding maintenance of the Winter's Mill / Blue Hole Hike and Bike Trail. All voting "Aye". MOTION PASSED**

27957 APPROVE THE NOMINATION OF COMMISSIONER MARK JONES AS AN ALTERNATE TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) TRANSPORTATION POLICY BOARD

Commissioner Will Conley is the Hays County representative on the CAMPO Transportation Policy Board. Commissioner Mark Jones is nominated to be named his alternate. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the nomination of Commissioner Mark Jones as an alternate to the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #11 RE: APPROVE PAYMENT OF AN INVOICE FROM ENVIROSOPH TECHNOLOGIES, LP FOR REPAIRS MADE AT THE WINDY HILL RD, LOW-WATER CROSSING EARLY WARNING SYSTEM, NOT TO EXCEED \$8,028.00, AND TO AMEND THE BUDGET ACCORDINGLY - was pulled



**27958 HURLBUT RANCH EAST RESUBDIVISION OF PORTION OF LOT 2 [11-4-6-2 LOTS]
APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING MAY 3, 2011**

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Hurlbut Ranch East Subdivision is a recorded subdivision located in northern Precinct 4. The subdivision was originally platted in 1984 with 19 lots. There are currently 23 taxable parcels on the Central Appraisal Dist. Records, As platted, Lot 2 Block E consists of 228.17 acres. The proposed configuration will divide a 138.229 acre portion of Lot 2 into 2 new lots (Lot 2A: 37.800ac; Lt 2B: 100.429 ac.) There is an existing conservation easement on the property which will prohibit any further development of lot 2B. Lot 2A will be served by an on-site facility and private water well. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve preliminary plan and hold a public hearing May 3, 2011. All voting "Aye". MOTION PASSED**

**27959 ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS
OF HAYS COUNTY. LGC 352.081 WITH THE OPTION TO ALLOW THE COUNTY
JUDGE TO LIFT THE BURN BAN AS NEEDED**

Tim Gothard Assistant Fire Marshal spoke of lifting the burn ban last week and having to put it back on last Friday. This is to re-state the county wide burn ban. The ban was lifted as a result of favorable weather conditions for the citizens to burn. The dry conditions are expected to remain and the need to re-instate the ban is needed. If conditions remain favorable it is recommended to keep the ban lifted. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to order prohibiting outdoor burning in the unincorporated areas of Hays County. LGC 352.081 with option to allow County Judge to lift the burn ban as needed. All voting "Aye". MOTION PASSED**

**27960 AUTHORIZE THE COUNTY JUDGE TO SIGN AN APPLICATION FOR THE
RENEWAL OF THE IMMUNIZATION GRANT BETWEEN THE PERSONAL HEALTH
DEPARTMENT (PHD) AND THE TEXAS DEPARTMENT OF STATE HEALTH
SERVICES (DSHS) FOR \$192,341.00**

This is a renewal application between the Personal Health Department and DSHS to fund the immunization program for FY 2012. The funding is for September 1, 2011. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to sign an application for the renewal of the Immunization Grant between the Personal Health Department (PHD) and the Texas Department of State Health Services (DSHS) for \$192,341.00. All voting "Aye". MOTION PASSED**

**27961 APPOINT ALLAN NEIGHBORS TO A VACANT POSITION ON THE HAYS COUNTY
SHOOTING SPORTS TASK FORCE (HCSSTF)**

Allan Neighbors to serve as a Precinct 3 Representative he will be replacing Mr. Charles Capp **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to appoint Allan Neighbors to a vacant position on the Hays County Shooting Sports Task Force (HCSSTF) who will replace Mr. Charles Capp. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #16 RE: ACTION TO GRANT DEVELOPMENT AUTHORIZATIONS TO MELISSA MACEO, OWNER OF LOT 1 IN THE DARLINGS HILL SUBDIVISION; PROVIDE GUIDANCE TO STAFF REGARDING FUTURE DEVELOPMENT AUTHORIZATIONS IN DARLINGS HILL SUBDIVISION – was pulled

**DISCUSSION WITH STAFF REGARDING CHANGES TO THE HAYS COUNTY DEVELOPMENT
REGULATIONS**

Jacey Warrick made a public comment. The Hays County Development Regulations were adopted in 2009; at that time the court and staff agreed that the regulations were an evolving document which would change to better the citizens of Hays County. Since adoption, the department has periodically asked the court for approval not to enforce particular sections of the regulations which were highly controversial or overly burdensome for the public. The court gave direction to selectively enforce sections of the rules but actual amendments were never made. There are still opportunities to fine tune the regulations which would ideally streamline the application procedures making the process more efficient and friendly. Changes to the rules may take place over multiple court meetings however, the first two areas identified are the application requirements for all development authorization and storm water runoff requirements.



27962 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN IRS FORM 8283 RELATED TO THE COUNTY'S PURCHASE OF APPROXIMATELY 1,000 ACRES OF PROPERTY FROM NICHOLSON PARTNERS, LTD

Mark Kennedy Special Counsel explained the form. Hays County closed on the Nicholson Ranch project in December of 2010. Fee title to approximately 1,000 acres was purchased for \$5,034,570.00. Seller has now submitted an IRS Form 8283 to Hays County, requesting execution. The form 8283 and supporting appraisal cites the market value of that approximately 1,000 acres as \$5,627,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an IRS Form 8283 related to the County's purchase of approximately 1,000 acres of property from Nicholson Partners, Ltd. All voting "Aye". MOTION PASSED**

27963 ACTION TO IMPLEMENT A HAYS COUNTY PROPERTY USE POLICY

Mark Kennedy Special Counsel gave a brief overview of the Policy that is in the agenda backup. A property use policy was considered by Commissioners Court on multiple occasions prior to January 1, 2011. However, no policy was implemented. Currently, the Civil Division of the Hays County District Attorney's Office applies its own rules for processing property use agreements but would prefer to apply policies that are adopted by Commissioners Court, made official and published on the Hays County website. We will add Dudley Johnson Park. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to implement a Hays County Property Use Policy with the addition of Dudley Johnson Park. All voting "Aye". MOTION PASSED**

27964 WAIVE THE POSTING REQUIREMENT AND APPOINT TOM TVRDIK AS THE HAYS COUNTY VETERAN'S AFFAIRS OFFICER ON A PART-TIME, INTERIM BASIS AT A RATE OF \$20 PER HOUR, NOT TO EXCEED 24 HOURS PER WEEK; AND TO BE EFFECTIVE AS OF TODAY

Alan Cameron and Jude Prather both Hays County residents and veterans made public comments. While Hays County is considering applications for full-time employment in this position, Mr. Tvrdik has agreed to fill the vacancy on a part-time, interim basis. The suggested rate of pay is just under Mr. Tvrdik's rate of pay when he left position in early 2010. Interim basis at a rate of \$20 per hour, not to exceed 24 hours per week with the effective date of "immediately". The funding will come out of salary savings within that budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley waive the posting requirement and appoint Tom Tvrdik as the Hays County Veteran's Affairs Officer on a part-time, interim basis at a rate of \$20 per hour, not to exceed 24 hours per week; and to start today. All voting "Aye". MOTION PASSED**

27965 APPROVAL TO DIRECT THE COUNTY ATTORNEY AND BROADDUS & ASSOCIATES TO NEGOTIATE THE CMR CONTRACT WITH THE RECOMMENDED RESPONDENT TO RFP NO.: 2011 - P09; FOR THE IMMEDIATELY NEEDED JAIL RENOVATIONS AT THE LAW ENFORCEMENT CENTER

Brenda Jenkins of Broaddus & Associates spoke. The Commissioner's Court approved \$2 million for Jail Renovations on August 23. These renovations are outlined in the Existing Facilities Assessment prepared by Broaddus & Associates. Required amount will be funded for the approved budget. This scope of work has been identified by the Sheriff's Office as critical to continued operation of the Jail facility. Approximately \$140,000 from 001-645-00.5741(Pre-con,GC's and Fee). **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to direct the County Attorney and Broaddus & Associates to negotiate the CMR contract with the recommended respondent to RFP No.: 2011 - P09 for the immediately needed jail renovations at the Law Enforcement Center. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item # 22 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN HAYS COUNTY AND HAYS COUNTY LAW ENFORCEMENT ASSOCIATION (HCLEA) - was pulled

BUDGET WORKSHOP FOR ELECTED OFFICIALS AND DEPARTMENT HEADS TO REVIEW ELECTRONIC PROCESS FOR SUBMITTING AND REVIEWING FY 2012 REQUESTED BUDGETS

Vickie Wilhelm of the Auditor's office gave instructions on how to file budget electronically for the budget process and gave a powerpoint presentation. The Auditor's Office began receiving and reviewing budgets electronically last year for the budget process due to the new financial software implemented. This workshop is intended to train newly elected officials and department heads as well as any other key personnel that would like a "refresher course" on entering their FY2012 budgets, attaching documents, placing comments and running reports.



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 RIGHT OF WAY ACQUISITION ON RANCH ROAD 12

Court convened into closed executive session at 11:30 a.m. and reconvened into open court meeting at 11:45 a.m. in attendance in Executive Session were Commissioner Conley, Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Ellie Dietz. – **No Action taken.**

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; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS. POSSIBLE ACTION MAY FOLLOW – was pulled*

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR

Mike Weaver of Prime Strategies gave a handout to the Court. He an overview of a Bill (HB 548) to be enacted by the Legislature of the State of Texas. This Bill would help expedite some of the Road Projects we have going at the moment.

Clerk's Note: Agenda Item #27 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS – was pulled*

27966 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Mark Kennedy Special Counsel spoke of need for a temporary position while one of their staff members is out on maternity leave. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to double fill Jennifer McCleary's position with a temporary employee for one month and to substitute the double fill position of Jennifer McCleary's position with Jordan Davisson as soon as she is available.**

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

Commissioner Whisenant gave a brief report of a meeting that he attended last week and he'll will be attending another meeting place this week. Commissioner Whisenant will bring an update to the Court next week.

A motion was made by Commissioner Conley, seconded by Commissioner Jones 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 APRIL 5, 2011.



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

