



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 12TH 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:

Brent Batson from the Church of the Springs gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

NEW EMPLOYEES

New Hires were introduced by Abel Velasquez of the Human Resources Department.

CLERK'S NOTE: AUDIO/VIDEO COMPUTER DIED AND WAS BROUGHT UP ON RESOLUTION #27978

PUBLIC COMMENTS

Sam Brannon resident of San Marcos made a public comment.

27967 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of \$3,316,429.19 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27968 APPROVE COMMISSIONER COURT MINUTES OF MARCH 29, APRIL 4, 5, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of Marcy 29, April 4, 5, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27969 AMEND BUDGET OF CONSTABLE PCT 4 FOR CONTINUING EDUCATION FROM LAW ENFORCEMENT EQUIPMENT SAVINGS

Constable 4 requires additional \$250 to pay balance of training cost: has paid for spotlights budgeted in eqpt from supplies, as less than eqpt threshold amount, and requests to transfer savings to needed continuing ed cost 001-638-00.5551 continuing education from 001-638-00.5717 Law Enforcement Equipment. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Budget of Constable Pct 4 for continuing education from Law Enforcement equipment savings. All voting "Aye". MOTION PASSED

27970 APPROVE AND CONFIRM THE APPOINTMENT OF TRAVIS BROWN AS DEPUTY CONSTABLE FOR CONSTABLE PRECINCT 1, DAVID PETERSON EFFECTIVE APRIL 12, 2011

According to Chapter 86 Subchapter B 86.011 the Commissioner's Court shall approve and confirm the appointment of a deputy constable. Travis James Brown was sworn in by Justice of the Peace Pct. 1 Place 1, Joanne Prado. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve and confirm the appointment of Travis Brown as Deputy Constable for Constable Precinct 1, David Peterson effective April 12, 2011. All voting "Aye". MOTION PASSED

27971 AMEND SHERIFF DRUG FORFEITURE FUND BUDGET TO PURCHASE EQUIPMENT

The Sherriff's drug forfeiture funds may be used at his discretion. To follow county policy the Sherriff's office has requested to move funds into the appropriate general ledger account to purchase five televisions at \$787.00 each total cost for all is \$3,935.00. These will replace broken PowerPoint projectors that are in training rooms. Purchasing new television will be more effective than replacing or fixing the broken projectors. 053-618-00.5719. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Sheriff Drug Forfeiture Fund budget to purchase equipment. All voting "Aye". MOTION PASSED



27972 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON VALLEY VIEW ROAD IN BURNETT RANCH ESTATES SUBDIVISION

Judge Cobb opened the public hearing. Constable Pct. 3 Darrell Ayres made a public comment. Public hearing was closed. Transportation Director Jerry Borcharding gave staff recommendation. This is to establish a "No Parking" zone of approximately 700 feet from the park gate on the south side of Valley View Road going towards the Blanco River low-water crossing (only three signs needed). **A motion was made by Commissioner Conley, seconded by Commissioner Jones to hold a public hearing and to establish traffic regulations on Valley View Road in Burnett Ranch Estates subdivision. All voting "Aye". MOTION PASSED**

27973 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN BRUSHY CREEK SUBDIVISION

Judge Cobb opened the public hearing. Public hearing was closed. Transportation Director Jerry Borcharding gave staff recommendation. This is to establish a stop sign on Meyers Road at S. Turnersville Rd. a stop sign on Lanes Lane at S. Turnersville Rd, a stop sign on Calderon Street at Meyers Road, a stop on Calderon Street at Lanes Lane, and a speed limit of 25 MPH. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to hold public hearing and to establish traffic regulations in Brushy Creek subdivision. All voting "Aye". MOTION PASSED**

27974 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND AZS ENTERPRISES, INC., FOR THE FUNDING OF CONSTRUCTION AND ENGINEERING COSTS ASSOCIATED WITH THE EXTENSION OF THE LEFT TURN LANE AT THE INTERSECTION OF NUTTY BROWN ROAD AND RM 1826 TO ACCOMMODATE LEFT TURN MOVEMENTS INTO THE CONVENIENCE STORE BEING CONSTRUCTED BY AZS ENTERPRISES, INC.

The RM 1826 at Nutty Brown Road was identified as a key project in Precinct 4 as part of the 2008 Priority Road Bond Program. At the 60 % project development stage, it was brought to the County's attention that AZS Enterprises, Inc. was in the process of developing the property across RM 1826 from Nutty Brown Road as a convenience store and gas station. Coordination meetings were held with developers, engineer, and the County's design engineer. TxDot, County Commissioner's and City of Dripping Springs. All parties were in agreement that the left turn bay for Nutty Brown Road should be extended to accommodate the convenience store and improve safety. AZS Enterprises, Inc. has agreed to provide the County with \$90,000 to cover the added engineering and construction costs for the extension of the turn lane to accommodate the convenience store. The GEC believes this amount is sufficient to cover the additional work. Per Commissioners Court's request on March 29th Special Counsel Mark Kennedy has provided edits that would commit developer for overage related to the extension of the turn lane. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a development agreement between Hays County and AZS Enterprises, Inc., for the funding of construction and engineering costs associated with the extension of the left turn lane at the intersection of Nutty Brown Road and RM 1826 to accommodate left turn movements into the convenience store being constructed by AZS Enterprises, Inc along with the fact that if the costs are less \$90,000 we would reimburse for the cost of construction. All voting "Aye". MOTION PASSED**

27975 ACCEPT THE ANNUAL REPORT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #3

Chief David Smith gave an overview of the ESD No. 3 Annual Report. Hays County ESD #3 was originally a Rural Fire District formed on August 22, 1983. The RFD was converted to an ESD on August 28, 1997. In 1998 they contracted with South Hays Fire Department. This ESD covers 116 square miles of area surrounding San Marcos. There are currently 86 volunteers – 27 Career Certified Firefighters, 37 Volunteer Certified Firefighters, 42 EMT's or Paramedics, 16 SMART Divers (San Marcos Area Recovery Team), 2 paid staff – Chief and Administrative Assistant. There are 3 full service fire stations – San Antonio Street, Ranch Road 12, and Hilliard Road. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the annual report from the Hays County Emergency Services District #3. All voting "Aye". MOTION PASSED**

27976 APPOINT SANDRA TENORIO TO THE REDISTRICTING COMMITTEE

John Leonard has stepped down from the Redistricting Committee due to health reasons. Sandra Tenorio has been an active member in our county. She has been involved in many local organizations and is currently serving on the Buda Council. Mary Gonzales San Marcos resident made a public comment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to appoint Sandra Tenorio to the Redistricting Committee. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**



27977 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION REGARDING AN EXCESSIVE FORCE POLICY RELATED TO NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS AS REQUIRED UNDER TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REQUIREMENTS

Hays County has served as the applicant and administrator for grant funding received from the Texas Department of Rural Affairs, Texas Community Development Block Grant Program for the Cedar Oak Mesa Water Supply Corporation, Water System Improvement projects. Requirements associated with this Program include a Resolution by the County regarding an Excessive Force Policy that prohibits the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility of location which is the subject of such demonstrations. Failure to have this Resolution in place would result in the need to repay the grants received and further restrict County eligibility for future funding opportunities under this program. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt the Excessive Force Policy, as presented by the Grants Office, for the purposes of qualifying for particular federal grant monies; and to recognize the existence and congruence of a Use of Force Policy already in effect at the Hays County Sheriff's Office. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27978 ACTION IN REGARD TO THE PARTICIPATION OF THE HAYS COUNTY WATER & WASTEWATER AUTHORITY IN THE CURRENT CUSTOMER COALITION EFFORT TO PREPARE AN INDICATIVE BID FOR PURCHASE OF LCRA WATER & WASTEWATER HOLDINGS – TABLED

Sam Brannon San Marcos and Lenee Lovejoy San Marcos residents made a public comment. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to table this item until next week when we will have documentation. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27979 ACTION TO AMEND THE HISTORICAL JAIL RESTORATION BUDGET FOR THE OLD HAYS COUNTY JAIL FUNDRAISING CAMPAIGN

The Historical Commission will be hosting a fundraising event to kick off the Old Jail "fundraiser" campaign. All staff for the Historical Commission are volunteers, therefore, we would like to use funds budgeted in miscellaneous capital improvements to contract with an event coordinator. No additional funds are needed. Amount requesting \$2,750.00 (144-676-00.5448-contract services). Mary Gonzales San Marcos resident made a public comment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Historical Jail Restoration budget for the Old Hays County Jail fundraising campaign. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27980 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT LOCATED AT FOULKROD BUSINESS PARK #2, 5295 DACY LANE, BUDA, TX, IN PRECINCT 2

Foulkrod Business Park # 2 is proposing an OSSF to serve an office warehouse park at 5295 Dacy Lane, Buda in Precinct 2. The 3.0137 acre property is owned by Mr. James Foulkrod. The proposed system is low pressure dosing (subsurface) that was designed by Jim Conner. In addition, the On Site Sewage Facility is designed for maximum wastewater flow of 250 gpd. The water is supplied by Goforth WSC. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize an institutional OSSF Permit located at Foulkrod Business Park #2, 5295 Dacy Lane, Buda, TX, in Precinct 2. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27981 AUTHORIZE COMMERCIAL ON-SITE SEWAGE FACILITY PERMIT FOR MARY GREGOIRE (SOUTHWEST HILLS VET CLINIC) LOCATED AT 13345 NUTTY BROWN ROAD, IN PRECINCT 4

Mary Gregoire representing Brother Francis LP is proposing an OSSF to replace the existing on-site-sewage facility that services an existing Veterinary Clinic. The facility consists of an existing vet clinic and horse stall building and a new 840 sq ft kennel building. The tract of land is 13.7 acres. The proposed on-site sewage facility consists of an aerobic treatment unit followed by surface dispersal. The spray will be dispersed between the hours of midnight and 5 a.m. The system was designed by Joe Wells, Jr. P.E. The On Site Sewage Facility is designed for a maximum wastewater flow of 295 GPD. The water supply is an on-site water well. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Commercial On-site Sewage Facility permit for Mary Gregoire (Southwest Hills Vet Clinic) located at 13345 Nutty Brown Road, in Precinct 4. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**



27982 AUTHORIZE THE COUNTY JUDGE TO SIGN A LETTER OF SUPPORT FOR THE HDR ENGINEERING, INC. RESEARCH GRANT PROPOSAL TO THE TEXAS WATER DEVELOPMENT BOARD FOR A SUBDIVISION-SCALE RAINWATER HARVESTING SYSTEM STUDY

Jeff Hauff Grants Director gave an overview of this item. Peter Newell with HDR gave an overview of this item. Lenee Lovejoy San Marcos resident made a public comment. Texas Water Development Board has issued a call for proposals to assess the feasibility of subdivision-scale rainwater harvesting systems, including design, cost, regulatory requirements and other considerations involved with such systems. Grant funds will be made available by the TWDB to conduct the study. HDR Engineering, Inc. is interested in submitting a proposal to undertake the study and has requested that Hays County support the project through a letter of support and in-kind services provided by County personnel and the proposed County Water Working Group. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a letter of support for the HDR Engineering, Inc. research grant proposal to the Texas Water Development Board for a Subdivision-scale Rainwater Harvesting System study. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

27983 AUTHORIZE COMMISSIONER WILL CONLEY TO REPRESENT HAYS COUNTY IN DISCUSSIONS WITH THE OFFICIALS FROM THE DEPARTMENT OF INTERIOR AND OTHERS IN WASHINGTON D.C.; AND TO AUTHORIZE PAYMENT OF TRAVEL AND ACCOMMODATIONS OUT OF COUNTYWIDE CONTINGENCIES

Commissioner Conley will be meeting with representatives from the Department of the Interior and other officials in Washington D.C. to discuss streamlining the permitting processes related to the Regional Habitat Conservation Plan, Hays County road projects and other projects that require permitting by the federal government. Since that is not a precinct specific issue, payment out of the county budget is appropriate to authorize payment of \$2,186.85 for travel and accommodations out of county wide contingencies 001-645-00.5399. Mary Gonzales and Lenee Lovejoy San Marcos residents made a public comment. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Commissioner Will Conley to represent Hays County in discussions with the officials from the Department of Interior and others in Washington D.C.; and to authorize payment of travel and accommodations out of countywide contingencies. All voting "Aye". MOTION PASSED**

Clerk's Note: COMMISSIONER CONLEY LEFT COURT TO TRAVEL TO WASHINGTON D.C.

27984 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN HAYS COUNTY AND HAYS COUNTY LAW ENFORCEMENT ASSOCIATION (HCLEA). EXECUTIVE SESSION MAY BE CONVENED PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 9:52 a.m. and reconvened into open meeting at 10:17 a.m. In attendance were: Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Dee Dee Baen Human Resources Director, and Mark Kennedy Special Counsel. County representatives have been negotiating an agreement with HCLEA under Chapter 174 of the Local Government Code and have now reached a final agreement with the bargaining agent. It is expected that the law enforcement Bargaining Unit will have ratified the final draft proposal. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Collective Bargaining Agreement between Hays County and Hays County Law Enforcement Association (HCLEA) as negotiated by the bargaining team and to be effective April 1, 2011. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #19 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON CR 266 AKA OLD BASTROP HWY IN PRECINCT 1 – was pulled

ACTION RELATED TO THE BURN BAN

At this time the Court will continue the Burn Ban. The County Judge spoke of Hays County Volunteer Fire Departments helping out in East Texas.

Clerk's Note Agenda Item # 21 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



Clerk's Note Agenda Item #22 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW – **was pulled**

Clerk's Note Agenda Item # 23 RE: PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS – **was pulled**

27985 ACTION TO APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Sherri Eldridge HR Director in the Sheriff's Office and Captain Mark Cumberland spoke of need to fill some existing positions and explained that these are not new hires. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to hire 2 full time and one full time positions in the Sheriff's Office and that these are to fill existing positions and are within in the budget. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item # 25 RE: DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE-**was pulled**

Sam Brannon San Marcos resident made a public comment regarding agenda item #22 & #25.

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 April 12, 2011.



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

