



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 19<sup>TH</sup> 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
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

WITH COMMISSIONER PCT. 3 WILL CONLEY ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Craig Curry of the First Baptist Church of Dripping 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.

#### PUBLIC COMMENTS

Judge Cobb read an email sent to him by Susie Carter. Jim McMeans Wimberley resident and a member of Citizen Alliance for Responsible Development, Lila McCall Wimberley resident, Donna Williams Wimberley resident, Brent Pulley Woodcreek resident, David Glenn Wimberley resident, Constable Pct 2 James Kohler, Sam Brannon San Marcos resident made public comments.

#### 27986 ADOPT A PROCLAMATION DECLARING APRIL 23 - 30, 2011 AS NATIONAL INFANT IMMUNIZATION WEEK

Sam Brannon San Marcos resident and Priscilla Hargraves Personal Health Director spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring April 23 - 30, 2011 as National Infant Immunization Week. All present voting "Aye". MOTION PASSED

#### 27987 ADOPT A PROCLAMATION DECLARING MAY 2011 AS OLDER AMERICANS MONTH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring May 2011 as Older Americans Month. All present voting "Aye". MOTION PASSED

#### 27988 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices of the amount of \$305,254.46 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

#### 27989 APPROVE COMMISSIONER COURT MINUTES OF APRIL 7 AND APRIL 12, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of April 7 and April 12, 2011 as presented by County Clerk. All present voting "Aye". MOTION PASSED

#### 27990 APPROVE OUT OF STATE TRAVEL FOR JUDY SEIM, COMPLIANCE / COLLECTIONS ADMINISTRATOR TO ATTEND THE NATIONAL GOVERNMENTAL COLLECTIONS CONFERENCE, TO BE HELD IN LAS VEGAS, NEVADA SEPTEMBER 19-21, 2011

The National Governmental Collections Conference is a two day event with multiple sessions focusing on improving Court Collections and Compliance, Increasing Governmental Revenues and examining collections technologies. The purpose of the conference is to identify issues and discuss strategies positively impacting governmental collections via education, training, techniques and technology. Update on Texas OCA policies along with information pertaining to Federal Intercept Laws. Funds for the conference would be utilized from current continuing education fund which have already be budgeted. Amount budgeted \$986.04 (001648-00.5551). A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Out of State Travel for Judy Seim, Compliance/Collections Administrator to attend the National Governmental Collections Conference, to be held in Las Vegas, Nevada September 19-21, 2011. All present voting "Aye". MOTION PASSED



**27991 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR JOHN HENRY CAVANAUGH, SHERIFF'S OFFICE CORRECTION INFIRMARY SUPERVISOR, TO ATTEND THE UPDATES IN CORRECTIONAL HEALTH CARE CONFERENCE IN PHOENIX, ARIZONA ON MAY 21-24, 2011**

A Correctional Health Care Conference is scheduled in Phoenix, Arizona on May 21-24, 2011. The Hays County Sheriff's would like Correction Infirmory Supervisor, John Henry Cavanaugh, to attend. Updates 2011 is designated to shed light on many of the emerging issues that affect work and will propose strategies for managing them. Topics such as new treatment modalities, updates practice recommendation, evolving standards of care, ever changing laws and regulations and innovative cost containment will be discussed during the conference. Amount required \$1800.00 (001-618-00-5551). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Out of State Training Travel Request for John Henry Cavanaugh, Sheriff's Office Correction Infirmory Supervisor, to attend the Updates in Correctional Health Care Conference in Phoenix, Arizona on May 21-24, 2011. All present voting "Aye". MOTION PASSED**

**27992 APPROVE THE FY 2010 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) CARRYOVER PROJECT AND AMEND THE BUDGET ACCORDINGLY**

DSHS allowed the local health departments to submit an amended budget to expend funds that were not spent during FY2010. The Personal Health Department (PHD) has until July 31, 2011 to spend these funds. The total for the project is \$19,765. This will be used to purchase computer equipment for the people in the PHD who are designated in the Continuity of Operations Plan (COOP) as National Incident Management Systems(NIMS) positions. These are the staff that have specific duties during an emergency response and must be able to log in to the Web EOC and the Public Health Information Network (PHIN). The budgeted will need to be amended so that the unspent funds of \$19,765 will come out of the computer equipment line item # 120-675-99-023.5712. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the FY 2010 Public Health Emergency Preparedness (PHEP) Carryover project and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**27993 APPROVE REDIRECTION OF FUNDS IN THE FY 2011 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) CONTRACT AND AMEND THE BUDGET ACCORDINGLY. ALSO APPROVE THE 10% "IN-KIND MATCH" ON THE FY2011 PHEP CONTRACT BE MOVED TO ITS OWN COST CENTER PER THE REQUIREMENT OF THE FINANCIAL MANAGEMENT DIVISION OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND AMEND THE BUDGET ACCORDINGLY**

Funds from the FY 2010 Public Health Emergency Response extension grant were utilized to purchase radios that were initially earmarked for the FY 2011 PHEP grant. This has left funds in the FY 2011 PHEP budget which need to be moved to other line items so that other needed items to support the program may be purchased. The required 10% "in-kind match" was approved along with the FY 2011 PHEP grant application on June 15, 2010. The PHD has been documenting "in-kind match". However, the Financial Management Division of DSHS requires that this match be shown separately from the operating budget and be moved to its own cost center. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve redirection of funds in the FY 2011 Public Health Emergency Preparedness (PHEP) contract and amend the budget accordingly. Also approve the 10% "in-kind match" on the FY2011 PHEP contract be moved to its own cost center per the requirement of the Financial Management Division of the Texas Department of State Health Services (DSHS) and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**27994 AMEND BUDGET OF JUSTICE OF PEACE PCT 3 FOR CONTINUING EDUCATION FROM JURY EXPENSE**

David Crowell Kyle resident made a public comment. Justice of the Peace Pct 3 Andrew Cable is requesting to amend his budget for continuing education from Jury expense amount requesting is \$300. (001-628-00.5551 continuing education from 001-628.005306 Jury). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend Budget of Justice of Peace Pct 3 for Continuing Education from Jury expense. All present voting "Aye". MOTION PASSED**

**27995 BOSTWICK SUBDIVISION [11-1-1- 2 lots] APPROVE PRELIMINARY PLAN**

Roxie Botkin Subdivision Coordinator gave staff recommendation. The Bostwick Subdivision is a proposed subdivision of 16.00 acres of land located off S. Old Stagecoach Rd in Pct 2. The division will consist of 2 lots as follows: Lot 1 consist of 5.010 acres and Lot 2 consist of 7.564 acres. Lot 1 is served by an existing private well and OSSF. Lot 2 will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the preliminary plan of Bostwick Subdivision. All present voting "Aye". MOTION PASSED**



**GRANT DEVELOPMENT AUTHORIZATIONS TO MELISSA MACEO, OWNER OF LO1 IN THE DARLINGS HILL SUBDIVISION; PROVIDE GUIDANCE TO STAFF REGARDING FUTURE DEVELOPMENT AUTHORIZATIONS IN DARLINGS HILL SUBDIVISION**

Clint Garza Director of Development Services spoke of need for a plat restriction and a Joint Maintenance Agreement. Melissa Maceo has submitted an application for development permits including flood hazard area and OSSF. Upon review of the application staff found out, if permitted, the property owner would be in violation a plat restriction in the subdivision. Especially the plat note restricts development to one single-family residence per lot. This restriction was put in place because the subdivision is served by a shared access driveway and a condition for plat approval is the limitation on future development on those lots. The purpose for the restriction is to ensure future lot owners adequate access to their homes and limit the wear on each driveway. Ms Maceo wishes to build three small cabins as part of a "bed and breakfast or wellness retreat". Specifically Chapter 715.4.01 prohibits permitting on any parcel unless all regulations are met. The proposed development does not regulations as submitted: therefore staff will follow the direction of the court. This item will be brought back next week when Commissioner Conley is present since it is in his Precinct.

**27996 ACTION TO ADD A COURT COORDINATOR FOR THE 428<sup>TH</sup> DISTRICT COURT AND AMEND THE BUDGET ACCORDINGLY**

428<sup>th</sup> District Judge Bill Henry and 274<sup>th</sup> District Judge Gary Steel spoke. In accordance with Government Code, Chapter 74, Court Administration Act, Section 74.101. Court Coordinator. The local administrative judge and each district of statutory county court judge may establish a court coordinator system and appoint a court coordinator for his court to improve justice and expedite the processing of cases through the courts. (b) Each court coordinator serves at the pleasure of the judge who appointed him. The 428<sup>th</sup> District Court Judge is requesting a dedicated Court Coordinator, grade 111 position. The 428<sup>th</sup> District Court is in need of a Coordinator to manage and ensure the civil and jail cases are processed through the court system in a timely and efficient manner. This position will also participate in researching and monitoring Drug Court or other relative grants, as well as coordinate case settings on a local level with the District Court Coordinator assigned to Hays, Caldwell, and Comal counties. Anticipated funding requirements: Salary \$35,337.12 - \$2,944.76 x 5 months = \$14,723.75, FICA/Retirement \$14,723.75 x 18.07% = \$2,660.58, Insurance (medical,dental, life) \$798.57x5 months=\$3,992.85 total for May-September 2011 \$21,377.18. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to add a Court Coordinator for the 428<sup>th</sup> District Court and amend the budget accordingly pending review by the public Judges of job description in regards of consideration with the Human Resources Department to become effective May 1, 2011. All present voting "Aye". MOTION PASSED**

**27997 ACTION TO AWARD THE HAYS COUNTY GOVERNMENT CENTER FURNITURE BID TO BKM TOTAL OFFICE; AND TO AUTHORIZE THE BUILDING COMMITTEE AND PROGRAM MANAGER TO NEGOTIATE A CONTRACT**

Bob Hinkle of Broaddus & Associates spoke. Six bids were received and reviewed by four members of the building committee, Bob Hinkle, Program Manager and Brenda Jenkins with Broaddus & Assoc. and John Niesen, RA with HDR Architecture. All bids came in under budget, but after review and evaluation, the group was unanimous in their decision with BKM Total Office. The Building Committee understands that local companies are important, but no bids were received from Hays County. Base bid amount is \$ 2,405,232.10. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to award the Hays County Government Center Furniture Bid to BKM Total Office; and to authorize the building committee and program manager to negotiate a contract. All present voting "Aye". MOTION PASSED**

**27998 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN DL BANDY AND HAYS COUNTY FOR CONSTRUCTION SERVICES RELATED TO IMMEDIATE NEEDS AT THE HAYS COUNTY LAW ENFORCEMENT CENTER**

Codi Newsom of Broaddus & Associates spoke of the summary of revisions to the Contract. The following were added: Section 17.10, Article 23, Section 23:6, Section 23.7; Section 23.9, Exhibit A, Exhibit H, Exhibit J, Exhibit J. On the April 5, 2011 agenda, Hays County Commissioners Court awarded the bid for construction related to immediate needs at the Hays LEC to DL Bandy. DL Bandy's original proposal according to his RFP response included the following fees: Pre-Construction Phase Fee: \$7,500, Construction Phase Fee \$40,000, General Conditions: \$85,585. Program Manager and County Staff are in the process of finalizing the Construction Manager at Risk Agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Construction Manager at Risk Agreement between DL Bandy and Hays County for construction services related to immediate needs at the Hays County Law Enforcement Center. All present voting "Aye". MOTION PASSED**



**27999 GRANT A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO JOHNNY CAMPBELL, OWNER OF A 4.99 ACRE PORTION OF LOT 11 IN SILVER SPUR RANCHETTES**

Clint Garza Director of Development Services spoke of need for platting of all lots in lot 11. Mr. Campbell is the owner of a 4.99 acre portion of a lot in the Silver Spur Ranchettes Subdivision in Pct 4. Mr. Campbell applied for a permit to construct an On-Site Sewage Facility to replace his existing failing system. He has been informed that his parcel was part of an illegal division of land is required to be platted under both the Local Government Code and the Hays County Development Regulations. In addition to the platting requirement, Chapter 715.4.01 of the Hays County Development Regulations prohibits the Department from issuing any development permit on a tract of land that is not in compliance with all current rules. The property owner has been made aware of the plat requirement, and the noncompliant portions of the lot will have to be re-platted to meet Hays County rules. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to grant a variance from Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow permitting of an On-Site Sewage Facility Development Permit to Johnny Campbell, owner of a 4.99 acre portion of lot 11 in Silver Spur Ranchettes with the provision that all the lots in Lot 11 be platted within 90 days and to include the filing of an Affidavit (required of Mr. Campbell) in the County Clerk's Office. All present voting "Aye". MOTION PASSED**

**28000 APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH R.G. MILLER ENGINEERS, INC. FOR STUDY AND RECOMMENDATION FOR REPAIRS/IMPROVEMENTS TO RIVER OAKS DAM, AKA BELL SPRINGS DAM. THIS ACTION WILL AUTHORIZE THE COUNTY JUDGE TO SIGN/EXECUTE THE PSA**

Jerry Borcharding Director of Transportation gave staff recommendation. TCEQ has inspected this dam and has determined that it is in poor condition and recommends that a Licensed Texas Professional Engineer study the structure to determine adequacy. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a Professional Services Agreement with R.G. Miller Engineers, Inc. for study and recommendation for repairs/improvements to River Oaks Dam, aka Bell Springs Dam. This action will authorize the County Judge to sign/execute the Professional Services Agreement. All present voting "Aye". MOTION PASSED**

**ACCEPT A PETITION FOR THE CREATION OF A "COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION"; APPROVING THE ARTICLES OF INCORPORATION, BYLAWS, AND DIRECTORS OF SAID CORPORATION; AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF LEANDER, AND THE CITY OF BEE CAVE RELATED TO LCRA'S INTENT TO SELL ITS WATER AND WASTEWATER SYSTEMS**

Sam Brannon San Marcos resident, Dan Robison Austin resident, Roger Durden Hays County resident & Hays County WCID No. 1 Vice President (read Proclamation), Pix Howell Wimberley resident & Board member from the City of Leander, David Crowell Kyle resident, and Barbara Hopson Wimberley resident spoke. Special Counsel Mark Kennedy spoke of document that was passed in Court in 2000. On April 12, 2011 Commissioners Court Meeting discussion this item considers the County's participation in a coalition of local governments that are interested in receiving information related to bidding for the local water and wastewater utilities, systems, and facilities recently advertised by the Lower Colorado River Authority (LCRA). This contemplated action must be made pursuant to the request of 3 Hays County citizens. It would establish Commissioner Whisenant as one board member on the corporation that would act under the Interlocal Agreement between the collaborating local governmental entities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a petition for the creation of a "Coalition of Central Texas Utilities Development Corporation"; approving the Articles of Incorporation, Bylaws, and Directors of said corporation; and authorizing the County Judge to execute an Interlocal Cooperation Agreement between Hays County, the City of Leander, and the City of Bee Cave related to LCRA's intent to sell its water and wastewater systems. Commissioner Ingalsbe and Commissioner Jones voting "No". Commissioner Whisenant and Judge Cobb voting "Aye". MOTION FAILED**

**28001 APPROVE THE APPOINTMENT OF GARY GRIFFIN AS RESERVE DEPUTY CONSTABLE IN PRECINCT 3 TO REPLACE RESERVE DEPUTY CONSTABLE TRAVIS BROWN WHO HAS GONE TO WORK FOR CONSTABLE DAVID PETERSON IN PRECINCT 1**

Constable Pct. 3 Darrell Ayres spoke of utilizing Reserve Deputies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe approve the appointment of Gary Griffin as Reserve Deputy Constable in Precinct 3 to replace Reserve Deputy Constable Travis Brown who has gone to work for Constable David Peterson in Precinct 1. All present voting "Aye". MOTION PASSED**



**28002 APPROVE THE LIEUTENANT'S POSITION AND ITS FUNDING FOR THE HAYS COUNTY GOVERNMENT CENTER, EFFECTIVE MAY 1, 2011 AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office would like to request the Commissioners Court to release the funds for the position of Lieutenant for the new Government Center. This is a new position that will need to be funded. Lt Ronnie Strain will be place in this position. His current salary is \$70,418. Amount requesting is a five month salary of \$29,340.83, FICA and retirement \$5,301.89, Insurance \$ 3,992.85 total of \$ 38,635.57. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the creation of a Lieutenant's position and it's funding for the Hays County Government Center, effective May 1, 2011 amount needed is \$38,635.57. All present voting "Aye". MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.076 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING SECURITY DEVICES AND PERSONNEL AT THE HAYS COUNTY GOVERNMENT CENTER. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT**

Court convened into closed executive session at 11:55 a.m. and reconvened into open court meeting at 12:55 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, members of the Sheriff's Office: Sheriff Gary Cutler, Captain Mike Davenport, Captain Mark Cumberland, Lt. Ronnie Strain, and Robert Hinkle of Broaddus & Associates. Sam Brannon San Marcos resident made a public comment. No action today.

**ACTION RELATED TO THE BURN BAN**

Burn Ban will remain in effect due to the conditions not changing in the last week.

**Clerk's Note Agenda Item #22 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 #23 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 #24 RE:** PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS – **was pulled**

**Clerk's Note Agenda Item #25 RE:** APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S) – **was pulled**

**Clerk's Note Agenda Item #26 RE:** DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE – **was pulled**

**A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe 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 April 19, 2011.**



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



