



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15TH DAY OF FEBRUARY 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:

Brother David Sweet of Hays Hills Baptist Church of Buda gave the invocation and Judge Cobb led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

27808 ADOPT A PROCLAMATION DECLARING FEBRUARY 20-26, 2011 AS SEVERE WEATHER AWARENESS WEEK

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a proclamation declaring February 20-26, 2011 as Severe Weather Week. All voting "Aye". MOTION PASSED

Clerk's note Agenda item #2 RE: PRESENTATION FOR SWEARING-IN AND CONFIRMATION OF MEMBERS TO THE HAYS COUNTY HISTORICAL COMMISSION – was postponed until next week

PUBLIC COMMENTS

Alan Cameron gave a big thank you to staff involved in acquiring a bus for the Veteran's Service Office. Mike Mendoza also thanked everyone and spoke of all the Veterans this will provide service to. Jeff Reeves spoke on behalf of Hays County Youth Athletic Association and the need for emergency release of \$55K from the County.

27809 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of county invoices in the amount of \$310,613.18 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27810 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 8, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioner Court Minutes of February 8, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27811 APPROVE OUT OF STATE TRAVEL FOR JEFF TURNER, EMC, TO ATTEND NEW MEXICO TECH'S ENERGETIC MATERIALS RESEARCH AND TESTING CENTER (EMRTC) IN SOCORRO, NEW MEXICO FOR THE INCIDENT RESPONSE TO TERRORIST BOMBINGS (IRTB) COURSE ON MARCH 28TH TO MARCH 31ST, 2011.

Jeff Turner has been accepted into a training program at New Mexico Tech's Energetic Materials Research and Texting Center (EMRTC) in Socorro, New Mexico. The Course will be in Homeland Security Response to Terrorist Bombings based scenario. This program has a zero cost for attending and no budgeted dollars will be necessary for attendance. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve out of state travel for Jeff Turner, EMC, to attend New Mexico Tech's Energetic Materials Research and Testing Center(EMRTC) in Socorro, New Mexico for the Incident Response to Terrorist Bombings (IRTB) course on March 28th to March 31st, 2011. All voting "Aye". MOTION PASSED



27812 APPROVE THE ISSUANCE OF A CREDIT CARD FOR JEFF TURNER, EMC, PER THE HAYS COUNTY POLICY FOR CREDIT CARD USE

This request for EMC Jeff Turner to be approved for and issued a County Credit Card. Normal credit card policy will be implemented with this approval not to exceed \$1500. The use of the card will be for operational efficiencies within the Emergency Management department related to purchases and travel. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the issuance of a credit card for Jeff Turner, EMC, per the Hays County Policy for Credit Card Use. All voting "Aye". MOTION PASSED**

27813 CALL FOR A PUBLIC HEARING ON MARCH 1, 2011 FOR SHADOW CREEK SUBDIVISION, PHASE 3 FOR TRAFFIC REGULATIONS

The County accepted maintenance of all roads with Shadow Creek subdivision, Ph 3 on February 1, 2011. This public hearing will establish a stop sign on Antelope Plains Road(990 FT.) at Marsh Lane(885ft.) a stop sign on Antelope Plains Road at Heron Drive (784ft.) a stop sign on Kings Ridge Drive(1202ft) at Marsh Lane, a stop sign on Kings Ridge Drive at Heron Drive, a stop on Heron Drive at Spanish Trails Blvd (3054ft.) a stop sign on Quarter Avenue(1024 ft) at Shadow Creek Blvd(272ft) a stop sign on Dragonridge Road (1478 ft) at Spanish Trails Blvd, a stop sign on Hunter Creek Cove(351ft) at Dragonridge Road, a stop on Pebble Creek Lane (477 ft) at Spanish Trails Blvd, a stop sign on Wildfire Cove (440 Ft) at Spanish Trails Blvd, and set a speed limit of 25 MPH on all roads. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for public hearing on March 1, 2011 for Shadow Creek Subdivision, Phase 3 for traffic regulations. All voting "Aye". MOTION PASSED**

27814 CALL FOR A PUBLIC HEARING ON MARCH 1, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON TAYLOR DRIVE IN CIMARRON PARK SUBDIVISION

This request is to establish a 3-way stop on Taylor Drive at Vail Lane, and a 3-way stop on Taylor Drive at Edgewood Drive in Cimarron Park Subdivision. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on March 1, 2011 to establish traffic regulations on Taylor Drive in Cimarron Park subdivision. All voting "Aye". MOTION PASSED**

27815 CALL FOR A PUBLIC HEARING ON MARCH 1, 2011 FOR BIG SKY RANCH SUBDIVISION TO ESTABLISH TRAFFIC REGULATIONS

The County accepted maintenance for all roads within Big Sky Ranch subdivision on February 1, 2011. This public hearing will be to establish: a stop sign on Blue Sky Lane (3,322ft) at Mt. Sharp Road (CR219) a stop sign on Starlight Trail (1,031ft) at Blue Sky Lane, a stop sign on Moondance Trail (713 ft) at Blue Sky Lane, set a speed limit of 30 MPH on Blue Sky Lane, and set a speed limit of 25 MPH on both Moondance Trail and Starlight Trail. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on March 1, 2011 for Big Sky Ranch subdivision to establish traffic regulations. All voting "Aye". MOTION PASSED**

27816 ACCEPT THE RACIAL PROFILING REPORT FROM CONSTABLE PRECINCT 2

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the Racial Profiling Report from Constable Precinct 2. All voting "Aye". MOTION PASSED

27817 ADOPT A RESOLUTION IN SUPPORT OF SJR 17 (SENATE JOINT RESOLUTION 17) BY SENATOR CARONA REGARDING UNFUNDED MANDATES

Two weeks ago, the court adopted the House Version (HJR 56 by Rep. Burt Solomons R-Carrollton) of SJR 17 regarding unfunded mandates that has been filed by Sen. John Carona (R-Dallas) Senator Carona describes an unfunded mandates prohibition as "fair and responsible policy". It's a constitutional amendment outlawing unfunded mandates. Carona went on to say, "when the state shifts the cost burden in the manner, it puts local government in the difficult position of cutting services of increasing taxes in order to shoulder cost." Just as the state created a budget, local government create a budget and prioritize services within that budget, he continued. The Senate and House resolutions ensure that when the state requires local government entities to make an expenditure, the state must provide payment for that expense, effectively banning unfunded mandates. We must ensure that we can continue to provide the services we deem necessary and important. Passage of the legislation will be the most effective way the state can affect property tax rates- by ensuring that local governments will not assume the undue burden of unfunded mandates. If passed by the Legislature, SJR 17 and HJR 56 would be on the ballot in November of this year and, if voters approve it, take effect Jan 1,2012. As of Feb 2, TAC has received resolutions supporting passage of HJR 56 from more than 55 counties, and they continue to arrive each day and as of Feb 7, there are 27 House members signed on as co-authors of HJR 56. It is a bi-partisan group. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a resolution in support of SJR 17 (Senate Joint Resolution 17) by Senator Carona regarding unfunded mandates. All voting "Aye". MOTION PASSED**



- 27818 APPROVE PAYMENT OF AN INVOICE FROM ENVIROSOPH TECHNOLOGIES, LP FOR REPAIRS MADE AT THE YORK CREEK RD, LOW-WATER CROSSING EARLY WARNING SYSTEM, NOT TO EXCEED \$4,035.00, AND TO AMEND THE BUDGET ACCORDINGLY**

Envirosoph Technologies, LP repaired the electronics at the York Creek Rd location, which was damaged and not functioning due to a lighting strike in a storm during the week of June 8, 2010. Sensor boards and equipment connections were placed and that location is now operational. Currently, there are no funds available in line item 020-710-00-5411 (Equipment Maintenance & Repair) for these repairs. The Transportation Department is looking for emergency funds for this repair, as funds were not available in FY 2010 for payment.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of an invoice from Envirosoph Technologies, LP for repairs made at York Creek Rd, low-water crossing early warning system, not to exceed \$4,035.00 and to amend the budget accordingly. All voting "Aye". MOTION PASSED

- 27819 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR SCHOOL FOOD ESTABLISHMENT INSPECTION SERVICES BETWEEN HAYS COUNTY AND THE CITY OF WIMBERLEY; AND TO PROVIDE GUIDANCE TO STAFF REGARDING THE ASSESSMENT OF FEES FOR THIS SERVICE COUNTY-WIDE**

Hays County, the City of Wimberley, and Wimberley ISD have been in conversation regarding the responsibility of permitting and inspecting the food establishments in the City of Wimberley. Hays County previously performed these inspections as a part of the previous agreement with the city, under which all food establishments in the City of Wimberley's jurisdiction. Since that time, the city has adopted rules for food establishments and took over the inspections of the Schools. Currently Hays County does not charge permit or inspections fee's to any ISD throughout the County however, the City of Wimberley charges a small fee to cover costs associated with the inspections. The ISD would like the County to perform the inspections at no cost to the district as done in the past. Estimated costs with these inspections are \$ 288.16 for all 4 schools covered by the attached agreements. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute an Interlocal Agreement for School Food Establishment Inspection Services between Hays County and the City of Wimberley; and to provide guidance to staff regarding the assessment of fees for this service county-wide at this time we will do this free of charge. All voting "Aye". MOTION PASSED**

- 27820 APPOINT PRECINCT 4 COMMISSIONER, RAY WHISENANT AS THE COURTS REPRESENTATIVE ON THE CAPITOL AREA COUNCIL OF GOVERNMENTS (CAPCOG) CLEAN AIR COALITION (CAC)**

A motion was made by Commissioner Conley, seconded by Commissioner Jones to appoint Precinct 4 Commissioner, Ray Whisenant as the Courts Representative on the Capitol Area Council of Governments (CAPCOG) Clean Air Coalition (CAC). All voting "Aye". MOTION PASSED

- 27821 AMEND THE ANIMAL CONTROL AND ESD DISPATCH BUDGETS FOR HOLIDAY OVERTIME COSTS**

Due to staffing coverage over the holidays, the Animal Control division and ESD Dispatch occasionally has overtime hours paid out of their budgets. Historically the Sherriff's office has covered these charges out of their overtime budget. However, in order to accurately record expenses to operate each department, the Auditor's Office has asked that these funds be moved to the appropriate department. Funds from the Sherriff's office overtime budget will be used to cover this amendment. No additional funds needed. Amount required \$1,394- Animal Control, \$6,650- ESD Dispatch. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Animal Control and ESD Dispatch budgets for Holiday Overtime costs. All voting "Aye". MOTION PASSED**

- 27822 AMEND THE ANIMAL CONTROL BUDGET FOR ANIMAL SHELTER SERVICES CONTRACT WITH THE CITY OF SAN MARCOS**

The County contracted with the City of San Marcos to expand the animal shelter and provide shelter services to the County, in which the County would pay out annually over a ten year period. Due to an oversight during the budget process, there were not enough funds budgeted to cover the FY11 contracted amount. The Sheriff's Office has vehicle savings to cover this budget amendment. No additional funds needed. Amount required \$4,087. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Animal Control budget for animal shelter services contract with the City of San Marcos. All voting "Aye". MOTION PASSED**



EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT-OF-WAY ACQUISITION ON R.M. 2325 IN PRECINCT 3

Sam Brannon requested that the Court take no action at this time. In attendance will be Lori Bible of LAN and Special Counsel Mark Kennedy. Court convened into closed executive session at 9:48 a.m. and reconvened into open meeting at 10:03 a.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Sam Brannon requested that the Court take no action at this time. In attendance will be Dee Dee Baen Human Resources Director, Special Counsel Mark Kennedy, County Auditor Bill Herzog, Captain Mike Davenport of the Sheriff's Office and Shari Miller of the Human Resources Department. Court convened into closed executive session at 10:02 a.m. and reconvened into open meeting at 11:22 a.m. No action taken.

DISCUSSION RELATED TO THE BURN BAN

At this time the Fire Marshal advises the County not to lift the Burn Ban.

Clerks 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; 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 -pulled*

Clerks 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. POSSIBLE ACTION MAY FOLLOW - pulled*

Clerks Note Agenda item # 22 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS - pulled*

A motion was made by Commissioner Ingalsbe, 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 February 15, 2011.



Liz Q Gonzalez, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS