



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 25TH DAY OF JANUARY A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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| 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 Erich Siemens of the Calvary Chapel of Springs gave the invocation and Commissioner Whisenant led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

Public Comments

Jerry Borcharding of the Hays County RPTP Department recognized Donna Kruger for her years of services, Mark Key made a public comment

27753 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoices in the amount of \$1,376,231.26 submitted by the County Auditor. All voting "Aye". MOTION PASSED

27754 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 11TH AND JANUARY 18TH, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioner Court minutes of January 11th and January 18th, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27755 APPROVE OUT OF STATE TRAVEL FOR CHARLES CHAPMAN RN, EMERGENCY PREPAREDNESS COORDINATOR TO ATTEND AN EMERGENCY PREPAREDNESS CONFERENCE PRESENTED BY THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO) AND THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) IN ATLANTA, GEORGIA FROM MARCH 21-24, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve out of state travel for Charles Chapman RN, Emergency Preparedness Coordinator to attend an Emergency Preparedness Conference presented by the National Association of County and City Health Officials (NACCHO) and the centers for Disease Control and prevention (CDC) in Atlanta, Georgia from March 21-24, 2011. All voting "Aye". MOTION PASSED

27756 ACCEPT THE DELIVERY OF THE 2010 INTERNAL EXAMINATION REPORTS FOR THE OFFICES OF JUSTICE OF THE PEACE PCT. 1, PLACE 1; PERSONAL HEALTH DEPARTMENT; SHERIFF'S JAIL COMMISSARY; JUSTICE OF THE PEACE PCT. 2; JUSTICE OF THE PEACE 3; JUSTICE OF THE PEACE PCT. 1, PLACE 2; SAN MARCOS/HAYS COUNTY EMS; CONSTABLE PCT. 3; AND JUVENILE PROBATION OFFICE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept the delivery of the 2010 Internal Examination Reports for the offices of Justice of the Peace Pct.1, Place 1, Personal Health Department; Sheriff's Jail Commissary; Justice of the Peace Pct.2; San Marcos/Hays County EMS; Constable Pct. 3 and Juvenile Probation Office. All voting "Aye". MOTION PASSED



27757 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN EMPG GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR UP TO \$ 36,305

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to submit an EMPG Grant application to the Office of the Governor, Division of Emergency Management for up to \$36,305. All voting "Aye". MOTION PASSED

27758 CALL FOR A PUBLIC HEARING ON FEBRUARY 8, 2011 TO ESTABLISH TRAFFIC REGULATIONS ON TIGER LANE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on February 8, 2011 to establish traffic Regulations on Tiger Lane. All voting "Aye". MOTION PASSED

27759 GREAT HILLS SUBDIVISION, SECTION IV [11-2-2-57 LOTS] APPROVE OF FINAL PLAT

A motion was made by Commissioner Jones seconded, by Commissioner Whisenant to approve final plat on Great Hills Subdivision Section IV. All voting "Aye". MOTION PASSED

27760 RESUBDIVISION OF LOT 62 GOLDENWOOD, SECTION II [10-4-14--2 LOTS] APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON FEBRUARY 22, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve preliminary plan Resubdivision of Lot 62 Goldenwood, Section II and call for a public hearing on February 22, 2011. All voting "Aye". MOTION PASSED

27761 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE 2010 TAX ABATEMENT CERTIFICATES FOR CFAN, GENLYTE - HADCO DIVISION, AND GENLYTE - WIDE-LITE DIVISION PER PREVIOUSLY APPROVED AGREEMENTS

Beverly Pennington of Genlyte-HADCO spoke on this item, Benoit Cloutier of CFAN gave a Powerpoint presentation. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley, to authorize the County Judge to execute the 2010 Tax Abatement Certificates for CFAN, Genlyte - HADCO Division, and Genlte - Wide-Lite division per previously approved agreements. All voting "Aye". MOTION PASSED

27762 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM CONSTABLE PCT. 1.

Constable Peterson gave a presentation on the Annual Racial Profile Report. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant, to accept the Annual Racial Profiling Report from Constable Pct.1. All voting "Aye". MOTION PASSED

27763 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO HAYS COUNTY'S LEASE OF SPACE FOR COMMISSIONER, PRECINCT 3 AT 109 E. HOPKINS IN SAN MARCOS, TEXAS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Letter Amendment to Hays County's Lease of space for Commissioner, Precinct 3 at 109 E. Hopkins in San Marcos, Texas. All voting "Aye". MOTION PASSED

**27764 CONSIDER LIFTING THE COUNTY BURN BAN AND REVIEW THE BURN BAN POLICY**

Mark Chambers Hays County Fire Marshall explained about Procedure to lift and to place a burn ban, Dan and Karen Evans gave a Powerpoint presentation on lifting the county burn ban. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to lift the burn ban. MOTION WITHDRAWN A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to keep the burn ban in effect until review next week, this item will be placed on the agenda as a standing agenda item. All voting "Aye". MOTION PASSED

27765 APPROVE THE RE-ORGANIZATION OF RPTP, INCLUDING BUT NOT LIMITED TO MODIFICATION OF JOB DESCRIPTIONS AND THE SEPARATION OF THE CURRENT RPTP DEPARTMENT INTO TWO SEPARATE DEPARTMENTS: TRANSPORTATION AND DEVELOPMENT SERVICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe. to authorize the separation of the current RPTP Department into two separate departments: Transportation and Development Services; approve a title change to the Director, RPTP to Director, Transportation position, no change in grade; approve the Director, Transportation job description and assign Jerry Borcharding to the position, no change in salary; Approve a title change to the Deputy Director, Development Services position to Director, Development Services, no change in grade; approve an exception to the county posting policy and appoint Clint Garza to the Director, Development Services position, without posting the position; Approve an exception to the county promotion salary administration policy and authorize a salary of \$66,515, the 12.5% percentile of the range, for Clint Garza (23.31% increase above current salary of \$53,969; promotion policy would increase salary 16% to the grade 117 minimum of \$62,602); approve the addition of a Subdivision Coordinator position, salary grade 111; approve an exception to the county promotion salary administration policy and authorize a salary \$38,000, the 15.07% percentile of the range, upon selection of Roxie Botkin to the Subdivision Coordinator position (total increase of 15.95% above current salary of \$32,773, promotion policy would increase salary 7.82% to the grade 111 minimum of \$35,337); approve the elimination of one Environmental Health Specialist I, position, after Roxie Botkin vacates the position; all actions effective immediately. All voting "Aye". MOTION PASSED

27766 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$100,000 FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT, NATIONAL RECREATIONAL TRAILS FUND, FOR THE DEVELOPMENT OF THE DAHLSTROM RANCH PUBLIC ACCESS AREA AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to accept a grant award in the amount of \$100,000 from the Texas Parks and Wildlife Department, National Recreational Trails Fund, for the Development of the Dahlstrom Ranch public access area and amend the budget accordingly. All voting "Aye". MOTION PASSED

27767 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE COMMERCIAL LEASE BETWEEN HAYS COUNTY (INFORMATION TECHNOLOGY DEPT.) AND YELLOW ROCK BUSINESS PARK, LLC TO EXTEND THE LEASE FOR A TERM OF ONE (1) YEAR

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Letter Amendment to the Commercial Lease between Hays County (Information Technology Dept) and Yellow Rock Business Park, LLC to extend the lease for a term of one (1) year. All voting "Aye". MOTION PASSED

27768 HIRE A TEMPORARY POSITION IN THE TREASURER'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to hire a temporary position in the Treasurer's office not to exceed one thousand hours and amend the budget accordingly. All voting "Aye". MOTION PASSED



Clerk's Note Agenda # 17 Re; AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL OF AGREEMENT, WITH MODIFICATIONS, BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND DR. JURAIRAT MOLINA, MD FOR PEDIATRIC ALLERGY SERVICES TO BE PROVIDED IN THE PERSONAL HEALTH DEPARTMENT FACILITY **was PULLED no discussion and no action taken**

27769 RESOLUTION OF THE COMMISSIONERS COURT, ESTABLISHING POLICIES AND PROCEDURES ASSOCIATED WITH RIGHT OF WAY AND RIGHT OF WAY ACQUISITION, INCLUDING BUT NOT LIMITED TO THE INDEPENDENT AUTHORITY OF HAYS COUNTY COMMISSIONERS ACTING AS EX OFFICIO ROAD COMMISSIONERS AND THE AUTHORITY OF THE COUNTY JUDGE TO EXECUTE POSSESSION AND USE AGREEMENTS

Lene-e Lovejoy, Sam Brannon made public comments. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to accept amendment to Resolution of the Commissioners Court, establishing policies and procedures associated with Right of Way and Right of Way Acquisition, including but not limited to the independent authority of Hays County Commissioners acting as EX Officio Road Commissioners and the authority of the County Judge to execute Possession and Use Agreements. All voting "Aye". MOTION PASSED

27770 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 1 TO THE ADVANCE FUNDING AGREEMENT REGARDING REALIGNMENT OF FM 2001 EAST OF I-35 IN BUDA, CSJ# 1776-02-015

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Amendment No.1 to the Advance Funding Agreement regarding realignment of FM 2001 East of I-35 in Buda, CSJ# 1776-02-015. MOTION WITHDRAWN A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe, to table this item for one week. All voting "Aye". MOTION PASSED

27771 AUTHORIZE THE HAYS COUNTY JUVENILE CENTER TO CONTRACT WITH AVATT AIR CONDITIONING AND ELECTRICAL TO REPLACE ONE 15 TON AIR CONDITIONER IN THE AMOUNT OF \$12,256.44 AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Hays County Juvenile Center to contract with Avatt Air Conditioning and Electrical to replace one 15 ton air conditioner in the amount of \$12,256.44 and amend the budget accordingly. All voting "Aye". MOTION PASSED

27772 SET AN INFORMATIONAL WORKSHOP ON THE LCRA ISSUES ON FEBRUARY 8, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to set an informational workshop on the LCRA issues on February 8, 2011. All voting "Aye". MOTION PASSED

Clerk's Note--Agenda # 22 Re; ACTION TO CONSIDER GRANTING A VARIANCE TO HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01 TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO LARRY SPECTOR, OWNER OF APPROXIMATELY 9.254 ACRES IN THE LOS RANCHOS SUBDIVISION IN PRECINCT 4 **was PULLED no discussion and no action taken**

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO RECEIVE INFORMATION ONLY ON PROJECT SUNBURST AND PROJECT BIOCENTRAL

Court convened into closed executive session at 11:05 a.m. and reconvened into open meeting at 11:38 a.m. No action taken.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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Clerk's Note – Agenda # 24 Re: *DISCUSSION OF 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 no discussion and no action taken**

Clerk's Note – Agenda # 25 Re: *DISCUSSION OF ISSUES RELATED TO THE RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR* **was PULLED no discussion and no action taken**

A motion was made by Commissioner Jones seconded by Commissioner Whisenant to adjourn Commissioners Court. All voting "Aye". MOTION PASSED

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 JANUARY 25, 2011.



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

