



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 1ST DAY OF MARCH 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:

Trent Kennedy from the Texas State Campus Minister 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

Mary E. Gonzales spoke of public meeting for FM 110. Sam Brannon spoke of needing Statesmen representing the public and requested holding public meetings and delay moving forward on certain upcoming issues.

27850 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of \$ 1,149,436.46 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27851 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 22, 2011

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the Commissioner Court Minutes of February 22, 2011. All voting "Aye". MOTION PASSED

27852 APPROVE REAPPOINTMENT OF COMMISSIONER DEBBIE INGALSBE TO THE CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) BOARD OF DIRECTORS

The appointment is for a two year term beginning in March 2011. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve reappointment of Commissioner Debbie Ingalsbe to the Capital Area Rural Transportation System (CARTS) Board of Directors. All voting "Aye". MOTION PASSED

27853 APPROVE HAYS COUNTY ESD #4 ANNUAL REPORT FOR 2010, FINANCIAL REPORT, AND INDEPENDENT AUDITORS' REPORT

In accordance with the Vernon Statue 234-L relating to the information of a fire district requiring a report annually to the County Commissioners Court in January of each year. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Hays County ESD #4 Annual Report for 2010, Financial Report, and Independent Auditors' Report. All voting "Aye". MOTION PASSED

27854 APPROVE SPECIFICATIONS FOR RFP #2011-P09 CONSTRUCTION MANAGER AT RISK FOR THE HAYS COUNTY LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR PROPOSAL AND ADVERTISE

Hays County and Broadus & Associates are soliciting proposals for selection of a Construction Manager at Risk firm for the Law Enforcement Center Immediate Needs in accordance with the terms, conditions, and requirements set forth in this request for proposals. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve specifications for RFP #2011-P09 Construction Manager at Risk for the Hays County Law Enforcement Center Immediate Needs Project and authorize Purchasing Manager to solicit for proposal and advertise. All voting "Aye". MOTION PASSED



27855 CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR MUSTANG VALLEY SUBDIVISION, SECTION IV

Transportation Director Jerry Borcharding gave staff recommendation for construction of road and drainage improvements, release of the construction bond, and acceptance of the maintenance bond for two years for Mustang Valley Subdivision, Section IV. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to consider the acceptance of road construction and drainage improvements, release of the construction bond, and acceptance of the maintenance bond for two years for Mustang Valley subdivision, Section IV. All voting "Aye". MOTION PASSED**

27856 HOLD A PUBLIC HEARING FOR BIG SKY RANCH SUBDIVISION TO ESTABLISH TRAFFIC REGULATIONS

Judge Cobb opened the public hearing. Public hearing was closed. Transportation Director Jerry Borcharding gave staff recommendation. 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 on Blue Sky Lane (3,322 ft.) at Mt. Sharp Road (CR219), a stop sign on Starlight Trail (1,031 ft.) 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 Whisenant, seconded by Commissioner Ingalsbe to establish traffic regulations for Big Sky Ranch. All voting "Aye". MOTION PASSED**

27857 HOLD A PUBLIC HEARING FOR SHADOW CREEK SUBDIVISION, PHASE 3, FOR TRAFFIC REGULATIONS

Judge Cobb opened the public hearing. Public hearing was closed. Transportation Director Jerry Borcharding gave staff recommendation. The County accepted maintenance of all roads with Shadow Creek subdivision, Ph 3 on February 1, 2011. This public hearing is to establish a stop sign on Antelope Plains Road (990 ft.) at Marsh Lane (885 ft.), a stop sign on Antelope Plains Road at Heron Drive (784 ft.), a stop sign on Kings Ridge Drive (1202 ft.) at Marsh Lane, a stop sign on Kings Ridge Drive at Heron Drive, a stop sign on Heron Drive at Spanish Trails Blvd (3054 ft.), a stop sign on Quarter Avenue (1024 ft) at Shadow Creek Blvd (272 ft), a stop sign on Dragonridge Road (1478 ft.) at Spanish Trails Boulevard, a stop sign on Hunter Creek Cove (351 ft.) at Dragon Road, a stop sign on Pebble Creek Lane (477 ft.) at Spanish Trails Boulevard, a stop sign on Wildfire Cove (440 ft.) at Spanish Trails Boulevard, and set a speed limit of 25 MPH on all roads. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish traffic regulations for Shadow Creek subdivision, Phase 3. All voting "Aye". MOTION PASSED**

27858 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON TAYLOR DRIVE IN CIMARRON PARK SUBDIVISION

Judge Cobb opened the public hearing. Timothy Ponewash spoke of need for stop sign at this intersection. Constable Pct 3 Darrell Ayres asked if this will be regulated by County Personnel. It will be. Public hearing was closed. Transportation Director Jerry Borcharding gave staff recommendation 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 establish traffic regulations on Taylor Drive in Cimarron Park subdivision. All voting "Aye". MOTION PASSED**

27859 ADOPT A RESOLUTION IN SUPPORT OF PROPOSED LEGISLATION TO ADD SUBDIVISION AND ROAD POWERS TO RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICTS NO. 1 AND NO. 2, CONSENT TO AND SUPPORT THE BILL, ENTER THE RESOLUTION IN THE MINUTES OF THIS COURT, AND DELIVER A COPY TO THE STATE SENATOR GLENN HEGAR, STATE REPRESENTATIVE JASON ISAAC, AND TO ANY MEMBER OF THE PUBLIC DESIRING A COPY OF THE SAME

Amanda Morrow spoke on behalf of Walton Texas made public comment. The court has been requested to support a proposed legislative bill regarding Ranch at Clear Fork Creek Municipal Utility Districts (MUD) No.1 and No.2. The MUD is a district located within Hays County. The district will provide for the extension of water, wastewater, and drainage services to currently undeveloped land, enable construction of roadways within currently undeveloped land, and preserve natural resources. The construction of roadways, the improvement, and the development of the land, as proposed by the developers, will increase the tax base of Hays County, which will be of economic benefit to the citizens. Caldwell County and the City of Uhlend have approved this. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a resolution in support of proposed legislation to add subdivision and road powers to Ranch at Clear Fork Creek Municipal Utility Districts No. 1 and No. 2, consent to and support the bill, enter the resolution in the minutes of this Court, and deliver a copy to the State Senator Glenn Hegar, State Representative Jason Isaac, and to any member of the public desiring a copy of the same. All voting "Aye". MOTION PASSED**



27860 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #4 WITH HARRIS ROAD COMPANY FOR THE SPRING LAKE (San Marcos Springs) PRESERVE PROJECT

On October 5, 2010 the Commissioners Court awarded the construction contract for the Spring Lake (San Marcos Springs) Preserve project to Harris Road Company of Wimberley, Texas in the amount of \$108,220.00. Change Order #1 was approved by Commissioners Court on December 7, 2010 with no net change to the contract price. Change Order # 2, approved by the Commissioner Court on December 21, 2010 was done at the request of the City of San Marcos, and increased the contract amount by \$11,250.00 to \$119,470.00. Change Order #3, approved by the Commissioners Court on January 11, 2011 was for \$10,750.00 and increased the total contract amount of \$130,220.00. The current Change Order #4 for \$5,000.00 and is to provide additional trail base materials to gain an accessible route (ADA requirements) to an interpretive kiosk constructed as a Scout project, and to provide an additional viewing station near the sundial feature, enhancing park amenities. These improvements are at the request of the City of San Marcos. The total contract amount with approval of the Change Order would be \$135,220.00. The project is an ongoing joint effort between Texas State University (TSU), the City of San Marcos, and Hays County to conserve a significant land resource of 251 acres located over the Edwards Aquifer Recharge Zone near Aquarena Springs, and provide public access to this area. The project includes accessible and primitive trail development, interpretive signage, benches, outdoor amphitheater (sundial), boardwalk/wildlife viewing station over a pond, and other amenities. This project is funded through a grant from the Texas Parks and Wildlife Department (TPWD), with TSU and the City of San Marcos providing additional funding. No County funds have been allocated or are necessary to complete the construction project. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute Change Order #4 with Harris Road Company for the Spring Lake (San Marcos Springs) Preserve project. All voting "Aye". MOTION PASSED**

27861 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT #4 TO EXHIBIT A OF THE PRIMARY CONTRACT BETWEEN LOOMIS PARTNERS AND HAYS COUNTY, REGARDING DEVELOPMENT OF A HABITAT CONSERVATION PLAN

Clifton Ladd of Loomis spoke if all goes well with this, it will be approved within the next 30 days. Sam Brannon spoke of not being supportive of items like this. Lenee Lovejoy spoke of serious problems with the Habitat Plan that should be addressed and the land should be assessed. This contract amendment would authorize Loomis Partners to work on final approval of Hays County's endangered Species Act Section 10 (a) permit application. Loomis Partners would also work to amend the Habitat Conservation Plan and Environmental Impact Statement. This assignment is expected to take approximately 6 months and not to exceed \$10,000.00. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Amendment #4 to Exhibit A of the primary contract between Loomis Partners and Hays County, regarding development of a Habitat Conservation Plan with the money coming out of Infrastructure fund. All voting "Aye". MOTION PASSED**

27862 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE CHAPTER 381 ECONOMIC DEVELOPMENT INCENTIVES AGREEMENT BETWEEN HAYS COUNTY AND U.S. FOODS

Per Commissioners Jones request, U.S. Foods has agreed to push back the contractual deadline for substantial completion of CR 118, one of the two roadways associated with the Chapter 381 agreement executed last year between Hays County and U.S Foods. The County's obligation to completion is necessary and essential for the operations of the distribution facility. In addition to deadline changes, K Friese and Associates has provided some technical edits to the specifications for the roadway, all of which U.S Foods has indicated are acceptable. The changes in specifications do not substantially alter the proposed improvements under the original Chapter 381 Agreement. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to the Chapter 381 Economic Development Incentives Agreement between Hays County and U.S. Foods. All voting "Aye". MOTION PASSED**

27863 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LICENSE AGREEMENT WITH THE CITY OF SAN MARCOS FOR USE OF THE JUSTICE CENTER PARKING LOT BY THE GENERAL PUBLIC DURING CERTAIN WEEKLY HOURS

This License Agreement is an adaptation of Hays County's standard agreements for use of Courthouse Grounds. The City has expressed a desire to provide more available parking for patrons of its Central Business District during evening and weekend hours. This license agreement accomplishes that and obligates the City to provide services for keeping the Licensed Area free of trash and debris. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a License Agreement with the City of San Marcos for use of the Justice Center Parking lot by the general public during certain weekly hours and authorize Special Counsel Mark Kennedy to negotiate final adjustments to the Agreement. All voting "Aye". MOTION PASSED**



27864 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEXAS 1033 SURPLUS PROPERTY PROGRAM APPLICATION LETTER AND RELEASE OF LIABILITY FOR HAYS COUNTY CONSTABLE PRECINCT 1, 3, 4 & 5

Constable Pct 4 Ron Hood spoke of the need for this equipment for the Constable's to carry out their duties. Special Counsel Mark Kennedy spoke of this item not requiring any money at this time. Constable Pct 3 Darrell Ayres spoke of utilizing other means and not incurring costs to the tax payers. Constable Pct 1 David Peterson also spoke of the new ways they are looking at for acquiring needed items without costing more money to the taxpayers. Section 1033 of the National Defense Authorization Act of 1997 authorizes the Department of Defense to transfer excess military property to state and local law enforcement agencies. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Texas 1033 Surplus Property Program Application Letter and Release of Liability for Hays County Constable Precinct 1, 3, 4 & 5 with the condition that any acquisition that has no further expenses or liability if so it must come back to the Court for further approval. All voting "Aye". MOTION PASSED**

27865 AMEND THE DEVELOPMENT SERVICES OPERATING BUDGET TO COMPLETE THE FACILITY MOVE

Clint Garza Development Services Director spoke of the need for this request. The development services department is completely moved into the new location at 2171 Yarrington Road and since moving various needs have been identified that were not budgeted for the current fiscal year (a) 3 telephone headsets at \$850. The new phones system is not compatible with the existing headsets. (b) 7 chair mats at \$550. (c) 1 Laptop Computer at \$1,100. This computer would be used by the new subdivision coordinator as this position works many times outside of "normal hours". This would be funded from the General Fund Project Budget savings. (2,500) 001-645-00.5741- Misc Capital Improvements (1,400) 001-657-00.5211- Office Supplies (1,100) 001-657-00.5712 Computer Equipment. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the purchase of chair mats, headsets and laptop unless one is available from IT for the Development Services Department. All voting "Aye". MOTION PASSED**

27866 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #2 WITH MYERS CONCRETE CONSTRUCTION, LP, FOR THE WINTERS MILL PARKWAY TRAIL

On August 3, 2010 the Commissioners Court authorized award of the bid for the Winter's Mill/Blue Hole Loop Trail project to Myers Construction, in the amount of \$367,417.20 Change Order (#1) increased the contract amount by \$54,279.59. Change Order (#2) in the amount of \$26,818.90, includes the installation of additional handrail, rock rip-rap, limestone retaining wall, and drainage pipe in the switchback area, and additional concrete walkway in areas along Winters Mill Parkway that are prone to water erosion. Modifications in the switchback area include steeper slope ratios that are designed to minimize the removal of trees and to avoid encroachment into adjacent drainage areas, and to address natural water seepage found for this area. The revised contract amount will be \$448,515.69, with allowable contract increases. This project is funded by a grant from the Texas Department of Transportation (TxDOT) and Hays County Park Bond Interest allocation, on an 80/20 matching basis, and funds made available from the Village of Wimberley. Adequate funding is available to cover the Change Order. The TxDOT will also need to approve this Change Order. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Change Order #2 with Myers Concrete Construction, LP, for the Winters Mill Parkway Trail in an amount of \$26,818.90. All voting "Aye". MOTION PASSED**

27867 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 1 TO THE ADVANCE FUNDING AGREEMENT FOR FM 2001

Jeff Watson of HNTB gave an overview of the project. The AFA was originally approved by Commissioners Court on May 4, 2010. **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 for FM 2001. All voting "Aye". MOTION PASSED**

27868 APPOINT KENT BUD WYMORE, JON LEONARD, WILL CONLEY AND DEBBIE INGALSBE TO THE REDISTRICTING COMMITTEE

Mary E. Gonzales San Marcos resident spoke of needing different representation, namely Commissioner Mark Jones. Sam Brannon spoke for Rob Roarke and Mr. Roarke's email that was sent to the court, Sam also spoke of needing representation that aren't in any political affiliation. Craig Young Wimberley resident spoke. Lenee Lovejoy spoke of removing the elected officials from the committee. The census numbers have been released. Hays County's population is 157,107. Although our redistricting firm/attorney has begun preliminary work, we need to begin our redistricting process locally with the help of the committee and staff. The staff that will be important to and participating in the process are: Joyce Cowan, Elections Admin., Steve Floyd, Mapping and GIS and Mark Kennedy, Special Counsel, Civil Division. Rolando Rios our redistricting attorney supports our efforts to appoint the committee. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to appoint Kent Bud Wymore, Jon Leonard, Will Conley and Debbie Ingalsbe to the Redistricting Committee. All voting "Aye". MOTION PASSED**



27869 APPOINT MICHAEL R. AULICK TO DIRECTOR, POSITION #2 AND M. SCOTT ROBERTS TO DIRECTOR, POSITION #5 ON THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT'S BOARD OF DIRECTORS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to appoint Michael R. Aulick to Director, Position #2 and M. Scott Roberts to Director, Position #5 on the Driftwood Economic Development Municipal Management District's Board of Directors. All voting "Aye". MOTION PASSED

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND TO DELIBERATE THE EVALUATION OF THE FIRE MARSHAL

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 12:17 p.m. No action taken. In attendance will be the Commissioners Court, Special Counsel, Mark Kennedy, Human Resources Director, Dee Dee Baen, and Hays County Fire Marshal, Mark Chambers

DISCUSSION RELATED TO THE BURN BAN

Mark Chambers, Hays County Fire Marshal gave recommendation to leave the burn ban in effect.

Clerk's Note Agenda Item #23 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 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – was pulled

27870 PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS

Joyce Cowan, Elections Administrator/Voter Registrar gave an overview of the duties her office performs. Joyce Cowan spoke of how redistricting will affect her office. Barry Nelson, Director of the Hays County Civic Center gave an overview of the duties his office performs. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept Departmental Reports. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adjourned 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 March 1, 2011.



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



