



MARCH 8, 2011

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8TH 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:

Commissioner Conley gave the invocation and Judge Cobb led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

27871 ADOPT A PROCLAMATION DECLARING MARCH 14 TO MARCH 20, 2011 AS MULTIPLE SCLEROSIS AWARENESS WEEK

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring March 14 to March 20, 2011 as Multiple Sclerosis Awareness Week. All voting "Aye". MOTION PASSED

27872 ADOPT A PROCLAMATION DECLARING MARCH 14-18 AS FLOOD SAFETY AWARENESS WEEK IN HAYS COUNTY

A motion was made by Judge Cobb, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring March 14-18 as Flood Safety Awareness Week in Hays County. All voting "Aye". MOTION PASSED

PUBLIC COMMENTS

Sandra Martinez San Marcos resident spoke of having a grievance and being wrongfully terminated. Mary E. Gonzales spoke of the redistricting committee.

27873 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payments of county invoices in the amount of \$ \$115,000.00 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27874 APPROVE COMMISSIONER COURT MINUTES OF MARCH 1, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Commissioner Court Minutes of March 1, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27875 AMEND FY11 BUDGET OF CONSTABLE PCT 1 AND JUSTICE OF PEACE PCT 1 PLACE 1 FOR CONTINUING EDUCATION

Constable 1 continuing education requires a transfer from Commissioner 1 community programs Justice of Peace 1-1 transfer from within her own budget. Amount required \$100 to 001-635-00.5551 Constable 1 continuing from 001-601-00.5353 Commissioner Pct 1. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to amend FY11 Budget of Constable Pct 1 and Justice of Peace Pct 1 Place 1 for Continuing Education. All voting "Aye". MOTION PASSED

27876 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON PARK SOUTH DRIVE

Judge Cobb opened the public hearing. No public input was received. Judge Cobb declared the Public hearing closed. Transportation Director Jerry Borcharding gave staff recommendation. The public hearing will seek to establish a speed limit of 25 MPH on Park South Drive, off of Windy Hill Rd, CR131. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish traffic regulations on Park South Drive. All voting "Aye". MOTION PASSED



27877 REPLAT OF CREEKSIDE AT WIMBERLEY, VACATING LOT 1, CREEKSIDE AT WIMBERLEY, AND LOT 2, CREEKSIDE AT WIMBERLEY, SECTION 2, AND ESTABLISHING LOT 1R, CREEKSIDE AT WIMBERLEY [10-3-48]

Judge Cobb opened the public hearing. No public input was received. Judge Cobb declared the public hearing closed. Roxie Boytin Subdivision Coordinator gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve replat of Creekside at Wimberley, Vacating lot 1, Creekside at Wimberley, and lot 2, Creekside at Wimberley, Section 2, and Establishing lot 1R, Creekside at Wimberley. All voting "Aye". MOTION PASSED**

27878 CANCEL THE MARCH 15, 2011 COMMISSIONERS COURT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to cancel the March 15, 2011 Commissioner Court meeting. All voting "Aye". MOTION PASSED

27879 AMEND THE LOOMIS PARTNERS PROFESSIONAL SERVICE AGREEMENT FOR NECESSARY ADDITIONAL SERVICES ON THE RM 2325 PROJECT IN PRECINCT 3

Tracy Bratton Engineer with Loomis Partners gave an overview of the project. The RM 2325 project from Carney Lane to Fisher Store Rd, was identified as a key project in Precinct 3 as part of the 2008 Priority Road Bond Program. The project is nearing completion of design in preparation for letting by the Texas Department of Transportation. Timing of the project letting is crucial due to the proposed roadway and other safety improvements located along the entrance to Jacobs Well Elementary School. The project's goal is to have the work adjacent to the elementary school mostly complete prior to the start of the 2011/2012 school year. As the project is nearing design completion, there have been several requests by TxDot that were not in the original project scope. As this project is no longer being let by the County, to take advantage of the savings by allowing TxDot to let the project and provide construction engineering and inspection services, these items need to be addressed. These items include: (1) Additional submittals and reviews by TxDot necessitated by TxDot letting the project. (2) Revision of Environmental Document for updated TxDot Standards of Uniformity (SOUs). (3) Preparation of a full drainage report as requested by TxDot hydraulics engineer. In addition, as utility companies are moving forward with the design of their relocations, they are requesting various proposed elements to be surveyed/staked to assist in their design process. As Loomis provided the design survey, it is the most expeditious route to allow the Loomis surveyors to provide these services which also include the preparation of field notes pertaining to a utility easement which was found during the ROW acquisition process. Funds are available within the project's bond program budget. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to amend the Loomis Partners Professional Service Agreement for necessary additional services on the RM 2325 project in Precinct 3 in the amount of \$60,000.00. All voting "Aye". MOTION PASSED**

27880 AUTHORIZE HAYS COUNTY TO CONSENT TO PROPOSED LEGISLATION RELATING TO THE HUDSON RANCH FRESH WATER SUPPLY DISTRICT NO. 1 IN ACCORDANCE WITH THE TEXAS WATER CODE, TEXAS GOVERNMENT CODE, THE TEXAS CONSTITUTION, AND OTHER SUCH LAWS AS ARE APPLICABLE AND SUPPORT PASSAGE OF SUCH LEGISLATION

Andy Barrett representing Jeremiah Development spoke of the legislation. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Hays County to consent to proposed legislation relating to the Hudson Ranch Fresh Water Supply District No. 1 in accordance with the Texas Water Code, Texas Government Code, the Texas Constitution, and other such laws as are applicable and support passage of such legislation in the form attached as Exhibit B which is in the backup. All voting "Aye". MOTION PASSED**

27881 APPROVE A RESOLUTION TO SUPPORT THE HAYS COUNTY DEVELOPMENT DISTRICT NO. 1

Andy Barrett representing Hays County Development District #1 spoke. The proposed legislation currently being reviewed by legislative counsel, a proposed resolution in support of the legislation, and past action taken by the Commissioners Court on January 11, 2000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a resolution to support the Hays County Development District No. 1. All voting "Aye". MOTION PASSED**



27882 AWARD THE BALANCE OF UNCOMMITTED FUNDS FROM THE PARKS AND OPEN SPACE BOND TO THE HAYS COUNTY WCID #2 GREENBELT/PARK PROJECT IN THE AMOUNT OF \$100,000.00

Lenee Lovejoy made a public comment. Andy Barrett representing Hays County WCID #2 made a public comment. Hays County Parks and Open Space Advisory Board Project Comments are (1) City of Dripping Springs, Harrison Ranch Park, Park Bond request \$1,700,000 (2) Trust for Public Land, Purgatory Creek Tracts park bond request \$950,000 (3) City of Buda, Bradfield Park/Trail park bond request \$334,200 (4) City of Buda, Skate Park bond request \$150,000 (5) Hays County WCID #2 park bond request \$280,000 (6) Hays County Youth Athletic Assoc. park bond request \$822,200, (7) Friends of Craddock Park bond request \$2,281,900 (8) City of Buda park bond request \$25,000 (9) Hill Country Conservancy \$300,000 (10) Dripping Springs Youth Sports Assoc. park bond request \$129,268 (11) Swimberley, Inc park bond request \$2,000,000 (12) HC Shooting Sports Task Force \$3,500,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to award uncommitted funds from the Parks and Open Space Bond to the Hays County WCID #2 Greenbelt/Park Project in the amount of \$100,000.00. All voting "Aye". MOTION PASSED**

27883 AUTHORIZE BROADDUS & ASSOCIATES TO MOVE FORWARD WITH DESIGN AND CONSTRUCTION MANAGEMENT OF A BUILDING FOR PRECINCT 2 UNDER THE DIRECTION OF COMMISSIONER MARK JONES

Lucy Johnson Mayor of Kyle spoke of needing the office space for the Kyle Police Department. Brenda Jenkins and Jeff Larr of Broaddus and Associates spoke of needing approval today for moving forward on this project. Cora Furr and Maria Sanders of the Personal Health Department spoke of revenue that would be generated. Margie Rodriguez Indigent Health Care spoke of the numbers showing the need in the Kyle area for Personal Health. Rachell Thomas Chief and Lisa Pacheco the Director of the Adult Probation Office spoke of the needs the probation office has in the Kyle/Buda area. Luanne Caraway Tax Assessor/Collector spoke of having two offices, one in Kyle and one in Buda. Luanne Caraway spoke of the big volume of people in those two offices. She requested combing the two offices. A drive-thru would be ideal but not necessary. Brenda Jenkins spoke of a simple drive-thru proposed at the proposed Kyle/Buda office. Constable Pct 5 Matt Mancillas spoke of the amount of people that come into the precinct 5 office and the space needs in that office. Constable Pct 2 James Kohler spoke of the Plum Creek area that is still being developed. Justice of the Peace Pct 2 Beth Smith spoke of the revenue that her office brings in. Shelly Williams Juvenile Probation spoke of needing space in the Kyle/Buda area if the court would consider it. Captain, Mike Davenport of the Sheriff's Department requested any additional space would be appreciated. Sam Brannon San Marcos resident asked, if this had already been budgeted? Lenee Lovejoy San Marcos resident questioned if this item had been posted correctly. The City of Kyle requested that Hays County vacate the building that is currently being occupied by Commissioner Jones. Therefore, Commissioner Jones is requesting that Broaddus & Associates be allowed to move forward with design and construction management for the project. On February 14, 2011, Commissioner Jones received a summary of the project costs of the building and the appraisal for the two buildings sites that were suggested, Plum Creek and FM 150. The Plum Creek location was selected by a panel of Precinct 2 stakeholders following a thorough solicitation and selection process involving multiples sites and landowners. The new facility is expected to be approximately 17,000 square ft and will house all precinct functions which include the Justice of the Peace, Juvenile Probation, Adult Probation, the Tax Assessor, Sherriff's Office, Public Health, Constable, and Commissioner. Estimated cost not to exceed \$225 and \$250 per square foot. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Broaddus & Associates to move forward with design and construction management of a building for Precinct 2 under the direction of Commissioner Mark Jones. All voting "Aye". MOTION PASSED**

27884 ADOPT A RESOLUTION IN SUPPORT OF THE TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY (ABTPA)

Hays County Sheriff Gary Cutler requested support of this Resolution. The Hays County Sherriff's Department belongs to the Sherriff's Combined Auto Theft Task Force and receives grant money to fund a deputy position and expenses related to auto burglary and theft. The Legislative Budget Board has recommended all funds collected will be used to offset budget shortages and funding to the ABTPA will be indefinitely suspended resulting in dissolution of the ABTPA and funding to the law enforcement agencies supported by those funds. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a resolution in support of the Texas Automobile Burglary & Theft Prevention Authority (ABTPA). All voting "Aye". MOTION PASSED**

27885 REAPPOINT MARK CHAMBERS TO THE POSITION OF COUNTY FIRE MARSHAL FOR A TERM NOT TO EXCEED TWO YEARS PER LGC 352.011B

This is required for all county Fire Marshals in the state. As required by Local Government Code 352.011b. The Commissioner's Court shall establish the term of office for the County Fire Marshal not to exceed a period of two years. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to reappoint Mark Chambers to the position of County Fire Marshal for a term not to exceed two years. All voting "Aye". MOTION PASSED**



27886 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LICENSE AGREEMENT WITH THE FIRST BAPTIST CHURCH WIMBERLEY FOR PUBLIC USE OF PARKING SPACE ADJACENT TO THE WINTER'S MILL HIKE AND BIKE TRAIL

This License Agreement proposes that the First Baptist Church in Wimberley allow the public to use parking space as a means of accessing the Winter's Mill Hike and Bike Trail. The agreement calls for the County to maintain cleanliness in the parking lot during the term of License. This parking area is the best means of public access to the Hike and Bike Trail on its northern side. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to execute a License Agreement with the First Baptist Church Wimberley for public use of parking space adjacent to the Winter's Mill Hike and Bike Trail with modifications made by Special Counsel. All voting "Aye". MOTION PASSED**

27887 ACCEPT THE TRANSFER OF CONTRACTUAL TERMS FROM THE WIMBERLEY VALLEY WATERSHED ASSOCIATION OF A LEASE HELD BY THE WOODCREEK PROPERTY OWNERS ASSOCIATION (WPOA)

The WOPA has been leasing of the old clubhouse at the Jacob's Well Natural Area since 2010. They use the space for their regular meetings. Their lease ends December 31, 2011. Since the County received dedication of the property that includes the old clubhouse, WOPA's lease payment for 2011 has been forwarded to Hays County. Acceptance of the contractual terms will provide a means for audit reconciliation by the Hays County Auditor's Office, and it will guide the WPOA continued use of the property through the remainder of this calendar year. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to accept the transfer of contractual terms from the Wimberley Valley Watershed Association of a Lease held by the Woodcreek Property Owners Associations (WPOA). All voting "Aye". MOTION PASSED**

27888 INSTITUTE COUNTY-WIDE FREEZE ON HIRING, PROMOTIONS, AND/OR TRANSFERS INTO VACANT POSITIONS WITHOUT COMMISSIONERS COURT APPROVAL; AND TO DECLARE AN EFFECTIVE DATE AS OF MARCH 8, 2011; IF A COUNTY DEPARTMENT HAS ALREADY MADE A COMMITMENT TO HIRE SOMEONE AND ARE IN THE PROCESS OF HIRING FOR THEM TO PROCEED TO FILL THOSE POSITIONS

Chief Deputy Sheriff, Jamie Page, spoke of slots they still have unfilled. Chief Paige spoke of candidates that are currently in the academy and wanting to hire some of them. Sheriff Gary Cutler requested that his office be exempted from this hiring freeze due to the fact that hiring in the Sheriff's Office takes longer than a usual office (i.e. background checks, checking credentials, review boards). Mary E. Gonzales San Marcos resident spoke of some concerns. Sam Brannon San Marcos resident spoke of half on certain projects. While an absolute hiring freeze may not be needed at this time, a policy of approval through Commissioners Court operates as a check and balance against filling positions that could be delayed until a clear view of FY 2012 has been realized. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to institute county-wide freeze on hiring, promotions, and/or transfers into vacant positions without Commissioners Court approval; and to declare an effective date of March 8, 2011. Commissioner Conley made an amendment motion, seconded by Commissioner Ingalsbe if a County Department has already made a commitment to hire someone, and are in the process of hiring for them to proceed to fill those positions. All voting "Aye". MOTION PASSED**

27889 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT BUDGET ADJUSTMENT TO PURCHASE EQUIPMENT FOR THE HAYS COUNTY CONSTABLE'S OFFICE PRECINCT ONE

Constable Pct 1 David Peterson explained about the money left in the grant and the items he is requesting out of this money. On March 9, 2010 the Commissioners Court accepted an award from the Office of the Governor, Criminal Justice Division for the Hays County Constable's Office Precinct One for In-Car Video Cameras. The estimated cost for the (3) In-Car Video Cameras was \$15,717, the amount of the grant. After the purchase of these cameras in the amount of \$14,250.60, funds remain in the amount of \$1,466.40. Constable Peterson is requesting a desktop Computer to download and store data collected from the video cameras, and patrol vehicle emergency lights. The current patrol vehicle does not possess emergency lights. Cost for the Computer is \$1,026.40 and for the lights \$1,083.50 for a total of \$2,109.90. Remaining balance will come from Commissioner Pct 1 budget and will come out the Community Service Budget (001-601-00.5353). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to accept a grant budget adjustment to purchase equipment for the Hays County Constable's Office Precinct One. All voting "Aye". MOTION PASSED**



27890 ALLOW ONION CREEK SENIOR CITIZENS ASSOCIATION TO CONNECT THEIR RAW SEWAGE LINE TO HAYS COUNTY'S SEWAGE LIFT STATION

Sewage from the Justice of the Peace Precinct 5 office complex currently flows to a pump station that delivers the sewage to the City's collection system. Onion Creek Senior Citizens Association is planning to build a separate facility near the current Justice of the Peace Precinct 5 office. They're petitioning the County to allow their sewage to flow to our pump station rather than go the expense of either building a septic field or running their own line to the City's collection system. This action would allow this proposal to move forward and authorize Commissioner Jones to sign any agreements that are deemed needed to facilitate this action. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to allow Onion Creek Senior Citizens Association to connect their raw sewage line to Hays County's sewage lift station. All voting "Aye". MOTION PASSED**

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

Court convened into closed executive session at 1:00 pm and reconvened into open court meeting at 3:30 p.m. In attendance in Executive Session will be the Bargaining Committee, Attorney, Liz Provencio, and Special Counsel, Mark Kennedy. No action was taken.

27891 EXECUTIVE SESSION, PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS PROJECT SUNBURST AND PROJECT BIOCENTRAL

Court convened into closed executive session at 3:37 p.m. and reconvened into open court meeting at 4:06 p.m. In attendance in Executive Session will be Special Counsel Mark Kennedy. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute first amendment to Chapter 381 Economic Development Incentive Agreement between Grifols and Hays County which will specifically make changes to Exhibit C of the original Agreement. All voting "Aye". MOTION PASSED**

DISCUSSION RELATED TO THE BURN BAN

At this time Mark Chambers, Hays County Fire Marshal, requested that the burn ban stay in effect.

27892 APPROVE THE SPECIFICATIONS AND AUTHORIZE PURCHASING TO GO OUT FOR BIDS FOR THE GOVERNMENT CENTER FURNITURE

Bob Hinkle of Broaddus and Associates spoke of the Government Center being on schedule and under budget. He spoke of all the Furniture Bid Package - furnishings that will be placed at the new Government Center. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the specifications and authorize purchasing to go out for bids for the Government Center furniture. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #25 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 #26 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS - was pulled*

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 8, 2011.



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

