



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 17TH DAY OF MAY 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:

Pastor Erich Siemens of Calvary Chapel of the 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

David Badal resident of Wimberley and Sam Brannon resident of San Marcos spoke.

28042 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to approve payment of county invoices in the amount \$3,568,872.65 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28043 APPROVE COMMISSIONERS COURT MINUTES OF MAY 10, 2011

A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to approve Commissioners Court Minutes of May 10, 2011. All voting "Aye". MOTION PASSED

28044 ACCEPT THE ANNUAL REPORT FROM THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD

As required in the Bylaws for the Hays County Parks and Open Space Advisory Board, and in addition project reviews and comments that have been forwarded or presented to the Hays County Commissioners Court, an Annual Report is to be submitted on the yearly activities of the board. The purpose of the Hays County Parks and Open Space Advisory Board is advised the Commissioners Court on current and future parks, open space, natural areas, wildlife habitat, water quality/quantity, recreational facilities, and other associated conservation lands and projects. The charge of the Board shall be (1) to review potential projects for conformity to the county's Parks and Open Space Master Plan (2) to make recommendations to the Commissioners Court concerning these projects, (3) to update the county's Parks and Open Space Master Plan as necessary and, (4) to assist county staff in outreach efforts throughout the county. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to accept the Annual Report from the Hays County Parks and Open Space Advisory Board. All voting "Aye". MOTION PASSED**

28045 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-BUCK WINN DOCUMENTARY AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT AND AMEND BUDGET FOR TRAVEL NEEDS

The Historical Commission has received donations for the Buck Winn documentary. These funds will be used for the production and distribution of the Buck Winn DVD's. No matching county funds needed. Amount required is \$1,550.00 (001-676-00-055.4610). **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to accept contributions for the Historical Commission-Buck Winn documentary and amend the budget for use of those funds for direct expenses related to the project and amend budget for travel needs. All voting "Aye". MOTION PASSED**

28046 AMEND SHERIFF DRUG FORFEITURE FUND BUDGET TO PURCHASE EQUIPMENT

The Sherriff's Drug Forfeiture funds may be used at the Sheriff's discretion. In order to follow County policy, we are requesting to move the funds into the appropriate general ledger account to purchase 16 stop sticks for the safety of officers. Amount required \$ 6,466.00 (053-618-00.5719_400). **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to amend Sherriff Drug Forfeiture Fund budget to purchase equipment. All voting "Aye". MOTION PASSED**



28047 APPROVE CONTRACT WITH BKM TOTAL OFFICE FOR RFP 2011-P11 FURNITURE FOR HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

Bob Hinkle of Broaddus & Associates spoke of the Government Center Furniture. A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to approve contracts with BKM total office for RFP 2011-P11 Furniture for Hays County Government Center and authorize County Judge to execute same. All voting "Aye". MOTION PASSED

28048 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT BETWEEN THE PEDERNALES ELECTRIC COOPERATIVE AND HAYS COUNTY REGARDING A DECREASED COST IN RELOCATING THE UTILITY

Commissioners Court approved the contract with Pedernales Electric Cooperative on March 29, 2011. New estimates have lowered the total cost from \$180,147.55 to \$102,091.38. A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to authorize the County Judge to execute a Supplemental Agreement between the Pedernales Electric Cooperative and Hays County regarding a decreased cost in relocating the utility. All voting "Aye". MOTION PASSED

28049 AMEND THE DISTRICT ATTORNEY GRANT BUDGET TO USE SAVINGS IN EDUCATION, SUPPLIES AND EQUIPMENT TO PURCHASE THREE PORTABLE RADIOS AND ACCESSORIES, AND INCREASE REVENUE TO EQUAL THE GRANT AWARD

On September 14, 2011 Commissioners Court accepted and executed the grant award in the amount of \$12,342 from the U.S Department of Justice, Bureau of Justice Assistance under the Edward Byrne Memorial Justice Assistance Grants Program for equipment and training for the District Attorney's Office. This amendment will allow the County to spend the remainder of this grant award with no matching funds required. A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to amend the District Attorney Grant budget to use savings in education, supplies and equipment to purchase three portable radios and accessories, and increase revenue to equal the grant award. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #9 RE: RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BELTERRA SUBDIVISION, PHASE 4, SECTION 18 - WAS PULLED

28050 CALL FOR A PUBLIC HEARING ON MAY 31, 2011 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING/TOW AWAY) ON NUTTY BROWN ROAD

Transportation Director Jerry Borcharding gave staff recommendation to call for public hearing this action will provide for a No Parking/Tow Away Zone on both sides of Nutty Brown Road from HWY 290 to Kit Carson Drive. A motion was made by Commissioner Whisenant seconded by Commissioner Jones to call for a public hearing on May 31, 2011 to establish traffic regulations(No Parking/Tow Away on Nutty Brown Road. All voting "Aye". MOTION PASSED

28051 CALL FOR A PUBLIC HEARING ON MAY 31 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING/TOW AWAY ZONE) ON OAK BRANCH DRIVE

Transportation Director Jerry Borcharding gave staff recommendation to call for public hearing this action will provide for a No Parking/Tow Away Zone on both sides of Oak Branch Drive from Hwy 290 to 1300 ft. North of Hwy 290. A motion was made by Commissioner Whisenant seconded by Commissioner Jones to call for a public hearing on May 31 to establish traffic regulations (No Parking/Tow Away Zone) on Oak Branch Drive. All voting "Aye". MOTION PASSED

28052 BOSTWICK SUBDIVISION [11-2-1-2 lots] APPROVE FINAL PLAT

Roxie Boykin Subdivision Coordinator spoke. Roxie Boykin Subdivision Coordinator gave an overview of the Bostwick Subdivision is a proposed subdivision of 16.00 acres of land located off S. Old Stagecoach Road in Precinct 2. The division will consist of 2 lots as follows: Lot 1- 5.010 acres and Lot 2- 7.564 acres. Lot 1 is served by an existing private well and OSSF. Lot 2 will also utilize a Preliminary plan was approved on April 19, 2011. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve final plat of Bostwick Subdivision. All voting "Aye". MOTION PASSED



28053 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH VOTEC CORPORATION TO INSTALL THE VEMACS ELECTIONS AND VOTER REGISTRATION SYSTEMS MODULES

The Elections Office is on TEAM (SOS data base) that no longer meets the needs of the elections office and found that this software would be helpful in enhancing the office's voter registration, mail ballots, Mapping, Candidate Filing, Polling Locations, Polling Place Management, Petition checking, Imaging of documents and the software will adhere to State requirements for Elections. The Elections office has already put in place electronic poll books (VOTESAFE) that will intergraded with VEMACS that will also add additional features to our process. The Elections Office will no longer have the filing space for our voter registration applications (imaging would take care of all this). Also the redistricting process of our County Election Precincts (Mapping will assist in this). Amount required \$48,816.00 (001-645-00.5718) funds were approved and budgeted in FY 2011 for this project. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a contract with VOTEC Corporation to install the VEMACS Elections and Voter Registration Systems modules. All voting "Aye". MOTION PASSED**

28054 RECEIVE DIRECTION FROM THE COURT ON THE SALE OF REAL PROPERTY, POSTINGS AND OTHER CIVIL PROCEDURES WITH RESPECT TO WHERE THOSE EVENTS WILL TAKE PLACE AND WHAT THE "DESIGNATION" OF COURTHOUSE WILL BE

Constable Ayres spoke on the Constable Sale postings. The sales have taken place at the County Courthouse. Now that there no longer district court cases being heard at the County Courthouse. Constable Ayres in Pct 3 would like the location to change. In recent training, he was informed that the Commissioners Court had the authority to designate the location. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to instruct Special Counsel Mark Kennedy, County Clerk Liz Gonzalez, District Clerk Beverly Crumley, a Representative from the Constables within the next 30 days bring back a Resolution to clarify where the Constables will hold future sales and for official postings. All voting "Aye". MOTION PASSED**

28055 ACCEPT BOND ISSUANCE TIMELINE FOR ROAD AND PARK BONDS

Lenee Lovejoy resident of San Marcos spoke. Dan Wegmiller with Specialized Public Finance, Financial Advisor to the County presented a timeline for the issuance of voter approved bonds for the road and park projects. **A motion was made by Commissioner Conley seconded by Commissioner Whisenant regarding bond issuance and accepting the timeline for road and park bonds. All voting "Aye". MOTION PASSED**

28056 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THREE WORK AUTHORIZATIONS UNDER THE COUNTY'S CONTRACT WITH KLOTZ ASSOCIATES, INC., RELATED TO DRAINAGE IMPROVEMENTS IN AND NEAR THE LEISUREWOODS SUBDIVISION

The scope of the contract with Klotz and Associates was set to accommodate work as it became necessary for the completion of its storm water facility project. These three additional work authorizations represent work that is now in the critical path of the project. Work authorization No.12 includes additional services related to the construction of the storm water detention facility located in Lot 25 Leisurewoods Subdivision, Section 5 amount for this authorization is \$12,200. Work authorization No.9 includes planning, design, preparation of construction plans and specifications and limited construction phase services for a storm water detention basin that will be located in a tract of land southwest of Leisurewoods HOA lot amount for this authorization is \$46,000. Work Authorization No. 11 includes planning, design, preparation of construction plans and specifications and limited construction phase services for channel modifications along the rear lot of Longspur Drive lots and modifications to the outfall structure and downstream channel for the basin on Pine Siskin Drive amount for the authorization is \$68,500. **A motion was made by Commissioner Jones seconded by Commissioner Conley to authorize the County Judge to execute three work authorizations under the County's contract with Klotz Associates, Inc., related to drainage improvements in and near the Leisurewoods Subdivision. All voting "Aye". MOTION PASSED**

28057 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT REGARDING THE IMPLEMENTATION OF THE PLUM CREEK WATERSHED PROTECTION PLAN

Susan Meckel resident of Kyle spoke. Nikki Dictson of AgriLife Extension spoke. The inter-local agreement requires Hays County, Caldwell County, City of Kyle, City of Buda, City of Lockhart, City of Luling, the Guadalupe-Blanco River authority, the Plum Creek Conservation District, Caldwell-Travis Soil and Water Conservation District # 304 and the Hays County Soil and Water Conservation District #351 to provide a total of \$48,000 per year as matching funds for a grant of \$120,000 per year. The grant is a three year grant with the possibility of up to a one year no cost extension at the end of 3 years if there is funding available. The life of the grant is September 1, 2011 to August 31, 2014. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the county judge to execute an Interlocal agreement regarding the implementation of the Plum Creek Watershed Protection Plan in the amount of \$2,787 per year starting this budget year coming out of LCRA Funds. All voting "Aye". MOTION PASSED**



28058 AMEND THE FEE SCHEDULE FOR FOOD ESTABLISHMENTS AND ADOPT A FEE FOR ANNUAL CONTRACT RENEWAL FOR ADVANCED OSSF'S WITHIN HAYS COUNTY EFFECTIVE JANUARY 1, 2012 AS DIRECTED

Clint Garza Director of Development Services spoke of the inspection fees to be raised. The Development Services Department is responsible for protecting the public health and welfare of Hays County residents through the various programs. These programs include the regulation of on-site sewage facilities, floodplain regulation, foster/day/childcare, water quality, and food establishment permitting. The county charges review and permit fees for these services. However, many of them have not been updated in over 15 years. Specially, development services staff would like to amend the fees for food establishments in Hays County. The current schedule has been in place since 1993 without significant revision. Costs are currently 1/3 what is charged in the City of San Marcos for similar inspections, review, and permitting. In addition to food establishment fees, the department would like to adopt an annual fee for contract renewal of advanced on-site sewage facilities in Hays County. Current regulations requirement is followed through by two members of the staff that manage the database and keep record of compliance with maintenance rules. A nominal fee for each system would fund that program and ensure adequate technology and equipment is available so we remain as efficient as possible. It will be County Policy that fess will be reviewed yearly and these fees won't change for 10 years. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to amend the fee schedule for Food Establishments and adopt a fee for annual contract renewal for advanced OSSF's within Hays County as presented by Development Services Director. All voting "Aye". MOTION PASSED**

28059 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION – OFFICE OF INSPECTOR GENERAL, THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY AND HAYS COUNTY

The Office of Inspector General investigates allegations of fraud, waste and abuse in human services program such as Food Stamps, Medicaid and TANF. This contract allows the OIG, should they discover criminal conduct, to refer their finding to the Hays County Criminal District Attorney's Office for prosecution and to compensate the DA's office if charges are filed and a plea or verdict is the outcome. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Whisenant to authorize the County Judge to execute an agreement between the Texas Health and Human Services Commission – Office of Inspector General, the Hays County Criminal District Attorney and Hays County. All voting "Aye". MOTION PASSED**

28060 APPROVE AN INCREASE TO THE NOT-TO-EXCEED FEE ON THE HUITT-ZOLLARS' PROFESSIONAL SERVICES AGREEMENT FOR NECESSARY ADDITIONAL SERVICES ON THE CR 266 (OLD BASTROP HWY) PROJECT

Richard Wilkinson of Huitt-Zollars spoke. CR 266 is part of our 2008 Priority Road Bond Program. The project is currently at 60+% design phase and the Engineers Estimate for Project Cost is currently 17% below the budgeted total cost for the project. Surveying is complete, right of way documents are nearing completion, and the Environmental Process is approximately 75%complete. There has been two public meetings and received lots of comments. Due to some of the comments, we have asked our engineers to tale additional time and make revisions/modifications to some areas to better address concerns from property owners. The increase in fee is to cover the cost of additional engineering services. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to approve an increase to the Not-to-Exceed fee on the Huitt-Zollars' Professional Services Agreement for necessary additional services on the CR 266 (Old Bastrop Hwy) project. All voting "Aye". MOTION PASSED**

28061 AMEND THE BULLETPROOF VEST GRANT BUDGET AND DEPARTMENT BUDGETS TO ALLOW FOR THE PURCHASE OF 2 PROTECTIVE VESTS FOR DEVELOPMENT SERVICES, 2 VESTS FOR THE FIRE MARSHAL, AND ONE VEST FOR CONSTABLE #1

The Bulletproof Vest Grant funds 50% of the cost of approved vests. This budget amendment allows the County to spend the remaining 2009 and 2010 grant award, which is \$2,347.55. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to amend the Bulletproof Vest Grant budget and department budgets to allow for the purchase of 2 protective vests for Development Services, 2 vests for the Fire Marshal, and one vest for Constable #1. All voting "Aye". MOTION PASSED**

28062 REGARDING SB 1771, PROPOSED LEGISLATION INVOLVING TAX NOTICES

Luanne Caraway Hays County Tax Assessor spoke of House Bill 874. The Tax Assessor Collectors Association of Texas is in favor of a simplified tax notice that conveys information in a clear and concise format for taxpayers and while the intent of SB1771 is to provide such a notice, the bill however contains many technical errors and unattainable requirements. The Tax Assessors Collectors Association of Texas strongly opposes SB1771. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve recommendations from Tax Assessor/Collector Luanne Caraway of SB 1771 and HB 874, and have Counsel to draft a Resolution and authorize County Judge to sign and send our Senator and Representative. All voting "Aye". MOTION PASSED**



28063 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RIGHT OF WAY EASEMENT BENEFITING GTE SOUTHWEST INC. D/B/A VERIZON SOUTHWEST ON A 1.471 ACRE TRACT OF PROPERTY OWNED BY HAYS COUNTY NEAR BEBEE ROAD IN PRECINCT 2

Special Counsel Mark Kennedy spoke of future easement on County Road 122 on Bebee Road. Verizon Southwest has proposed to place a new telephone system on County Road 122 on Bebee Road. The location chosen is on land owned by Hays County. The land in reference is .471 acres out of the Elisha Pruett Survey, land described is in recorded in Volume 1200 Page 761 in the County Clerk's office. Verizon Southwest would require a plot of land being 20x20 in size and an easement on the site. Verizon Southwest would have the site surveyed by a certified surveyor. Verizon Southwest would compensate Hays County with a onetime payment of \$7,000.00. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Right of Way Easement after Road & Bridge has coordinated with the Grantees of the Easement benefiting GTE Southwest Inc. d/b/a Verizon Southwest on a 1.471 acre tract of property owned by Hays County near Bebee Road in Precinct 2. All voting "Aye". MOTION PASSED**

28064 ACCEPTING A SERIES OF PAYMENTS FROM THE CEDAR OAKS MESA PROPERTY OWNERS' ASSOCIATION IN SETTLEMENT AND IN LIEU OF PAYMENT BY REAL PROPERTY OWNERS UNDER CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE

In 2006, Hays County proceeded to make road improvements to the Cedar Oaks Mesa Subdivision under Chapter 253 of the Texas Transportation Code. Land owners in that subdivision elected to pay back the costs of improvements if the County performed the work. Chapter 253 authorizes the County to place liens on the properties that will be assessed the repayment of costs for the road improvements. Current policy calls for the filing of a "Notice of Pending Lien" after election and before construction and the filing of a lien once construction is complete and a final cost is identifiable. However, after Commissioner Conley question staff about revenue for the project it became evident that assessments were not levied and that liens of notices were not place in the Official Public Records of Hays County before or after the Cedar Oaks Mesa project was completed. Many of the properties(an estimated 50%) have since been sold to land owners who know nothing of the improvements made by the County or the arrangement under Chapter 253. The County has discussed this issue with the Property Owners Association in Cedar Oaks Mesa. Since multiple Chapter 253 projects in Precinct 4 were preformed with an arrangement that the land owners would repay costs of materials, and not the costs of labor and equipment, the POA has offered to pay five payments of \$7888, total \$39,440, as compensation to the County for the materials used on the project. **A motion was made by Commissioner Conley seconded by Commissioner Whisenant to accept a series of payments from the Cedar Oaks Mesa Property Owners' Association in settlement and in lieu of payment by real property owners under Chapter 253 of the Texas Transportation Code All voting "Aye". MOTION PASSED**

28065 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF SAN MARCOS REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF SAN MARCOS, PURSUANT TO HB1445 (2001)

Lenee Lovejoy resident of San Marcos spoke. This 1445 Agreement is the first of its kind after the passage of Hays County's new Subdivision and Development Regulations. It is anticipated that similar agreements with other municipalities in Hays County will follow soon. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to authorize the County Judge to execute an agreement with the City of San Marcos regarding subdivision and development regulation in the extraterritorial jurisdiction of San Marcos, pursuant to HB1445 (2001). All voting "Aye". MOTION PASSED**

28066 AWARD TO RAMSEY ENGINEERING, LLC A CONTRACT TO SUBMIT DEVELOP DOCUMENTS RELATED TO LETTER OF MAP REVISION TO FEMA REGARDING THE CONSTRUCTION OF THE GREEN ACRES BRIDGE. THIS ACTION WILL AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT FOR THIS WORK

This work was originally assigned to Baker-Aklin Engineering with Steve Ramsey in charge of engineering and construction. Since the time of construction, Mr. Ramsey has formed his own company and will, with the approval of the court continue this final phase of the project. Amount required \$12,500 (020-710-00.544_008) **A motion was made by Commissioner Conley seconded by Commissioner Whisenant to award to Ramsey Engineering, LLC a contract to submit develop documents related to Letter of Map Revision to FEMA regarding the construction of the Green Acres Bridge. This action will authorize the County Judge to execute the Professional Services agreement for this work All voting "Aye". MOTION PASSED**



28067 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REQUEST FOR CHANGE ORDER WITH BALFOUR BEATTY CONSTRUCTION FOR WORK RELATED TO THE INSTALLATION OF AUDIO VISUAL EQUIPMENT IN THE GOVERNMENT CENTER COMPLEX CONTINGENT TO THE MOU BEING SIGNED BY LOCAL ADMINISTRATIVE JUDGE

Bob Hinkle of Broaddus & Associates gave presentation of Hays County Government Center audiovisual installation. AV installation was always anticipated and budgeted for the project, it was not originally placed within the scope of Balfour Beatty's Design/Build contract. Due to multiple factors, the program Manager now believes it should be incorporated into Balfour Beatty's contract. Amount \$1,157,337.21 already budgeted. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a Request for Change Order with Balfour Beatty Construction for work related to the installation of Audio Visual equipment in the Government Center complex contingent to the MOU being signed by local administrative judge. All voting "Aye". MOTION PASSED**

28068 CONSIDER GRANTING A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 705, SUBCHAPTER 4.01, TO ALLOW PERMITTING OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO LORRAINE CULP-LEONARD, OWNER OF A 3.89 ACRE PORTION OF LOT D-41 IN DOUGLAS ESTATES

Director of Development Services Clint Garza spoke on illegal lots not being properly subdivided and approved through Court. Lorraine Culp-Leonard is the owner of a 3.89 acre portion of a lot in the Douglas Estates Subdivision in Precinct 4. She applied for a permit to construct an On-Site Sewage Facility to replace her existing failing system. She has been informed that her parcel was part of an illegal division of land and is required to be platted under both the Local Government Code and the Hays County Development Regulations. In addition to the platting requirement, Chapter 705.4.01 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 Conley to consider granting a variance from Hays County Development Regulations, Chapter 705, Subchapter 4.01, to allow permitting of an On-Site Sewage Facility Development Permit to Lorraine Culp-Leonard, owner of a 3.89 acre portion of lot D-41 in Douglas Estates. All voting "Aye". MOTION PASSED**

ANNEXATION BY THE CITY OF SAN MARCOS OF THE COMPLEX LOCATED AT 5 MILE DAM PARK

Jeff Hauff spoke of the City of San Marcos annexation. Richard Salmon and William Ford Assistant Director of Community Services of the City of San Marcos Park and Recreation Department spoke of the annexation. On January 9, 2009, Hays County and the City of San Marcos entered into an Interlocal Agreement for the City to operate and maintain the Soccer Complex at 5 Mile Dam Park. Section 5.3 of Interlocal allows for the annexation of the property by the City of San Marcos. **No action was taken this date.**

28069 APPROVE THE JOINDER OF ADDITIONAL MUNICIPALITIES AND COUNTIES IN THE COALITION OF CENTAL TEXAS UTILITIES DEVELOPMENT CORPORATION; TO APPROVE AMENDMENT OF THE CORPORATION'S ARTICLES OF INCORPORATION, THE BYLAWS TO ALLOW JOINDER; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT RELATED TO SAID CORPORATION TO ALLOW JOINDER

When the County approved the first round of documents last month and joined the Coalition, it was always contemplated that additional local governmental entitles would join the Coalition as it proceeded toward an indicative bid. At this stage, the Cities of Sunrise Beach Village, Westlake, and Lometa and Bastrop County have resolved to join the Coalition. **A motion was made by Commissioner Whisenant seconded by Commissioner Conley to approve the joinder of additional municipalities and counties in the Coalition of Central Texas Utilities Development Corporation; to approve amendment of the Corporation's Articles of Incorporation, the Bylaws to allow joinder; and to authorize the County Judge to execute an amendment to the Interlocal Agreement related to said Corporation to allow joinder. All voting "Aye". MOTION PASSED**



28070 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CHANGE ORDER WITH HUNTER INDUSTRIES, LTD. RELATED TO IMPROVEMENTS ON RANCH ROAD 12

Allen Corzior with Hunter Industries Ltd. spoke. The change is required for design changes made during the TxDot bidding process. It was determined during the bidding process to proceed with the letting the project and utilized the change order process to accommodate these design changes so not to delay the contract award and start date. The County and HDR have anticipated this change order and have proactively maintained the project budget to account for it. This changed order also includes a design made to the plans to accommodate a future shared use path for the ultimate build out of RR12. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Change Order with Hunter Industries, Ltd. related to improvements on Ranch Road 12. All voting "Aye". MOTION PASSED**

28071 ALLOW BROADDUS & ASSOCIATES TO MOVE FORWARD WITH PRE-CONSTRUCTION DESIGN SERVICES WITH THE DESIGN BUILD TEAM, LOTT BROTHERS/GSC, FOR THE PRECINCT 2 OFFICE BUILDING IN AN AMOUNT NOT TO EXCEED \$223,626

Brenda Jenkins of Broaddus & Associates spoke on Precinct 2 building. Requests for Qualifications were released for the Precinct 2 building and return to Hays County on March 30,2011. Thirteen companies responded to the RFQ. The Precinct 2 steering committee scored each of the design-build teams and decided on four companies that would submit request for proposal. When the RFP's were returned on April 29, 2011, the steering committee decided to interview each of the four companies. Thorough the interview , the team of Lott Brothers and GSC were chosen as the design-build team. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to allow Broaddus & Associates to move forward with pre-construction design services with the design build team, Lott Brothers/GSC, for the Precinct 2 Office Building in an amount not to exceed \$223,626. All voting "Aye". MOTION PASSED**

28072 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A UTILITY ADJUSTMENT AGREEMENT WITH PEDERNALES ELECTRIC COOPERATIVE FOR THE RELOCATION OF THEIR EXISTING FACILITY IN THE VICINITY OF THE EMILY ANN THEATRE ON THE RM 2325 PRIORITY ROAD BOND PROGRAM PROJECT

The Pedernales Electric Cooperative currently has electric supply lines running parallel to RM 2325 within a private utility easement in the vicinity of Emily Ann Theatre near the RM 2325/ Carney lane intersection. The existing power lines fall within the required TxDot clear zone for the proposed RM 2325 roadway. Therefore, these lines must be relocated prior to the opening of the facility. Since the utility is located within private utility easement and the relocation is necessitated by the roadway construction, any costs associated with the relocation are reimbursable to the utility by the County. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize the County Judge to execute a utility adjustment agreement with Pedernales Electric Cooperative for the relocation of their existing facility in the vicinity of the Emily Ann Theatre on the RM 2325 Priority Road Bond Program project. All voting "Aye". MOTION PASSED**

28073 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO RIGHT OF WAY ACQUISITION ON RANCH ROAD 12

Court convened into closed executive session at 11: 40am and reconvened into open court meeting at 12:10 pm In attendance in Executive Session were Special Counsel Mark Kennedy, Patti Clark, Elly Dietz, and Commissioners Court. **A Motion was made by Commissioner Conley, seconded by Commissioner Whisenant to Authorize the County Judge to execute a Hays County purchase contract with Donna Doiron related to the acquisition of .495 acre parcel of land on RR12 as presented by Counsel in Executive Session.**

ACTION RELATED TO THE BURN BAN

Mark Chambers Hays County Fire Marshal addressed the court that the Burn Ban remains in effect.

Clerk's Note Agenda Item #36 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 - WAS PULLED



Clerk's Note Agenda Item #37 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – WAS PULLED*

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

Judd Prather Hays County Veteran Services Officer gave an overview of the duties he has performed since he took office.

28074 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)

Ron Knott Building Maintenance Director spoke on employees who have excessive vacation hours and having two vacancies. Maintenance will hire temporary part time position through September 31, 2011. Transportation Director Jerry Borcharding spoke on Road Transportation Department positions to be filled. He needs 1 Lead, 1 Specialist and 3 Road Maintenance Workers. The 1 Lead position would be responsible for making sure all Road Signs are at the proper height, size and reflectivity, that the Federal Government requires of all road signs. Director of Development Services Clint Garza spoke of a temporary paid internship position to be available for \$4,500 through September 31, 2011.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to allow Ron Knott Building Maintenance Director to hire a temporary full-time person effective today through September 30, 2011. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Whisenant seconded by Commissioner Jones to allow Jerry Borcharding Transportation Director to fill his open positions and consider the position for sign compliance at a later date for the Transportation Department and to have Human Resources post the positions. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Whisenant seconded by Commissioner Jones to temporary fill an Internship position with subdivision planning for the purpose of looking into information regarding Development Regulations Rule changes and that position would end on September 30, 2011 in an amount not to exceed \$4,500. Commissioner Ingalsbe and Judge Cobb voting "No". Commissioner Jones, Commissioner Conley, Commissioner Whisenant voting "Aye". MOTION PASSED

Clerk's Note Agenda Item #40 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE – WAS PULLED*

Clerk's Note Agenda Item #41 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING CAMPO'S CALL FOR PROJECTS THAT WOULD BE FUNDED BY FEDERAL STIMULUS MONIES – WAS PULLED*

A motion was made by Commissioner Jones seconded by Commissioner Whisenant 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 May 17, 2011.



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

