



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 6<sup>TH</sup> DAY OF MARCH A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>ALBERT H. COBB JR</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>MARK JONES</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILL CONLEY</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RAY O. WHISENANT JR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LIZ Q. GONZALEZ</b>	<b>COUNTY CLERK</b>

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ingalsbe recognized Constable David Peterson's birthday. Commissioner Will Conley Precinct 3 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 Glenn – Wimberley resident, Dottie Barnes – San Marcos resident, Darren Casey – San Antonio resident made public comment.

#### **27918 ADOPT A PROCLAMATION RECOGNIZING THE 20<sup>TH</sup> ANNIVERSARY OF THE JUNIOR AIR FORCE ROTC PROGRAM AT SAN MARCOS HIGH SCHOOL**

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt a Proclamation recognizing the 20<sup>th</sup> Anniversary of the Junior Air Force ROTC program at San Marcos High School. All voting "Aye". MOTION PASSED

#### **27919 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$ 6,541,006.26 and add an invoice in the amount of \$470,997.75 to Montieth Title Company for Precinct 2 Land Acquisition as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### **27920 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 28, 2012**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of February 28, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

#### **27921 AMEND THE GOVERNMENT CENTER BUILDING FUND TO REFLECT ACTUAL EXPENSES IN THE APPROPRIATE BUDGET LINE ITEM**

Total funds were budgeted in the construction line item and need to be reallocated to record the expenses in the appropriate general ledger line item. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Government Center Building Fund to reflect actual expenses in the appropriate budget line item. All voting "Aye". MOTION PASSED

#### **27922 APPROVE SPECIFICATIONS FOR IFB #2012-B05 METAL PIPE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

Bids are solicited for furnishing the metal pipe as set forth in this bid proposal. Completed bid proposals must be received in the purchasing office before 2:00 p.m. on March 22, 2012. The bid award shall be based on but not necessarily limited to the following factors: total price, special needs and requirements of Hays County, vendor's past performance record with Hays County, and Hays County's evaluation of vendor's ability. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specifications for IFB #2012-B05 Metal Pipe and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED



**27923 ACCEPT THE DONATION OF (2) MOTION SENSITIVE INFRARED CAMERAS FROM THE NON-PROFIT ORGANIZATION, KEEP WIMBERLEY BEAUTIFUL, TO THE CONSTABLE PRECINCT 3 OFFICE AND AMEND THE BUDGET ACCORDINGLY**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the donation of (2) motion sensitive infrared cameras from the non-profit organization, Keep Wimberley Beautiful, to the Constable Precinct 3 office and amend the budget accordingly. All voting "Aye". MOTION PASSED

**27924 APPROVE AMENDED FY 2012 IMMUNIZATION CONTRACT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD)**

The purpose of this amendment is to revise Exhibit A (work plan) of the current contract to incorporate the new federal definition of "underinsured" for the purposes of qualifying for the Texas Vaccines for Children program. The original wording stated "... is underinsured (has health insurance that Does Not pay for vaccines, has a co-pay or deductible the family cannot meet, or has insurance that provides limited wellness of prevention coverage)". The revised wording as of 12/2011 states "...is underinsured: 1)has commercial (private) health insurance, but coverage does not include vaccines; or 2) insurance covers only selected vaccines (TVFC-eligible for non-covered vaccines only: or 3) insurance caps vaccine coverage at a certain amount. Once that coverage amount is reached, the child is categorized as underinsured." There is no change in funding. The effective date of this amendment is 02/08/2012. A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve amended FY 2012 Immunization contract between the Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD). All voting "Aye". MOTION PASSED

**27925 RATIFY THE EXECUTION OF CLOSING DOCUMENTS BY LEGAL COUNSEL, RELATED TO THE PURCHASE OF THE NEW PRECINCT 2 PROPERTY ON FM 2770 IN KYLE, TEXAS**

Per common practice, Legal Counsel executed a number of documents related to closing the new Precinct 2 property on Monday, March 5, 2012. The court authorized this purchase on the January 3, 2012. A motion was made by Commissioner Conley, seconded by Commissioner Jones to ratify the execution of Closing Documents by Legal Counsel, related to the purchase of the new Precinct 2 property on FM 2770 in Kyle, Texas. All voting "Aye". MOTION PASSED

**27926 RATIFY THE COUNTY JUDGE'S SIGNATURE ON THE TXDOT CHANGE ORDER APPROVED ON 2/28/12 RELATED TO IMPROVEMENTS ON RM 2325**

This item will correct the action on February 28, 2012 authorizing the County Judge to execute a Change Order with Angel Brothers. The County is contracted with TxDot for this project and the Change Order that was submitted was a TxDot Change Order. TxDot is contracted with Angel Brothers and per our Advanced Funding Agreement must have County authorization to finalize any changes over 10% of the total contracted amount. A motion was made by Commissioner Conley, seconded by Commissioner Jones to ratify the County Judge's signature on the TxDot Change Order approved on 2/28/12 related to improvements on RM 2325. All voting "Aye". MOTION PASSED

**27927 AUTHORIZE THE PURCHASE OF UPGRADE SOFTWARE FOR THE TRANSPORTATION DEPT. FROM TIMEMARK, INC. IN THE AMOUNT OF \$495.00 AND TO AMEND THE BUDGET ACCORDINGLY BY MOVING FUNDS FROM 020-710.5211 TO 020-710.5718**

This software upgrade will allow the Transportation Department to run the traffic counter data program on newer computers and laptops, to-email traffic study reports directly from the program, to customize reports to reflect turning movements studies (as requested by design engineers), and a checks-and balances feature that double-checks erroneous data before creating the reports. The department currently has 12 traffic count devices and has conducted traffic studies at 183 locations county-wide since January 2009. Amount requested \$495.00 moving funds from 020.710.5211 office supplies to 020.710.5718 software-operating. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the purchase of upgrade software for the Transportation Dept. from Timemark, Inc. in the amount of \$495.00 and to amend the budget accordingly by moving funds from 020-710.5211 to 020-710.5718. All voting "Aye". MOTION PASSED



**27928 REPLAT OF LOTS 14, 15, 16, AND 18 MUSTANG VALLEY SECTION 4 [12-3-2 - 5 LOTS] APPROVE PRELIMINARY PLAN AND HOLD PUBLIC HEARING APRIL 10, 2012**

Roxie McInnis Subdivision Coordinator gave staff recommendation. Mustang Valley Section 4 consists of 25 lots on Mustang Valley Trail in Precinct 3. The proposed replat will result in a net increase of one lot, bringing the total lot count to 26. All lots will be served by private wells and individual on-site sewage facilities at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve preliminary plan of Replat of Lots 14, 15, 16, and 18 Mustang Valley Section 4 (5 Lots) and call for public hearing on April 10, 2012. All voting "Aye". MOTION PASSED**

**27929 GOFORTH DOLLAR GENERAL SUBDIVISION [12-2-6 - 2 LOTS] APPROVE PRELIMINARY PLAN**

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Goforth Dollar General Subdivision is a proposed subdivision of 2.99 acres of land located at the intersection of Bebee Road and Goforth Road in Precinct 2. The division will result in two lots. Lot 1 being 1.749 acres and Lot 2 being 1.250 acres. Lot 1 is currently developed and is served by Goforth Water Supply and an on-site sewage facility. Lot 2 will also be served by an on-site sewage facility and Goforth Water at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan of Goforth Dollar General Subdivision 2 Lots. All voting "Aye". MOTION PASSED**

**27930 ALLOW A PLATTING EXCEPTION PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE FOR OWNER(S) OF PORTIONS OF LOT 1, LOS RANCHOS SUBDIVISION**

Clint Garza Director of Development Services spoke. Lot 1 Los Ranchos Subdivision was divided illegally in 2001. In 2007 the buyer of a portion of the lot (aka1B) was unaware of any platting requirements and proceeded to apply for an OSSF permit with the Hays County Environmental Health Department. In 2007 the owner was granted an OSSF permit and was instructed, by Hays County staff, to apply for a 10 year platting variance. In 2012, the owners applied for a development permit and were informed that they owned only portions of platted lots and the changes in lot line were not in compliance with section 232.009 of the Texas Local Government Code. At the time, staff was provided documentation of the administrative variance issued by the department in 2007. The owners were informed that the current staff opinion does not support the basis under which the administrative variance was granted. In short, the 1997 resolution does not state a previously platted lot can be administratively approved nor is it consistent with the Local Government Code. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to allow a platting exception pursuant to Section 232.010 of the Texas Local Government Code for owner(s) of portions of Lot 1, Los Ranchos Subdivision. All voting "Aye". MOTION PASSED**

**27931 APPROVE AMENDMENT 1 TO THE CONTRACT WITH RVI, AUSTIN FOR PREPARATION OF THE JACOB'S WELL MASTER PLAN**

Jeff Hauff Grants Administrator spoke. On October 4, 2011 the Commissioners Court approved a contract with RVi, Austin for preparation of a development Master Plan for the Jacob's Well Natural Area, in the amount of \$93,000.00. Planning has progressed and nearing completion of the Plan. The Original contract included one public meeting as part of the scope of work, in addition to regular meetings with the Stakeholder's group This public meeting was held on January 19, 2011 to solicit input on initial development ideas and what public expectations were for the site. As the plan is finalized, it has been determined that it would be beneficial to hold a second public meeting to present the concept development plan to the public for comment prior to consideration of the final draft Master Plan by the Commissioners Court. This would give the general public the opportunity to review the plan and consider how past comments have been integrated throughout the planning effort. Amendment 1 accounts for this second public meeting as an addition to the original contract scope of work. Funding is available from funds already allocated for the Jacob's Well property. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Amendment 1 to the contract with RVi, Austin for preparation of the Jacob's Well Master Plan. All voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item 15 RE: APPROVE THE SECURITY AND ACCESS POLICY FOR THE HAYS COUNTY GOVERNMENT CENTER AND FEE AMOUNT FOR THE ISSUANCE OF CARDS TO LOCAL BAR MEMBERS - PULLED**



**27932 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION ON CRYSTAL HILLS DRIVE IN PRECINCT 4 FOR THE 2008 PRIORITY ROAD BOND PROGRAM PROJECT**

Court convened into closed executive session at 9:33 am and reconvened into open court meeting at 9:38 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Allen Crozier and Sam Nassour with Contract Land Staff. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Purchase Agreement for the acquisition of .087 acres owned by LSM Ranch Limited near Crystal Hills Dr. All voting "Aye". MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES**

Court convened into closed executive session at 9:45 and reconvened into open court meeting at 10:15 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and C.B.R.E Rep- Ed Johnson. No action taken.

**ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

At this time the Burn Ban will remain lifted.

**County Clerk's Note Item #19 Re:** *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT – was pulled*

**County Clerk's Note Item #20 Re:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – was pulled*

**County Clerk's Note Item #21 Re:** *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE – was pulled*

**A motion was made by Commissioner Conley, seconded by Commissioner Jones to adjourn court.**

**I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on March 6, 2012.**



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

