



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 17TH DAY OF APRIL A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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| ALBERT H. COBB JR | COUNTY JUDGE |
| DEBBIE GONZALES INGALSBE | COMMISSIONER, PCT. 1 |
| MARK JONES | COMMISSIONER, PCT. 2 |
| WILL CONLEY | COMMISSIONER, PCT. 3 |
| RAY O. WHISENANT JR | COMMISSIONER, PCT. 4 |
| ROSE ROBINSON | DEPUTY COUNTY CLERK |

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Whisenant Precinct 4 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

PRESENTATION TO RECOGNIZE HAYS COUNTY EXTENSION VOLUNTEERS

Hays County Extension agents Richard Parrish and Laura Petty would like to recognize the volunteers that serve Hays County through various Extension Programs. Richard Parrish spoke of this being Hays County Volunteer Week.

28027 ADOPT A PROCLAMATION DECLARING APRIL 21 - 28, 2012 AS NATIONAL INFANT IMMUNIZATION WEEK

Merrilee Storm, RN and Cherri Schmidt, Health Educator spoke of the importance of National Infant Immunization week. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation Declaring April 21-28, 2012 as National Infant Immunization Week. All voting "Aye". MOTION PASSED**

PRESENTATION TO UPDATE THE COMMISSIONERS COURT ON THE PLUM CREEK WATERSHED PROTECTION PLAN

Nikki Dictson from the Texas AgriLife Extension Service gave a presentation and an update of the Plum Creek Watershed Protection Plan. Plum Creek History – Partnership started with public meetings in April 2006, Partnership met monthly to develop the Watershed Protection Pan for 2 years, WPP was completed in February 2008, and Implementation has been ongoing since completion. Plum Creek Watershed Protection Plan-Watershed Protection Plans are Voluntary and have no regulatory authority, a local Steering Committee representing all types of stakeholders throughout the watershed has directed the process, the goals of the plan are to reduce pollution and improve water quality, Plan includes strategies for each of the potential sources in the watershed, Maintain Long-term sustainability. New Watershed Coordinator – Watershed Coordinator Project started November 2011, the request for Qualifications was sent out starting December 5, 2011, qualifications were due by December 20, 201 to GBRA, Received 12 outstanding responses to the RFQ that were sent to Selection Committee. Selection Process – Selection Committee reviewed and ranked the responses and sent results to Debbie by January 5, 2011, Committee met on January 10th and selected the top 4 candidates to interview on January 27, 2012, Developed the interview questions and ranking sheet, decided to ask the candidate to develop a 5-10 minute presentation on why they are most qualified for the position. Watershed Coordinator Position - at the end of the interviews the Selection Committee met and decided on the top candidate, after checking references the position was offered to the top candidate on Jan 31, 2012, Nick Dornak from Wyoming accepted the position and started March 1, 2012.

PRESENTATION TO UPDATE THE COMMISSIONERS COURT ON THE HILLSIDE TERRACE PROJECT

Nikki Dictson from the Texas AgriLife Extension Service gave a presentation and an update of Hillside Terrace Project. The Hillside Terrace Wastewater project is located in Hays County and the ETJ of Buda, but is outside of the current service area. The project is for the entire Subdivision of Hillside Terrace located off of Hillside Terrace Rd south of Buda and along I-35. The project is within Goforth Special Utility District Water CCN but is not within any Wastewater CCN jurisdiction. There are approximately 360 occupied residences within Hillside Terrace, that has 399 platted lots but the remaining lots are located within floodplan and/or have no structures. This subdivision has had many onsite wastewater (septic) violations from the Hays County Development Services Department.

**28028 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of County Invoices in the amount of \$1,080,258.17 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28029 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 10, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of April 10, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28030 AMEND THE SHERIFF'S OFFICE BUDGET TO ORDER A REPLACEMENT PROJECTOR

The Sheriff's Office needs to replace a projector utilized by the Training Division. Rather than replacing with another projector the Sheriff's Office would like to replace it with a T.V. and the proper cabling in order to use it just as the projector was being used. The funds have been identified in the Sheriff's Operating budget. Amount required \$605.00/001-618-00.5333 Academy Training – Decrease \$605; 001-618-00.5719_400 Misc. Equipment- Increase \$605. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Sheriff's Office budget to order a replacement projector. All voting "Aye". MOTION PASSED

28031 AUTHORIZE THE SHERIFF'S OFFICE TO USE FUNDS RECEIVED FROM THE UNCLAIMED EVIDENCE AUCTION TO PURCHASE SUPPLIES AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received funds from Propertyroom.com for auctioned items of unclaimed evidence. The funds will be used to purchase supplies for the evidence room. Amount required \$111.66/ Increase Revenue 001-618-00.4635(Auction Sales) (\$111.66); Budget Expense 001-618-00.5362 (Criminal Investigation) \$111.66. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to use funds received from the unclaimed evidence auction to purchase supplies and amend the budget accordingly. All voting "Aye". MOTION PASSED

28032 AUTHORIZE THE COUNTY AUDITOR TO MOVE FUNDS FROM THE GOVERNMENT CENTER SECURITY SALARY/FRINGE TO BUILDING MAINTENANCE FOR GOVERNMENT CENTER JANITORIAL SERVICES AND AMEND THE BUDGETS ACCORDINGLY

On March 20, 2012 the Commissioners Court authorized removing three correction officer positions from the Government Center Security Department effective April 1, 2012. The County Auditor would like to move the salary and fringe benefits savings to the Building Maintenance budget to help offset costs for janitorial services at the Government Center Building. Amount required \$56,685.00/001-695-00.5448_008. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Auditor to move funds from the Government Center Security salary/fringe to Building Maintenance for Government Center janitorial services and amend the budgets accordingly. All voting "Aye". MOTION PASSED

28033 AUTHORIZE THE COUNTY AUDITOR TO MOVE FUNDS FROM COUNTY WIDE TO THE TREASURER'S OPERATING BUDGET FOR EXPENSES RELATED TO THE MAIL ROOM CLERK POSITION AND AMEND THE BUDGETS ACCORDINGLY

During the FY 2012 budget process, a total of \$25,000 was budgeted in County Wide contingencies to hire a part-time mail room clerk position. This position has been filed effective April 4, 2012 and expenses for salary and other operating expenses need to be moved from County Wide to the supervising office, Treasurer's Office. Amount required \$ 8,929/ Decrease Co-Wide Contingencies 001-645-00.5399 (\$8,929), Increase Treasurer Staff Salary: 001-620-00.5021 \$5,650; Increase Treasurer FICA: 001-620-00.5101_100 \$351; Increase Treasurer MED: 001-620-00.5101_200 \$82; Increase Treasurer RET: 001-620-00.5101_300 \$616; Increase Treasurer Office Supp: 1-620-00.5211 \$1,000; Increase Treasurer Contract SVCS: 1-620-00.5448 \$1,000; Increase Treasurer Telephone:-620-00.5489 \$180 Increase Treasurer Travel: 1-620-00.5501 \$50. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Auditor to move funds from County Wide to the Treasurer's Operating budget for expenses related to the Mail Room Clerk position and amend the budgets accordingly. All voting "Aye". MOTION PASSED



28034 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 2 TO THE FLOOD PROTECTION PLANNING GRANT CONTRACT BETWEEN THE TEXAS WATER DEVELOPMENT BOARD AND HAYS COUNTY

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute Amendment No. 2 to the Flood Protection Planning Grant Contract between The Texas Water Development Board and Hays County. All voting "Aye". MOTION PASSED

28035 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON PURSLEY RD

Judge Cobb opened public hearing. Ellen Roth made a public comment. Judge Cobb closed public hearing. Jerry Borcharding Transportation Director spoke and gave staff recommendation. This is to establish a stop sign on Pursley Road at Creek Rd, and a speed limit of 35 MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to establish traffic regulations on Pursley Rd. All voting "Aye". MOTION PASSED**

28036 REPLAT OF LOT 16, GREEN ACRES [12-3-5--2 LOTS] APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING MAY 15, 2012

Roxie McInnis Subdivision Coordinator spoke and gave staff recommendation. The Green Acres Subdivision is a recorded subdivision located off of F.M 2325 in Precinct 3. Green Acres was originally divided in 1968 as a 25 lot subdivision. Today there are 55 taxable parcels on the CAD records. Lot 16 (5.373 acres) will be divided into two lots- Lot 16A being 3.373 acres, and Lot 16B the remaining 2.00 acres. Both lots will utilize Wimberley Water Supply and individual on-site sewage facilities at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve preliminary plan for Green Acres 2 Lots and call for public hearing May 15, 2012. All voting "Aye". MOTION PASSED**

PURCHASE A QUEUING SYSTEM FOR THE GOVERNMENT CENTER TAX OFFICE

Luanne Caraway Tax Assessor Collector spoke. During planning of the Government Center Tax Office included the need for a Queuing System. This was discussed numerous times and the understanding was that this was included in the plans and should have been installed prior to opening the office. The Tax Office had been told that the Sterring Committee has discussed this item and believed it is an appropriate expenditure of the building funds but felt it needed to be presented to Commissioners Court for approval. This System would allow the Tax Office the ability to process customers in a much more efficient manner. There would also be a recurring annual maintenance fee of \$1,750.00 which will be added to the Tax Office or IT budget annually, whichever is appropriate. Amount required \$17,656.00. A motion was made by Commissioner Ingalsbe to purchase a Queuing System for the Government Center Tax Office. "MOTION DIED" for lack of seconded.

28037 APPROVE THE PURCHASE OF TWO SCANNERS FOR THE TAX OFFICE SUBSTATIONS AND AMEND THE BUDGET ACCORDINGLY

Prior to moving to the Government Center our substations were faxing their daily reports to the San Marcos Office, but there were many problems with that process, Since moving, the Tax Office has been borrowing scanners from the JP Offices. The Tax Office needs to purchase two scanners for the Dripping Springs and Buda Offices. The Kyle office will temporarily continue to use the JP's scanner until the new building is completed, at which time the scanner from Buda will be moved to the joint Buda/Kyle office. There will be a recurring maintenance cost of \$334.00 per year for the two scanners (\$167.00 each) which will be added to the Tax Office or IT budget annually, whichever is appropriate. Amount required \$1,660.00 Salary Savings. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the purchase of two scanners for the Tax Office substations and amend the budget accordingly. All voting "Aye". MOTION PASSED**



28038 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT #2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC. (FORMERLY CARTER AND BURGESS INC.) AND SUPPLEMENTAL AGREEMENT #2 TO WORK AUTHORIZATION #5 WITH JACOBS ENGINEERING GROUP, INC. FOR ENGINEERING SERVICES RELATED TO THE NORTHERN SEGMENT OF FM 1626

Jeff Watson of HNTB spoke. Jacobs is the Design Engineer for the Northern segment of FM 1626; Supplemental Agreement #2 to the PSA and Supplemental Agreement # 2 to Work Authorization #5 will allow for the completion of: (1) On-going project design management and coordination. (2) Future Construction Engineering Services including but not limited to: project Requests for Information (RFI's) and any design modifications requested by Hays County and/or TxDot. (3) Continued support of survey, ROW acquisition, and utility relocation operations. (4) Costs incurred preparing for the additional 90% Plan review requested by the TxDot Austin District. (5) The maximum amount payable for services under Work Authorization No.5 is requested to be increased from \$901,244.00 to \$1,045,134.00 (6) The Compensation Cap for the Professional Services Agreement is required to be increased from \$3,050,000.00 to \$3,350,000.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Contract for Engineering Services Supplemental Agreement #2 to the Professional Services Agreement with Jacobs Engineering Group, Inc. (formerly Carter and Burgess Inc.) and Supplemental Agreement #2 to Work Authorization #5 with Jacobs Engineering Group, Inc. for engineering services related to the northern segment of FM 1626. All voting "Aye". MOTION PASSED**

28039 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO NEGOTIATE AND SIGN AN ADVANCED FUNDING AGREEMENT WITH TXDOT FOR PROVIDING DESIGN SERVICES FOR TXDOT APPROVED PROPOSITION 12 FUNDED PROJECTS ON IH 35 AND FM 2439, AND TO DIRECT STAFF TO PROCEED WITH PROCUREMENT OF PROFESSIONAL CONSULTANT SERVICES DESCRIBED IN THE ADVANCED FUNDING AGREEMENT

On March 27, 2012 the Commissioners Court approved an Interlocal Agreement with TxDot for three Proposition 12 projects in Hays County. However, TxDot has now requested that the County execute the Advanced Funding Agreement for these projects. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a resolution authorizing the County Judge to negotiate and sign an Advanced Funding Agreement with TxDOT for providing design services for TxDOT approved Proposition 12 funded projects on IH 35 and FM 2439, and to direct staff to proceed with procurement of professional consultant services described in the Advanced Funding Agreement. All voting "Aye". MOTION PASSED**

28040 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSENT TO ASSIGNMENT BY THE LOWER COLORADO RIVER AUTHORITY ("LCRA") TO THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (THE "PUA") OF A CERTAIN AGREEMENT RELATED TO THE PROVISION OF WATER AND WASTEWATER SERVICE

Lauren J. Kalisek with Lloyd Gosselink, Jerry V. Kyle Jr. with Andrews Kurth LLP, Special Counsel Mark Kennedy and Commissioner Whisenant spoke. As expected, Hays County, the City of Bee Cave, and Travis County Mud No. 5, all participants via the PUA in the acquisition of some of LCRA's water and wastewater systems, must consent to the assignment of the certain agreement(s) to the PUA by LCRA. This is all part of the checks and balances related to the operation of a Regional PUA. (already budgeted). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Consent to Assignment by the Lower Colorado River Authority ("LCRA") to the West Travis County Public Utility Agency (the "PUA") of a Certain Agreement Related to the Provision of Water and Wastewater Service. All voting "Aye". MOTION PASSED**

28041 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PARTICIPANT AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF BEE CAVE, AND TRAVIS COUNTY MUD NO. 5 RELATED TO THOSE ENTITIES' INTERACTION AND PARTICIPATION IN THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

Lauren J. Kalisek with Lloyd Gosselink, Jerry V. Kyle Jr. with Andrews Kurth LLP, Special Counsel Mark Kennedy and Commissioner Whisenant spoke. This Participant Agreement further defines the rights and obligations of the 3 entities that form the PUA. At the time it was considered by the Commissioner Court, it should have been considered and voted upon by the other participating entities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Participant Agreement between Hays County, the City of Bee Cave, and Travis County Mud No. 5 related to those entities' interaction and participation in the West Travis County Public Utility Agency with revisions noted on the record. All voting "Aye". MOTION PASSED**



28042 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE A WASTEWATER LINE EASEMENT FROM HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND/OR CENTURY ACRES PROPERTY OWNERS ASSOCIATION, RELATED TO THE INSTALLATION OF A WASTEWATER LINE THAT WILL SERVE THE NEW PRECINCT 2 OFFICES ON FM 2770

Special Counsel Mark Kennedy is currently negotiating easements necessary for the permanent installation of the wastewater line depicted. As needed, the County Judge may be required to execute documents that establish the Parties' rights related to those easements. Advanced approval for the County Judge's execution of these documents is desired in order to streamline the process. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute any and all documents necessary to acquire a wastewater line easement from Hays Consolidated Independent School District and/or Century Acres Property Owners Association, related to the installation of a wastewater line that will serve the new Precinct 2 offices on FM 2770. All voting "Aye". MOTION PASSED**

10:00 AM WORKSHOP AND UPDATE ON THE COUNTY'S BOND PROGRAM INCLUDING AN OVERVIEW OF RESULTS FROM THE RECENT DEBT REFUNDING

Dan Wegmiller with Special Public Finance and Julie Houston of Winstead PC Bond Counsel presented an update to the Court on the bond program including the results of the recent debt refunding.

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 11:15 a.m. and reconvened into opened court meeting at 11:50 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. - No Action Taken

28043 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, SALE, EXCHANGE, OR VALUE OF THE NICHOLSON RANCH PROPERTY (APP. 1005 ACRES) OWNED BY HAYS COUNTY

Court convened into closed Executive Session at 11:50 a.m. and reconvened into opened court meeting at 12:05 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize counsel to negotiate and authorize the County Judge to execute a Farm and Ranch Contract with Longhorn River Ranch, Ltd., as presented in Executive Session pursuant to the competitive sealed bidding process that concluded last week for Hays County's sale of approximately 1005 acres in Western Hays County, known as Nicholson Ranch. All voting "Aye". MOTION PASSED**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn ban will remain lifted.

County Clerks Note Agenda Item # 25: *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 Clerks Note Agenda Item # 26: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR-*
was pulled



County Clerks Note Agenda Item #27: *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 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 April 17, 2012.



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

