



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 1<sup>ST</sup> DAY OF MAY A.D., 2012, 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 John McComb of San Marcos Community Church 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**

Gary Cutler Hays County Sheriff and staff presented David Peterson Constable Pct 1 with a Certificate of Appreciation.

#### **28055 ADOPT A PROCLAMATION DECLARING THE MONTH OF MAY 2012 AS OLDER AMERICANS MONTH**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring the month of May 2012 as Older Americans Month. All voting "Aye". MOTION PASSED

#### **28056 ADOPT A PROCLAMATION DECLARING MAY 6 - 12, 2012 AS "NATIONAL NURSES WEEK" WITH THE THEME OF "NURSES: CARING TODAY FOR A HEALTHIER TOMORROW"**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring May 6 - 12, 2012 as "NATIONAL NURSES WEEK" with the theme of "Nurses: Caring Today for a Healthier Tomorrow". All voting "Aye". MOTION PASSED

#### **RECOGNIZE PERSONNEL INVOLVED IN CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) REPORTING COMPLIANCE**

Liz Gonzalez County Clerk spoke. All County's around the State have been asked to come into compliance with the CJIS reporting by September 1, 2012. Hays County would like to recognize all the personnel involved in making this happen. The County Employees being recognized are Information Technology - Marva Pearce, County Jail - Julie Schneider and Julie Villapando, District Attorney Office - Emily Sierra, District Clerk Office's - Beverly Crumley, Erica Leonard, Tammy Crosby and Debbie Nash, County Clerk's Office - Linda Duran, Dee Dee Rogers, Karol Boggus and Roxanne Sanchez.

#### **28057 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of \$3,111,890.87 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### **28058 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 24, 2012 AND THE MINUTES OF THE SPECIAL MEETING ON APRIL 19, 2012**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of April 24, 2012 and the minutes of the special meeting on April 19, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**28059 ACCEPT THE DISTRICT CLERK FEE COLLECTION REPORT FOR JANUARY – MARCH 2012**

Art. 103.005, Code of Criminal Procedure, Required Report of an office listed in Article 103.003 who collects money other than taxes for a county shall report to the Commissioners Court of the County for which the money was collected during each term of the court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the District Clerk Fee Collection Report for January – March 2012. All voting "Aye". MOTION PASSED**

**28060 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT AN APPLICATION TO FALLEN OFFICERS REMEMBERED FOR A K-9 BULLETPROOF VEST**

Fallen Officers Remembered, a non-profit 501 (C) (3) organization, offers a program for law enforcement agencies to apply for the grant of a bulletproof vest for K-9 units. The Sheriff's Office is requesting authorization to submit an application for consideration of award of a K-9 vest to Hays County. The vest is of the same material used in a human vest- Kevlar- and offers good protection from gunshot, stabbing and blunt force trauma. The K-9 One vest is valued at \$625.00 and has a five year manufacturer's warranty. Agreement terms, is a vest is received, included that the vest must be worn by the canine while on duty, and that it be returned to Fallen Officers Remembered if the K-9 can no longer serve. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to submit an application to Fallen Officers Remembered for a K-9 Bulletproof Vest. All voting "Aye". MOTION PASSED**

**28061 APPROVE NEW AGREEMENT BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND SENDERO HEALTH PLAN (A MEDICAID PROGRAM)**

This contract will allow the Personal Health Department to provide maternity, well child, and immunization services to Sendero Health Plan clients, and bill for those services. Due to new amendments and State requirements, this agreement is considered a new document and replaces the previous one which took effect on March 1, 2012. This new contract will be back-dated to take effect March 1, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve new Agreement between the Hays County Personal Health Department (PHD) and Sendero Health Plan (a Medicaid program). All voting "Aye". MOTION PASSED**

**28062 ACCEPT DONATIONS TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM TOTALING IN THE AMOUNT OF \$704.10 AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office received two donations totaling in the amount of \$704.10 from Seton and Central Texas Medical Center and request to deposit into line item 052-618-00.5222. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept donations to the Sheriff's Office Community Outreach Program totaling in the amount of \$704.10 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28063 AUTHORIZE THE COUNTY AUDITOR TO PURCHASE SOFTWARE FOR INTERNAL AUDIT PAPERLESS PROCESSING AND AMEND THE BUDGET ACCORDINGLY**

The County Auditor's Internal Audit Team would like to implement a paperless process for Internal Examination work papers. In order to begin this process, we will need to purchase two Adobe Professional software licenses. Savings in office supplies have been identified to cover these costs. Amount Required \$ 394.00 Decrease Auditor Office Supplies 001-606-00.5211 (\$394) Increase IT Software Maint/License 001-680-00.5429 \$394.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Auditor to purchase software for internal audit paperless processing and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28064 APPROVE AMENDING THE BUDGET OF JUSTICE OF PEACE PCT. 5 FOR CONTINUING EDUCATION FROM DUES AND BONDS**

Judge Cary requires Continuing Ed., and can transfer from his Dues & Bonds line item. Amount Required \$405.00 to 001-629-00.5551 Continuing Ed. From 001-629-00.5302 Dues & Bonds. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve amending the Budget of Justice of Peace Pct. 5 for Continuing Education from Dues and Bonds. All voting "Aye". MOTION PASSED**



**28065 APPROVE AMENDING THE SHERIFF OFFICES, EMERGENCY SERVICES DISPATCH AND GOVERNMENT CENTER SECURITY DEPARTMENT SALARYFRINGE BUDGETS TO ALLOCATE TO APPROPRIATE GENERAL LEDGER ACCOUNTS**

The County Auditor's Office needs to reallocate budget in the SO, ESD, GSC Department salary/fringe line items in order to appropriately expense positions due to movement between departments. Funds are already budgeted and will be moved within the departments above. No additional funds are required. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve amending the Sheriff Offices, Emergency Services Dispatch and Government Center Security department salary/fringe budgets to allocate to appropriate general ledger accounts. All voting "Aye". MOTION PASSED**

**28066 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AT 5750 DACY LANE, IN BUDA, TEXAS**

Clint Garza Director of Development Services gave staff recommendation and there are no variances to applicable rules and regulations. Hays County CISD is proposing an OSSF to serve a Food Service Warehouse Facility at 5750 Dacy Lane in Precinct 2. This property is 51.158 acres. Water will be supplied by Public Water Supply. This OSSF is a non-standard treatment system in which the effluent will be pumped to a drip irrigation dispersal field. The system was designed by Joe Wells, P.E for a maximum of 219 gpd flow; equalized over a 7 day period. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize an institutional OSSF permit at 5750 Dacy Lane, in Buda, Texas. All voting "Aye". MOTION PASSED**

**28067 ACTION CONSIDER THE SELECTION OF CONSULTING FIRM(S) FOR DESIGN SERVICES ON PROPOSITION 12 FUNDED PROJECTS ON IH 35 AND FM 2439 AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACTS WITH THE SELECTED FIRMS**

Mike Aulick spoke. The Consultant Selection Team Commissioner Jones Precinct 2, Transportation Director Jerry Borcharding, Tim Vandevorde from the Road Department, and Blake Dommert of TxDot have interviewed firms and recommend for Project 1 – HNTB, Project 2 – HNTB, and Project 3 - KLOTZ. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to consider the selection of consulting firm(s) for design services on Proposition 12 funded projects on IH 35 and FM 2439 and authorize the County Judge to execute contracts with the selected firms. All voting "Aye". MOTION PASSED**

**28068 EXTEND THE CURRENT CONSULTING CONTRACT WITH AULICK & ASSOCIATES AND AMEND THE BUDGET ACCORDINGLY**

Jerry Borcharding Transportation Director gave staff recommendation. Michael Aulick with Aulick & Associates is currently being utilized for design procurement and implementation of the CAMPO and TxDOT funded projects, review and analysis of CAMPO issues, representing Hays County on the CAMPO Technical Advisory Committee and seeking additional funding for transportation projects. Amount Required \$ 15,000.00 – 020-710-00.5448\_008 – Materials. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to extend the current consulting contract with Aulick & Associates and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28069 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 141 S. CANYONWOOD, DRIPPING SPRINGS, TEXAS**

Clint Garza Director of Development Services spoke. Steve Harper is proposing an OSSF to serve a towing business at 141 S. Canyonwood in Precinct 4. This property is 1.702 acres. Water will be supplied by Public Water Supply. This OSSF is a standard treatment system in which the effluent will be pumped to a low pressure dosed drainfield. The system is designed for a maximum of 602 gpd. The system designer, Derrick Lormand, R.S. is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities which requires flow equalization. His justification is that the system is designed to treat 60 gallons per day. This number is quite conservative given that this is an office with only two employees. Chapter 285 suggests only 4 gallons per day per occupant. Even with some wastewater flow added for the occasional visitor, the system is oversized by several hundred percent. In order to achieve a reasonable retention time of 24 hours, the septic tank volume is assumed at 3Q. Three times the flow rate in this system would be 180 gallons. The proposed septic tank volume included with our design is 1,000 gallons – again oversized by 500%. It is the opinion of staff that the oversized septic tank volume will act as a baffle and provide the necessary flow equalization required. Adding an equalization tank in front of this septic tank would actually cause more damage than leaving the system as designed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize an Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 141 S. Canyonwood, Dripping Springs, Texas. All voting "Aye". MOTION PASSED**



**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG FM 1626 IN PRECINCT 2**

Court convened into Executive Session at 9:50 a.m. and reconvened into open court meeting at 10:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Elle Dietz. No Action Taken.

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, ALONG RANCH ROAD 12 IN PRECINCT 3**

Court convened into Executive Session at 10:00 a.m. and reconvened into open court meeting at 10:15 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell and Elle Dietz. No Action Taken.

**28070 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 OR LEASE OF COUNTY OWNED PROPERTIES**

Court convened into Executive Session at 11:04 a.m. and reconvened into open court meeting at 11:40 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Special Counsel Mark Kennedy to execute all documents necessary to perfect closing of sale on the following properties, for which the County Judge has been or may be authorized to sign Purchase and Sale Agreements: 102 N. LBJ Drive, San Marcos, Texas; 137 N. Guadalupe, San Marcos, Texas, 302 W. San Antonio St. San Marcos, Texas, and the approximately 1005 acres in Western Hays County commonly known as Nicholson Ranch. All voting "Aye". MOTION PASSED**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute deeds related to the sale of those properties. All voting "Aye". MOTION PASSED**

**28071 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE OF THE HAYS COUNTY ANNEX BUILDING AT 102 N. LBJ DRIVE IN SAN MARCOS, TEXAS**

Court convened into Executive Session at 11:41 a.m. and reconvened into open court meeting at 11:43 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Albacin Investment, LLC related to the sale of 102 N. LBJ Drive, San Marcos, Texas as presented by counsel in Executive Session. All voting "Aye". MOTION PASSED**

**28072 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE OF THE HAYS COUNTY RECORDS BUILDING AT 137 N. GUADALUPE STREET IN SAN MARCOS, TEXAS**

Court convened into Executive Session at 11:41 a.m. and reconvened into open court meeting at 11:43 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Albacin Investments, LLC related to the Sale of 137 N. Guadalupe, San Marcos, Texas as presented by Counsel in Executive Session. 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 SALE OF THE MAX C. SMITH BUILDING AT 302 W. SAN ANTONIO STREET IN SAN MARCOS, TEXAS**

Court convened into Executive Session at 11:41 a.m. and reconvened into open court meeting at 11:43 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Albacin Investments, LLC related to the sale of 302 W. San Antonio St., San Marcos, Texas as presented by Counsel in Executive Session. All voting "Aye". MOTION PASSED**

**28074 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE OF THE HAYS COUNTY JUSTICE CENTER AT 110 W. MLK DRIVE IN SAN MARCOS, TEXAS**

Court convened into Executive Session at 11:44 a.m. and reconvened into open court meeting at 12:02 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Letter of Intent between Hays County and DCI Development LLC related to the purchase and sale of the Hays County Justice Center Building, located at 110 W. MLK. Drive in San Marcos, as presented and discussed in Executive Session. All voting "Aye". MOTION PASSED**

**28075 EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING THE EMPLOYMENT OF EACH INDIVIDUAL EMPLOYEE OF THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT AND THE DIRECTOR OF DEVELOPMENT SERVICES**

Court convened into Executive Session at 10:00 a.m. and reconvened into open court meeting at 10:55 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Dee Dee Baen Human Resources Director, Shari Miller and Clint Garza Development Services Director. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the reorganization of Building Maintenance Department as a Division of the Development Services Department and to be directly supervised by the Development Services Director, effective immediately. Also, add a Systems Coordinator Position, grade 112 effective May 1, 2012, with authority to fill above the minimum, not to exceed the 50<sup>th</sup> percentile. Direct Clint Garza to access the organizational structure, duties and assignments of the Building Maintenance Department, with any changes to be proposed on an as needed basis. All voting "Aye". MOTION PASSED**

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

The Burn Ban will remain lifted. County Judge recommends if burning for the public to use extreme caution. There is a possibility that the Burn Ban be put in place in the near future; Court recommends that if the public needs to burn they should do it as soon as possible and please contact your local Fire Department to prevent unnecessary visits.

**County Clerk's Note Agenda Item #26 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 Agenda Item #27 Re:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – was pulled*

**DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE**

Commissioner Whisenant spoke of a Joint Meeting with other Utility Districts to be held in June.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MAY 1, 2012

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VOLUME U PG 835

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 1, 2012.



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

