



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 8<sup>TH</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:

<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:

Assistant Pastor Fred Pratt of Solid Rock 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**

Laurie Moyer – Managing Director – Community Services for the City of San Marcos and San Marcos resident invited Court to a San Marcos Urban Transit District Meeting.

**28076 ADOPT A PROCLAMATION DECLARING MAY 6-12, 2012 AS NATIONAL CORRECTIONAL OFFICERS & EMPLOYEES WEEK**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring May 6-12, 2012 as National Correctional Officers & Employees Week. All voting "Aye". MOTION PASSED

**28077 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of \$532,100.63 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**28078 APPROVE COMMISSIONERS COURT MINUTES OF MAY 1, 2012**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of May 1, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**28079 APPROVE UTILITY PERMITS**

This is to approve Utility Permit #852 on Fitzhugh Road and Crumley Ranch Road issued to Texas Gas Service. Gas line to be installed in Right of way of Fitzhugh Road and Crumley Ranch Road per engineered plans. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Utility Permit # 852 Fitzhugh Rd and Crumley Ranch Road issued to Texas Gas Service as submitted by the Road Department. All voting "Aye". MOTION PASSED

**28080 APPROVAL TO AWARD IFB #2012-B02R REBID OF ROW FENCING FOR MT. GAINOR TO METALINK CORPORATION**

Purchasing received 3 Mt. Gainor Fencing Rebid quotes (1) Metalink Corporation for a grand total of \$32,856.60 (2) Bobo Construction for a grand total of \$38,617.00 (3) BWH Homes Construction for a grand total of \$39,960.20 with Metalink having the lowest bid. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve award IFB #2012-B02R Rebid of ROW Fencing for Mt. Gainor to Metalink Corporation. All voting "Aye". MOTION PASSED



**28081 ACCEPT A DONATION FROM THE HISTORICAL COMMISSION AND AMEND THE BUDGET FOR USE OF THOSE FUNDS ON OPERATING EXPENSES, AS WELL AS, CHANGING THE LIGHT FIXTURES IN SUITE 104 AT THE COURTHOUSE**

The Historical Commission has received a donation for office and general supplies, contract services, and miscellaneous capital improvements. No matching county funds needed. Amount required \$10,000.00 funded through a donation. Increase Revenue: 001-676-00.4610-contributions (\$10,000.00) Increase Expense: 001-676-00.5201-general supplies \$1,000.00, Increase Expense: 001-676-00.5211-office supplies \$2,000.00, Increase Expense: 001-676-00.5448 contract services \$4,656.00, Increase Expense: 001-676-00-5741 misc. capital improvements \$2,344.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a donation from the Historical Commission and amend the budget for use of those funds on operating expenses, as well as, changing the light fixtures in Suite 104 at the Courthouse. All voting "Aye". MOTION PASSED**

**28082 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, UNDER THE FY12 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR SHARED EQUIPMENT FOR THE SHERIFF'S OFFICE, DISTRICT CLERK'S OFFICE, COUNTY CLERK'S OFFICE, AND ADULT PROBATION IN THE AMOUNT OF \$11,128.00**

Grant funds, if awarded will be used to assist in purchasing a Touch Print Live Scan Appliance for digital collection and processing of fingerprint images. The equipment will be housed in the Government Center and utilized by all Justice System Offices. The equipment supports the "paperless" initiative recently implanted for our justice system records. The Sheriff's Office will be able to obtain fingerprints on individuals that have been arrested in another county and on individuals whose criminal history has not been submitted to DPS. Adult Probation, County Clerk's Office and District Clerk's Office will also benefit from this equipment for obtaining fingerprints on defendant's that are placed on probation and on individuals who are requesting a name change. The County will be able to use the Live Scan for collection of fingerprints for those positions that require investigation background checks on new hires. Additional County funds will be necessary to cover the full purchase price of the system, which is \$21,770.00. JAG funds are limited to \$11,128.00. Potential funding sources for the County portion included the Records Management and/or Technology Funds, or other County resources. The grant will be submitted electronically and is due by May 14, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to submit a grant application to the U.S. Department of Justice, under the FY12 Edward Byrne Memorial Justice Assistance Grant (JAG) program for shared equipment for the Sheriff's Office, District Clerk's Office, County Clerk's Office, and Adult Probation in the amount of \$11,128.00. All voting "Aye". MOTION PASSED**

**28083 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE HAYS COUNTY DISTRICT ATTORNEY'S STATE FORFEITURE ASSETS AND THE HAYS COUNTY SHERIFF'S FEDERAL AND STATE FORFEITURE ASSETS**

In accordance with subsection 115.0035 of the Texas Local Government Code and Article of the Texas Code of Criminal Procedure, the Auditor's office performed an internal examination on the records of the District Attorney's Forfeiture Fund and the FY2011 Chapter 59 Asset Forfeiture Report for the period of September 1, 2010 to August 31, 2011. The internal examination consisted of reviewing deposits, disbursements, and other supporting documentation. Based on the internal examination, except for the following finding the recommendation, deposits and disbursements appear to be adequately accounted for and the overall condition of financial records and supporting documentation appear to be accurately maintained in accordance with statutory requirements under subsection 115.0035 of the Texas Local Government Code and Article 59.06 of the Texas Code of Criminal Procedure. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to accept the delivery of the Internal Examination Reports for the Hays County District Attorney's State Forfeiture Assets and the Hays County Sheriff's Federal and State Forfeiture Assets. All voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #9 RE:** *APPROVE SPECIFICATIONS AND AUTHORIZE PURCHASING TO ADVERTISE A REQUEST FOR PROPOSALS FOR LEASE AND EQUIPPING OF HAYS COUNTY GOVERNMENT CENTER FITNESS ROOM - PULLED*



**28084      AUTHORIZE THE COUNTY JUDGE TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH HNTB CORPORATION AND KLOTZ ASSOCIATES FOR DESIGN SERVICES ON PROPOSITION 12 FUNDED PROJECTS ON IH 35 AND FM 2439 RESPECTIVELY WITH TXDOT FUNDING REIMBURSEMENT IN ACCORDANCE WITH THE LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT APPROVED BY THE COURT ON APRIL 17, 2012**

Jerry Borcharding Transportation Director and Mike Aulick of Aulick and Associates spoke. On May 1, 2012 the Commissioners Court selected HNTB Corporation and Klotz Associates to design the IH 35 and FM 2439 projects respectively with reimbursable funding by TxDot in the maximum obligated amounts as follows: IH 35 project #1 (HNTB) - \$750,000, IH 35 Project #2 (HNTB)- \$463,435, and FM 2439 (Klotz) - \$450,000. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Professional Services Agreements with HNTB Corporation and Klotz Associates for design services on Proposition 12 funded projects on IH 35 and FM 2439 respectively with TxDOT funding reimbursement in accordance with the Local Transportation Project Advance Funding Agreement approved by the Court on April 17, 2012. All voting "Aye". MOTION PASSED**

**28085      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND HAYS COUNTY FOR THE PURPOSE OF ACQUIRING PROJECT RIGHTS OF WAY (ROW) AND ASSOCIATED EASEMENTS LOCATED IN TRAVIS COUNTY TO ACCOMPLISH THE FM 1626 SAFETY EXPANSION PROJECT**

Mark Kennedy Special Counsel and Jeff Watson of HNTB spoke. This agreement will allow Hays County to acquire the rights of way and associated easements in Travis County necessary for the expeditious completion of the FM 1626 Safety Expansion Project. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between Travis County and Hays County for the purpose of acquiring project Rights of Way (ROW) and associated easements located in Travis County to accomplish the FM 1626 Safety Expansion Project. All voting "Aye". MOTION PASSED**

**28086      BELTERRA SAWYER RANCH PROPANE SITE [12-4-1 - 2 LOTS] APPROVE FINAL PLAT**

Roxie McInnis Subdivision Coordinator spoke. The Belterra Sawyer Ranch Propane Site is a proposed division of 22.506 acres of land located at the intersection of Belterra Drive and Sawyer Ranch Road in Precinct 4. The division will result in two lots, Lot 1 being 3.173 acres and Lot 2 being 19.333 acres. Both lots will be served by surface water and public sewer by Hays County WCID #2. This property is located within the City of Dripping Springs' extra-territorial jurisdiction. The project was approved by the city on November 8, 2011. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat of Belterra Sawyer Ranch Propane Site 2 Lots. All voting "Aye". MOTION PASSED**

**28087      BELTERRA PHASE 2 SECTION 7 [11-4-46 - 57 LOTS] APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF \$290,434.75**

Roxie McInnis Subdivision Coordinator spoke. The preliminary plan for Belterra Phase 2 was originally approved in November 2002 as a 589 lot phase covering 812.83 acres. Since that time, nine sections have been platted with a total of 520 lots. Section 7 covers 22.038 acres and will result in 57 (49 residential, 8 open space/greenbelt) lots. Water and wastewater services will be provided to all lots by Hays County Water Control and Improvement District No.1. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Belterra Phase 2 Section 7 and accept Fiscal Surety in the amount of \$290,434.75. All voting "Aye". MOTION PASSED**

**28088      APPROVE NECESSARY ADDITIONAL CONSTRUCTION PHASE SERVICES IN ACCORDANCE WITH SUPPLEMENT NO. 3 TO WORK AUTHORIZATION NO. 2 ON THE RM 1826 AT CRYSTAL HILL ROAD PROJECT IN PRECINCT 4**

Allen Crozier of HDR spoke. Andrew Backus – Hays County resident made public comment. As construction staking began, concerns were raised by residents concerning the proposed construction over a portion of the roots of several large oaks for temporary pavement required to improve safety by maintaining two-way access into the various subdivisions during all phases of construction. The temporary pavement was placed as closed to the existing ROW line as possible to maximize the distance to the trees in an attempt to limit damage. However, it still lied within the drip line and over tree roots. Residents and home owner associations requested that the County investigate the possibility of obtaining a temporary construction easement from an adjacent property owner such that the detour pavement could be shifted away from the roots and limbs. A meeting was held with the adjacent property owner and he agreed to allow the temporary detour pavement to be constructed on his property. This change will required services in the initial CH2M Hill Construction Phase Services supplement as listed below (1) Develop Meet & Bounds for temporary construction easement, (2) Revise detour alignment & profile, and (3) Revise construction phasing plans. In addition, Supplement No 2 reserved funds for the potential redesign of bridge footing should the contractor request an alternate system which substantially



reduced construction cost. The contractor did not make this request. The GEC recommends releasing these funds and applying to the work listed above. Amount required \$7,694.00 requested funds are under the Professional Services Agreement compensation cap. Funds are available within the 2008 Road Bond Program. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve necessary additional construction phase services in accordance with Supplement No. 3 to Work Authorization No. 2 on the RM 1826 at Crystal Hill Road project in Precinct 4. All voting "Aye". MOTION PASSED**

**28089      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENT SERVICES AMENDMENT WITH BROADDUS & ASSOCIATES FOR SERVICES RELATED TO THE PRECINCT 2 TEMPORARY AND PERMANENT FACILITIES LOCATED AT 5458 FM 2770 IN KYLE, TX IN AN AMOUNT NOT TO EXCEED \$140,000**

Mark Kennedy Special Counsel spoke. Broaddus & Associates is the project manager for the Precinct 2 Building Project. The project manager agrees to perform professional services to provide strategic planning, procurement, and project management for the project. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Supplement Services Amendment with Broaddus & Associates for services related to the Precinct 2 temporary and permanent facilities located at 5458 FM 2770 in Kyle, TX in an amount not to exceed \$140,000. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

**28090      APPROVE NAMING A PRIVATE DRIVE OFF LOGANS RUN TO ABNER ROSS ROAD**

Jerry Borcharding Director of Transportation Services and Clint Garza Director of Development Services spoke. This action would officially name a private drive that intersects Logans Run. There are currently 4 properties that access Logans Run via the shared access driveway. All owners of the aforementioned properties have requested the named designation of Abner Ross Road. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve naming a private drive off Logans Run to Abner Ross Rd. All voting "Aye". MOTION PASSED**

**AUTHORIZE THE COUNTY PURCHASING MANAGER TO REVIEW ALTERNATIVE CELLULAR PHONE SERVICES FOR ALL COUNTY OFFICES**

Bill Herzog County Auditor spoke. A significant portion of the County Government Center does not have access to an AT&T signal. This prevents employees from receiving or placing cellular calls. This makes the cellular phones ineffective. Some employees are required to leave the building to place or receive phone calls. No action taken today.

**28091      ADOPT POLICIES AND PROCEDURES FOR MONITORING ARBITRAGE REQUIREMENTS AND THE USE OF PROCEEDS AND PROPERTY FINANCE FOR PURPOSES OF MAINTAINING TAX-EXEMPT STATUS ON BONDS**

Bill Herzog County Auditor spoke. The updated IRS Form 8038-G, which will be filed in connection with, and after closing on, the County's Limited Tax Refunding Bonds, Series 2012, now inquires as to whether an Issuer "has established written procedures to ensure that all nonqualified bonds of (an) issue are remediated according to the requirements under the (Internal Revenue Code). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt policies and procedures for monitoring arbitrage requirements and the use of proceeds and property finance for purposes of maintaining tax-exempt status on bonds. All voting "Aye". MOTION PASSED**

**28092      CANCEL COURT MEETING DATES OF MAY 29, JUNE 19, JULY 10, AUGUST 28, AND OCTOBER 2 OF THIS YEAR**

**A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to cancel court meeting dates of May 29, June 19, July 10, August 28, and October 2 of this year. All voting "Aye". MOTION PASSED**



**28093 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 RM 150 IN PRECINCT 2**

Court convened into Executive Session at 10:20 a.m. and reconvened into Executive Session at 10:28 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lori Bible. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Legal Counsel to move forward with condemnation proceedings on Parcels 5 & 5 DE of the RM 150 Project, owned by MNT&S Development Ltd. 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 OR LEASE OF COUNTY OWNED PROPERTIES**

Court convened into Executive Session at 10:37 a.m. and reconvened into open court meeting at 11:30 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Development Services Director Clint Garza and Lon Shell. No Action Taken.

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

Judge Cobb urged public to burn their piles as soon as possible. He also urged the public to use extreme caution when burning.

**County Clerk's Note Agenda #23 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**

**DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR**

Jeff Watson of HNTB gave a brief overview of all the projects. Allen Crozier of HDR gave an overview of all projects. US 290 – Continuous Left Turn Lane (fill in gaps) and improve shoulders (approx 3.7 mi), RM 12 @ Sports Park Drive – Safety improvements (add left turn lane and other intersection safety improvements), RM 1826 @ Nutty Brown Rd – Safety Improvements (left turn lane and other intersection safety improvements), RM 1826 @ Crystal Hill Dr – Safety Improvements (left turn lane and other intersection safety improvements (potential acceleration lane)), RM 1826 @ Darden Hill Rd – Safety Improvements realignment of Darden Hill Rd at intersection), RM 1826 @ RM 967 – Safety improvements (left turn lane (RM 1826) right turn lane (RM 967) and other intersection safety improvements), RM 2325 Fischer Store Rd (CR 181) to Carney Lane – Safety improvements (left & right turn lanes) (preliminary schematic complete), RM 12 @ Old Kyle Road – Mobility/safety improvements at Wimberley Business District (turn lanes/planters/drainage), RM 12 & RM 32 Junction – Realignment of RR 12 & RR 32 for T-intersection and other safety improvements, RM 12 Parkway Development – ROW preservation & Environmental studies for 4 lane divided parkway, RM 12 @ Hugo Road (CR 214) – Project Complete, RM 12 @ Sink Creek – Project Complete, RM 12 @ Wonder World Dr. – Project Complete, Old Bastrop Highway (CR 266) – 1.9 mi – widen to 8 lanes (2+ cftl) & 7 shoulders/acquire ROW for an ultimate 4-lane section, SH 21 @ High Road (CR 127) – Project Complete, SH 21 @ Rhode Road (CR 126) – Safety improvements (left turn lane and other intersection safety improvements), Dacy Lane (CR 205) Bebee Rd. to Windy Hill – Engineering/Environmental Studies & ROW preservation (2-12' lanes, 14' left turn lane, bicycle lanes & sidewalks)(1.5 mi), Lime Kiln Road @ Sink Creek – Feasibility Analysis and Environmental Studies (LWC replacement in SM River watershed and Edwards Aquifer Recharge Zone), Post Road (CR 140) – Feasibility Analysis and planning study for the replacement of Low Water Crossing over the Blanco River, Lakewood Drive @ RM 1626 – Raise grade of approach (replace culvert with bridge) on Lakewood Drive @ 1626 Safety improvements, RM 967 @ Ruby Ranch Road – Safety improvements (turn lanes).

**County Clerk's Note Agenda 25 Re:** DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE – **was pulled**



MAY 8, 2012

\*\*\*\*\*

VOLUME U PG 795

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley 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 8, 2012.



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

