



MAY 22, 2012

VOLUME U PG 803

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 22ND 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
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
ROSE ROBINSON	DEPUTY COUNTY CLERK

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE & COMMISSIONER PCT.4 COMMISSIONER RAY O. WHISENANT JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Michael Higgins with Promise Land 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.

CLERK'S NOTE: AUDIO/VIDEO COMPUTER PROBLEMS AND WAS BROUGHT UP ON RESOLUTION #28133

PUBLIC COMMENTS

County Clerk's Note Agenda #1 Re: RECOGNIZE MARILYN BEALS FOR 25 YEARS OF SERVICE AS CHAIRMAN OF THE CLAIBORNE KYLE LOG HOUSE - Postponed until next Commissioners Court.

28123 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve County Invoices in the amount of \$684,359.67 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28124 APPROVE COMMISSIONERS COURT MINUTES OF MAY 15, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve Commissioner Court Minutes of May 15, 2012 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28125 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 13419 FITZHUGH ROAD, AUSTIN, TEXAS

John and Ruth Wright are proposing an OSSF to serve their home and attached magic theater at 13419 Fitzhugh Road in Precinct 4. This property is 1.1.237 acres, Fitzhugh Trails Subdivision lot 2 (platted in 1990). Water will be supplied by Public Water Supply. This OSSF is a flow equalized aerobic treatment system with drip irrigation dispersal designed for 400 gpd. The system designer is Steve Wenzel, P.E. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize Institutional OSSF Permit at 13419 Fitzhugh Road, Austin, Texas. All present voting "Aye". MOTION PASSED**

28126 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AT 10100 FM 967, BUDA, IN PRECINCT 2

Mr. Mathew Gorman, is proposing an OSSF to serve a residential rehab facility located at 10100 FM 967, Buda in Precinct 2. The property is 10.041 acres. It is a Low Pressure Dosing system (subsurface) that was designed by David Boston, R.S. The On Site Sewage Facility is designed for a maximum wastewater flow of 960 gpd. The water is supplied by private water well. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize an institutional OSSF Permit at 10100 FM 967, Buda, in Precinct 2. All present voting "Aye". MOTION PASSED**

28127 AMEND THE BUDGET OF D.A. DRUG FORFEITURE FUND FOR TRAVEL FROM CONTRACT SERVICES

The District Attorney needs travel expenses for an ADA for pre-trial work to California and wishes to pay from discretionary funds in Drug Forfeiture. Funds are available, but require transferring. Amount required \$2,000 to 081-607-00.5501 Travel from 081-607-00.5448 Contract Svcs. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to amend the Budget of D.A. Drug Forfeiture Fund for Travel from Contract Services. All present voting "Aye". MOTION PASSED**



28128 APPROVE SPECS FOR BID NO. 2012-B04 FM 1626, AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISEMENT

The approval of Public Notice will allow for (1) advertisement of Invitation for bids (2) Scheduling of non-mandatory pre-bids meeting (3) Scheduling of bid meeting. Hays County will be accepting bids for FM 1626, Bid No. 2012-B04. Seal Bids will be received by Hays County, Purchasing Office, 712 South Stagecoach Trail, Ste. 1071, San Marcos, Texas 78666 until 2:00 p.m. local time on Tuesday, June 19, 2012 at which time and place the bids will be publicly opened and read. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve specs for Bid No. 2012-B04 FM 1626, and authorize Purchasing to solicit for bid and advertisement. All present voting "Aye". MOTION PASSED**

28129 APPROVE THE FEBRUARY 2012 AND MARCH 2012 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the February 2012 and March 2012 Treasurer's Reports and Investment Reports. All present voting "Aye". MOTION PASSED

28130 APPROVE A SUPPLEMENTAL AMENDMENT TO THE MASTER AGREEMENT BETWEEN LOCKWOOD, ANDREWS & NEWNAM, INC. (LAN) AND HAYS COUNTY FOR ADDITIONAL CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR THE DACY LANE PROJECT

Jerry Borcharding, Director of Transportation, Commissioner Jones Precinct 2 and Graham Moore with LAN Engineers spoke. LAN is requesting additional services related to the Construction Phase of the Dacy Lane Phase 1 project. The duration of the project is going to extend primarily due to delays by Verizon. This will necessitate additional site visits and bi-weekly construction meetings to see the project through to completion. LAN also spent considerable time in coordinating and redesigning to accommodate the changes imposed by Verizon. Amount required \$ 29,321.48 funds from the Dacy Lane Improvement Project. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve a supplemental amendment to the Master Agreement between Lockwood, Andrews & Newnam, Inc. (LAN) and Hays County for additional Construction Administration and Inspection Services for the Dacy Lane project. All present voting "Aye". MOTION PASSED**

28131 REPLAT OF LOTS 1 & 2, BLOCK A, RUBY RANCH PHASE TWO [12-2-13--1 LOT] WAIVE PUBLIC HEARING AND PRELIMINARY PLAN; APPROVE FINAL PLAT

Roxie McInnis Subdivision Coordinator gave staff recommendation. Ruby Ranch is a platted subdivision located off of FM 967 in Precinct 2. The owners of Lots 1 and 2 wish to dissolve the lot line dividing the two lots and create one larger lot (22.67 acres). Water and wastewater services will be provided to Lot 1A by existing private wells and permitted on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to waive public hearing, Preliminary Plan and approve final plat of Replat of Lots 1 & 2 Blk A Ruby Ranch Phase 2. All present voting "Aye". MOTION PASSED**

28132 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF MOUNTAIN CITY REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF MOUNTAIN CITY, PURSUANT TO HB1445 (2001)

Commissioner Jones Precinct 2 and Special Counsel Mark Kennedy spoke. This 1445 Agreement was originally approved on May 14, 2012 by the City of Mountain City. Court action will finalize the agreement and allow staff to continue finalize the remaining agreements within the County. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute an agreement with the City of Mountain City regarding subdivision and development regulation in the extraterritorial jurisdiction of Mountain City, pursuant to HB1445 (2001). All present voting "Aye". MOTION PASSED**



28133 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND OSRAM SYLVANIA LIGHTING SERVICES, INC., FOR LIGHTING REPLACEMENT AND/OR INSTALLATION AT SIX (6) COUNTY FACILITIES

Bill Herzog, Hays County Auditor explained this would be reimbursed. Work is being facilitated under a Federal American Recovery and Reinvestment Act (ARR), Energy Efficiency and Conservation Block Grant administered through the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO) and is subject to federal and state requirements for funding under this program. The Grants Office will coordinate with Development Services to ensure that installation and /or replacement goes smoothly and meets the rather restrictive end of June schedule. The work involves supplying and installing energy efficient lamps, ballasts and, in limited cases, lighting fixtures in six (6) County Buildings, including the Personal Health Safety, Juvenile Detention, and Road and Bridge facilities in the San Marcos area; the Precinct #4 Office Building in Dripping Springs; and the Precinct #5 Office located in Buda. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement between Hays County and OSRAM Sylvania Lighting Services, Inc., for lighting replacement and/or installation at six (6) County facilities. All present voting "Aye". MOTION PASSED**

28134 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 9:45 a.m. and reconvened into open court meeting at 9:50 a.m. In Executive Session were Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Ellie Dietz and Jerry Borchering Transportation Director. **A motion was made by Commissioner Jones, seconded by Commissioner Conley that the Hays County Commissioner's Court, on behalf of Hays County, Texas authorized the use of the power of eminent domain to acquire .729 of an acre located at 700 N. FM 1626 for Right of Way and Roadway Improvements to 1626 for the use and benefit of the traveling public. All present voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute a Purchase Agreement between Hays County and James M. Huckaby, as presented in Executive Session and related to the acquisition of .614 acres of Right of Way along FM 1626. All present 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 9:50 a.m. and reconvened into open court meeting at 10:45 a.m. In Executive Session were Commissioner Jones, Commissioner Conley, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken

ACTION RELATED TO THE BURN BAND AND/OR DISASTER DECLARATION

Burn Ban will remain lifted. Judge Cobb encouraged the public to use the guide lines issued by the Fire Marshal to burn safely outdoors. Judge Cobb also recommended 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 #16 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 #17 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 Agenda Item #18 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 Jones, 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 22, 2012.



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

