



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5TH DAY OF JUNE 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 |
| LIZ Q. GONZALEZ | COUNTY CLERK |

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Precinct 2 Mark Jones 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

Jane Dojutrek – Buda resident, Alan Cameron – Wimberley resident, and Kate Johnson – Kyle resident made public comments.

RECOGNIZE 25 YEARS OF SERVICE BY MARILYN BEALS TO THE CLAIBORNE LOG HOUSE IN KYLE, TEXAS

Commissioner Jones gave a brief history of Marilyn Beals and the work she has done at the Claiborne Log House. Kate Johnson of the Hays County Historical Commission also spoke of how Marilyn has made a difference in a lot of people's lives. Commissioners all gave their thanks and appreciation to Ms. Beals.

28135 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 \$1,588,652.89 and add an invoice in the amount \$214,587.00 to Gracy Title Company for Right of Way of FM 1626 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28136 APPROVE COMMISSIONERS COURT MINUTES OF MAY 22, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of May 22, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28137 APPROVE UTILITY PERMITS

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Utility Permit #853 on 687 Falconwood Drive issued to PEC, Permit #854 on 1025 Spoke Hollow Drive and Permit #855 on Woodacre Dr. issued to Verizon as submitted by the County Road Department. All voting "Aye". MOTION PASSED

28138 AMEND BUDGET OF JUVENILE CENTER FOR CONTINUING EDUCATION FROM OTHER LINE ITEMS

Juvenile Center requires additional training expense; can fund from several line items within its budget. Amount Required \$1,000 to 070-685-00.5551 Continuing Ed. from several line items. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend Budget of Juvenile Center for Continuing Education from other line items. All voting "Aye". MOTION PASSED

28139 APPROVE CONTRACT AMENDMENT BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD) FOR THE FY 12 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT AND AMEND THE BUDGET ACCORDINGLY

The Amendment (Categorical Budget Change Request) will increase the grant amount by \$10,201.00 from \$145,590,103.00 to \$156,103.00 and the County match by \$1,020.00 Match is an in-kind contribution of staff salaries/benefits and other budgeted program costs. Budget Amendment: Increase Revenue 120-675-99-058.4301 \$10,201. This budget amendment increase revenue for additional funding to cover salaries/benefits for the month of August. It is not necessary to budget additional salaries and fringe because these expenses are already budgeted. Increase Expense 120-675-99-058.5429 \$7,000; Increase Expense 120-675-99-058.5501



\$1,200; Decrease Expense 120-675-99-058.5551 (\$1,782); Decrease Expense 120-675-99-058.5712_400 (\$1,418); Decrease Expense 120-675-99-058.5719_700 (\$5,000) this budget amendment decrease equipment expense in order to cover travel and software & maintenance expense. Decrease Expense 120-675-00.5021(\$4,651); Decrease Expense 120-675-00.5101_100 (\$288); Decrease Expense 120-675-00.5101_200 (\$68); Decrease Expense 120-675-00.5101_300 (\$507); Increase Expense 120-765-00-058.5021 \$4,651; Increase Expense 120-675-00-058.5101_100 \$288; Increase Expense 120-675-00-058.5101_300 \$507; Contract amendment 001B states that Hays County will contribute \$8,977 in salaries and fringe as part of the match. DSHS requires the County to record this match separate from the Personal Health operating budget (120-675-00). This budget amendment moves \$5,514.00 in salaries and fringe from Personal Health operating. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Contract Amendment between the Department of State Health Services (DSHS) and the Personal Health Department (PHD) for the FY 12 Public Health Emergency Preparedness (PHEP) Grant and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28140 APPROVE AND RECOGNIZE THE ATTACHED SLIDING FEE SCHEDULE PROVIDED FOR OUR PRIVATE PAY, WELL-CHILD AND WOMEN'S HEALTH CLIENTS

Due to the agreement with the National Health Service Corps (NHSC) the County is required to maintain a sliding fee schedule for all program services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve and recognize the attached sliding fee schedule provided for our Private Pay, Well-Child and Women's Health clients. All voting "Aye". MOTION PASSED**

28141 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE HAYS COUNTY JUSTICE OF THE PEACE PRECINCT 1, PLACE 1 OFFICE, JUSTICE OF THE PEACE PRECINCT 4 OFFICE, AND THE HAYS COUNTY RECYCLING AND SOLID WASTE DEPARTMENT

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's Office performed an internal examination of the Hays County Justice of the Peace Precinct 1, Place 1 financial records for the period of October 1, 2010 to December 31, 2011. The internal examination consisted of reviewing disbursements, receipts, deposits, fixed assets, and other supporting documentation. Based on the internal examination, except for the following findings and recommendations, cash receipts and disbursements appear to be adequately accounted for and related records appear to be accurately maintained in accordance with stator requirements under subsection 112.001 of the Texas Local Government Code. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Reports for the Hays County Justice of the Peace Precinct 1, Place 1 Office, Justice of the Peace Precinct 4 Office, and the Hays County Recycling and Solid Waste Department. All voting "Aye". MOTION PASSED**

28142 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT AN APPLICATION TO THE MARY BONNER COMMUNITY NEEDS GRANTS PROGRAM FOR A GRANT TO FUND TRAINING FOR VICTIM ASSISTANCE VOLUNTEERS

The Bonner Program is a grant award program through the First Presbyterian Church of San Marcos, Texas with an aim to improve the quality of life for people in need. The Hays County Sheriff's Office Victim Assistance Division was invited to apply for this grant by the Chair of the Bonner Program. The grant application requests funding for victim assistance volunteers to attend three separate training conferences with a budget of \$4,540.00. Approved proposals will be funded from July 1, 2012 through June 30, 2013. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to submit an application to the Mary Bonner Community Needs Grants Program for a grant to fund training for victim assistance volunteers. All voting "Aye". MOTION PASSED**

28143 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 Ingalsbe, 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**

28144 MOVE BUDGETED FUNDS FROM THE FM110 PASS THROUGH FINANCE PROJECT TO THE IH35 AT YARRINGTON PROJECT AS APPROVED PER THE RESOLUTION DATED APRIL 10, 2012

On April 10, 2012 the Commissioners Court adopted a resolution to amend the PTF Agreement to address the FM 110 segment and add the IH 35 Yarrington Project. Funds need to be moved from the FM 110 project into the Yarrington project to appropriately track the expenses. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to move budgeted funds from the FM110 Pass Through Finance project to the IH35 at Yarrington project as approved per the resolution dated April 10, 2012. All voting "Aye". MOTION PASSED**

**28145 ACTION TO AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 3461 SOUTH OLD BASTROP HWY**

San Marcos Community Church is proposing and OSSF to serve the church located at 3461 South Old Bastrop HWY in precinct 1. The property is 22.99 acres. Water will be supplied by Public Water Supply. This OSSF is a low Pressure Dosing System in which the effluent will be pumped with an equalization tank to a Low Pressure Dose Field. The system is designed for a maximum of 300 gpd. No variances are requested. The system designer is Andy Grubbs. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit at 3461 South Old Bastrop Hwy. All voting "Aye". MOTION PASSED**

28146 AUTHORIZE AMENDMENT #3 FOR BROADDUS & ASSOCIATES PROJECT MANAGEMENT FEES AND THE PURCHASE OF THE IDENTISYS CARD READERS FOR THE JAIL IMMEDIATE NEEDS PROJECT USING OWNER CONTINGENCY SAVINGS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Amendment #3 for Broaddus & Associates project management fees and the purchase of the IdentiSys Card Readers for the Jail Immediate Needs project using owner contingency savings. All voting "Aye". **MOTION PASSED**

28147 APPROVE A PROFESSIONAL SERVICE AGREEMENT (PSA) BETWEEN HAYS COUNTY AND CMA ENGINEERING FOR PRELIMINARY ENGINEERING OF IMPROVEMENTS TO ELDER HILL ROAD – THIS WILL BE BROUGHT BACK IN THE NEXT 6-8 WEEKS

Commissioner Whisenant and Jerry Borcharding Transportation Director, Felix J. Manka of CMA Engineering, and Mike Aulick of Aulick & Associates spoke. Major safety improvements are needed on Elder Hill Road. This project will provide alignment recommendations and related ROW requirements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to move this item for discussion in the next 6-8 weeks. All voting "Aye". MOTION PASSED**

28148 KYLE PROJECT LLC SUBDIVISION [12-2-12 – 1 LOT] APPROVE PRELIMINARY PLAN

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Kyle Project, LLC Subdivision is a proposed division of land located at the intersection of Mathias Lane and Windy Hill Road in Precinct 2, resulting in one 2.9545 acre lot. The subdivision will 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 for Kyle Project LLC Subdivision. All voting "Aye". MOTION PASSED**

28149 ADOPT AN ORDER AUTHORIZING ALTERNATIVE PROCEDURES FOR PLAT REVISION, PURSUANT TO CHAPTER 232.0095 IN THE TEXAS LOCAL GOVERNMENT CODE

Clint Garza Director of Development Services spoke. Chapter 232.0095 of the Texas Local Government Code allows Texas Counties to adopt provisions from Chapter 212 of the TLGC as alternatives to the provisions in section 232.009 (plat revisions). Specifically, the authorized sections are 212.013, 212.014, 212.015, and 212.016 which govern plat vacations, replatting and plat amendments. Staff feels adopting these alternate procedures to 232.009 are appropriate because they will establish a uniform set of state established guidelines throughout the county regardless of geographic or jurisdictional location. Development within the extraterritorial jurisdiction of any Hays County municipality will already be subject to these provisions; this would simply apply to the outlying areas. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt an order authorizing alternative procedures for plat revision, pursuant to Chapter 232.0095 in the Texas Local Government Code. All voting "Aye". MOTION PASSED**



28150 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 2630 GOFORTH RD, KYLE, TEXAS

Clint Garza Director of Development Services spoke. Isidro and Maria Morales are proposing an OSSF to serve a Dollar General Store at 2630 Goforth Rd. in Pct. 1. This property is 1.25 acres. Water will be supplied by Public Water Supply. This OSSF is a standard treatment system in which the effluent will be pumped with an equalization tank to a drip irrigation dispersal field. The system is designed for a maximum of 320 gpd. The system designer, Russell Cain, 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 prior to the treatment tank. His justification for the variance is : "Tanks are oversized by 25% to eliminate the need for flow equalization. Standard treatment is not susceptible to upset from slight flow variations, as are aerobic treatment units. Variations in flow are expected to be slight with this type of business. A variance is requested for the purpose of using the oversize septic tank without flow equalization, equal protection to public health and safety will be achieved by using flow equalized drip irrigation dispersal." **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 2630 Goforth Rd, Kyle, Texas. All voting "Aye". MOTION PASSED**

28151 AUTHORIZE THE FIRE MARSHAL TO PURCHASE IDENTIFICATION CARDS FOR EMERGENCY RESPONDERS USING FUNDS FROM COUNTY WIDE CONTINGENCIES AND AMEND THE BUDGET ACCORDINGLY IN AN AMOUNT OF \$1,300

Mark Chambers Hays County Fire Marshall spoke. The cards are needed for implementation of a county wide credentialing program. This program is needed due to the fact that most emergency workers are required by state statute to be identified while performing duties. We currently do not have any standardized system for the identification of emergency workers. This system will be utilized by all emergency services throughout Hays County which will readily identify emergency responders. During the past, ID cards were issued without any checks and balances. This system will give the county a full database of emergency responders and certification levels. All Hays County Fire Chiefs and EMS Coordinators have agreed to utilize the system. After implementation, the system will be introduced into the law enforcement side of emergency responders. This is a web based system and the County already owns the printers, therefore the only cost associated with this program will be for the identification cards. Budget Amendment: Increase Fire marshal General Supplies – 001-665-00.5201 \$1,300, Decrease County Wide contingencies – 001-645-00.5399 (\$1,300). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Fire Marshal to purchase identification cards for emergency responders using funds from County Wide contingencies and amend the budget accordingly in an amount of \$1,300. All voting "Aye". MOTION PASSED**

28152 APPROVE INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE CH2M HILL PROFESSIONAL SERVICE AGREEMENT FOR NECESSARY CONSTRUCTION PHASE SERVICES IN ACCORDANCE WITH SUPPLEMENT NO. 3 TO WORK AUTHORIZATION NO. 1 ON THE RM1826 AT NUTTY BROWN ROAD PROJECT IN PRECINCT 4

Commissioner Whisenant Precinct 4 and Allen Crozier with HDR spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve increasing the not-to-exceed fee and compensation cap on the CH2M Hill Professional Service Agreement for necessary construction phase services in accordance with Supplement No. 3 to Work Authorization No. 1 on the RM1826 at Nutty Brown Road project in Precinct 4. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #20 RE: *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 – was pulled*

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Mark Chambers Hays County Fire Marshall spoke of the drought index at 280. He advises to not impose the Burn Ban at this time.

Clerk's Note Agenda Item #22 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*



Clerk's Note Agenda Item #23 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – was pulled*

Clerk's Note Agenda Item #24 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 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 June 5, 2012.



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

