



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 11TH DAY OF SEPTEMBER 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:

Judge Cobb asked for a moment of silence in remembrance of 9/11 that happened 11 years ago today. He also mentioned that Ed Yossi Barkley a good friend of his recently passed away. Ben Nelson Rector at St. Mark's Episcopal 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

Sam Brannon – San Marcos resident, and Judge Jim Powers – Dripping Springs resident made public comments.

28393 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 \$608,709.70 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28394 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 4, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of September 4, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28395 ACCEPT A DONATION FOR THE HISTORICAL COMMISSION'S OPERATING BUDGET

The Historical Commission has received a donation for operating expenses. Amount required \$5,000.00 no matching county funds needed. Increase Revenue 001-676-00.4610 Contributions (\$5,000.00). Increase Expense 001-676-00.5201 General Supplies 500.00 Increase Expense 001-676-00.5448 Contract Services \$4,500.00. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a donation for the Historical Commission's Operating Budget. All voting "Aye". MOTION PASSED

28396 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE EQUIPMENT FOR THE EVIDENCE ROOM AND AMEND THE BUDGET ACCORDINGLY

Due to the nature of evidence, in general, there is the constant presence of potentially dangerous particulate matter in the air. One of the major concerns is a fungus, commonly found on Marijuana, called Aspergillus. The spores from this fungus can cause asthma complications, lung infections and, potentially, death in persons with compromised immune systems. The concern is not only for those who are exposed to the evidence room; but, also, for everyone in the building located at 1303 Uhland Rd. everyone in the building is potentially exposed to these hazardous particulates. The funds have been identified in the Sheriff's Office budget. Amount required \$ 780.00. 001-618-00.5362 Criminal Invest. Exp. Decrease (\$780) 001-618-00.5719_400 Misc. Equipment Increase \$780. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to purchase equipment for the Evidence Room and amend the budget accordingly. All voting "Aye". MOTION PASSED



28397 MOVE FUNDS FROM ID BADGE REVENUE TO THE HUMAN RESOURCES OPERATING BUDGET TO PURCHASE ID BADGE SUPPLIES AND AMEND THE BUDGET ACCORDINGLY

The Human Resources Department is tasked with printing and issuing ID badges to Attorneys that enter the building for Court on a regular basis and wish to purchase the badge. Badges are only issued after the Sheriff's Office has completed a complete background check. Funds are needed to purchase additional supplies and revenue received for the fee that is charged will be used to cover the costs. Amount required \$240.00 Increase HR Office Supplies: 001-677-00.5211 \$240 Increase ID Badge Revenue: 001-000-00.4427 (\$240). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to move funds from ID Badge revenue to the Human Resources Operating budget to purchase ID Badge supplies and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28398 MOVE FUNDS FROM COUNTY WIDE CONTINGENCIES TO THE DISTRICT COURT'S OPERATING BUDGET FOR CONTRACT COURT REPORTER SERVICES AND AMEND THE BUDGET ACCORDINGLY

The full time Court Reporter for the 428th District Court will be on medical leave for the remainder of this month. Funds are needed to contract for Court Reporter services for the remainder of this fiscal year. Amount required \$4,800.00. Increase Transcription Services: 001-608-00.5445 \$4,800 Decrease Contingencies: 001-645-00.5399 (\$4,800). County Auditor stated that since the agenda request was submitted another invoice was received and is requesting a total of \$15,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to move funds from County Wide Contingencies to the District Court's Operating budget for contract Court Reporter services and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28399 AUTHORIZE THE COUNTY JUDGE TO A EXECUTE CONTRACT FOR UP TO \$12,000.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE TITLE V PRENATAL PROGRAM

This is a renewal contract between Texas Department of State Health Services and Hays County Personal Health Department to provide prenatal services for the Title V eligible clients. Hays County will adhere to the current schedule of allowable services and rates as referenced in the policies and procedures manual for the Title V Maternal & Child Health Fee for Service for Child Health, and Prenatal care. This Contract provides funding for the program from September 1, 2012 through August 31, 2013 with reimbursements made on a monthly basis. The original Contract will be mailed to Texas Department of State Health Services. 120-675-49-020.4301. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to a execute contract for up to \$12,000.00 from the Texas Department of State Health Services for the Title V Prenatal program. All voting "Aye". MOTION PASSED**

28400 APPROVE JUNE 2012 TREASURER'S REPORT/INVESTMENT REPORT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve June 2012 Treasurer's Report/Investment Report. All voting "Aye". MOTION PASSED

28401 AMEND THE BUDGET OF THE AUDITOR'S OFFICE FOR THE PURCHASE OF A SCANNER FROM SALARIES SAVINGS AND A TRANSFER FOR EMPLOYEE RECOGNITION COSTS TO THE HUMAN RESOURCES DEPARTMENT

The Auditor's Office needs a scanner for our paperless audits, records management, and accounting; Cost is \$1544 per IT, and can be funded from salaries savings. Auditor's Office wishes to transfer to Human Resources for the cost of employee recognition, estimated at \$200. Amount required \$1,744.00 to 001-606-00.5712_400 Computer Eqpt. from 001-606-00.5021 Staff and to 001-677-00.5334 Human Resources Employee Recognition from 001-606-00.5211 Office Supplies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the budget of the Auditor's Office for the purchase of a scanner from salaries savings and a transfer for employee recognition costs to the Human Resources. All voting "Aye". MOTION PASSED**

28402 AMEND BUDGET OF TREASURER OFFICE FOR THE PURCHASE OF A TIME CLOCK FROM OFFICE SUPPLIES

Treasurer is in need of an additional time clock and can fund from office supplies. Amount required \$2,950.00 to 001-620-00.5719_400 Misc Eqpt from 001-620-00.5211 Office Supplies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend Budget of Treasurer Office for the purchase of a time clock from office supplies. All voting "Aye". MOTION PASSED**

**28403 AMEND BUDGET OF EMERGENCY MANAGEMENT FOR TELEPHONE EXPENSES FROM CONTINUING EDUCATION**

Emergency Management telephone needs additional amount and can move from Continuing Ed savings. Amount required \$350 from 001-656-00.5551 Continuing Ed to 001-656-00.5489 Telephone. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Budget of Emergency Management for Telephone expenses from Continuing Education. All voting "Aye". MOTION PASSED**

28404 AMEND BUDGET OF VETERANS OFFICE FOR OFFICE SUPPLIES FROM TRAVEL

Veteran's Officer requested to move travel savings to office supplies. Amount required \$900 to 001-720-00.5211 Office Supplies from 001-720-00.5501 Travel. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Budget of Veterans Office for office supplies from travel. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #13 RE: *APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR SHERIFF GARY CUTLER* – was pulled

28405 APPROVE SPECIFICATIONS FOR IFB#2012-B10, BOUNDARY FENCING FOR JACOB'S WELL NATURAL AREA AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

Bids are solicited for furnishing the services set forth in this bid. Completed bids must be received in the purchasing office before 2:00 p .m. on Thursday, September 27, 2012. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve specifications for IFB#2012-B10, Boundary Fencing for Jacob's Well Natural Area and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED**

28406 AMEND THE BUDGET OF DEVELOPMENT SERVICES FOR VEHICLE MAINTENANCE FROM CONTINUING EDUCATION AND TRAVEL

Development Services requires additional vehicle maintenance expense and can fund the needed amount from Travel (\$294) and Continuing Ed (\$609) for a total of \$903 to 001-657-00.5413 Vehicle Maint. from 001-657 00.5501 Travel from 001-657-00.5551 Continuing Ed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Budget of Development Services for Vehicle Maintenance from Continuing Education and Travel. All voting "Aye". MOTION PASSED**

28407 AMEND BUDGET OF DISTRICT COURT FOR INDIGENT TRIAL/PRETRIAL EXPENSES FROM CONTINGENCIES

Indigent Trial/Pretrial expends for interpreting, investigating, and expert witnesses. . In one capital murder case, just trial/pretrial expense are 19,999, with additional for another case for 10,000. We are estimating all four courts will require total of 30,000 to finish FY12, and are requesting from Contingencies. Amount required \$30,000 to 001-608-00.5304_274 District Court Indigent Trial/Pretrial from 001-645-00.5399 Countywide Contingencies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend Budget of District Court for Indigent Trial/Pretrial expenses from Contingencies. All voting "Aye". MOTION PASSED**

28408 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 2656 WINDY HILL ROAD, KYLE, TX 78640

Kyle Project, LLC (Crumley, D.E. & Nova Family LP) is proposing an OSSF to serve a convenience store with takeout food service at 2656 Windy Hill Road, Kyle, TX 78640 in Precinct 1 This property is 2.94 acres. Water is supplied by a Public Water Supply. This OSSF is an aerobic LPD with flow equalization. The system is designed for a maximum of 883 gpd. The system designer is Stan Burrier, P.E. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Institutional OSSF Permit at 2656 Windy Hill Road, Kyle, TX 78640. All voting "Aye". MOTION PASSED**

**28409 APPROVE OUT OF STATE TRAINING TRAVEL REQUEST FOR PATRICIA HOM**

The Hays County Sheriff's Office would like to send our Criminal Analyst Patricia Hom to attend the ISS World America Intelligence Support Systems for Law Interception, Criminal Investigation and Intel gathering training in Washington DC Oct. 10-12, 2012. This is only offered once per year. This training is the next level up in the analyst field. Amount \$2,265; 001-618-00.5551. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Out Of State Training Travel Request for Patricia Hom. All voting "Aye". MOTION PASSED**

28410 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$130,000 WITH LNV, INC. FOR DESIGN SERVICES ON A STP MM FUNDED PROJECT TO IMPROVE THE INTERSECTION OF SH 21 AND FM 150 (E) WITH FUNDING REIMBURSEMENT IN ACCORDANCE WITH THE TXDOT ADVANCE FUNDING AGREEMENT (AFA) APPROVED BY THE COURT ON JULY 17

Mike Aulick spoke. The Consultant Selection Team (Commissioner Ingalsbe, Jerry Borcharding and Tim Vandevorde) reviewed the letters of intent and interviewed all three firms which submitted. Based on the written submittals and interviews the Consultant Selection Team unanimously recommends LNV, Inc. According to the AFA, TxDOT is requesting that Hays County procure the design services for the project. TxDOT will let the project for construction in the summer of 2013 at an estimated cost of \$1,100,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement in an amount not to exceed \$130,000 with LNV, Inc. for design services on a STP MM funded project to improve the intersection of SH 21 and FM 150 (E) with funding reimbursement in accordance with the TxDOT Advance Funding Agreement (AFA) approved by the Court on July 17. All voting "Aye". MOTION PASSED**

28411 ANVIL BLOCK SUBDIVISION [12-3-20 - 1 LOT] APPROVE FINAL PLAT

Roxie McInnis Subdivision Coordinator gave staff recommendation. The Anvil Block Subdivision is a proposed 7.00 acre division of land located off of Posey Road in Precinct 3. Water service will be provided by the City of San Marcos and wastewater treatment will be accomplished by an on-site sewage facility to be permitted by Hays County. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of Anvil Block Subdivision. All voting "Aye". MOTION PASSED**

28412 ENOCH ACRES [12-4-30 - 1 LOT] APPROVE FINAL PLAT

Roxie McInnis Subdivision Coordinator gave staff recommendation. Enoch Acres is a proposed 2.97 acre division of land located off of Country Lane in Precinct 4. Lot 1 will be served by a private well and on-site sewage facility at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of Enoch Acres. All voting "Aye". MOTION PASSED**

28413 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR CONTINUANCE OF THE TEXAS AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY PROJECT

Lt. Graves spoke. The Travis County Sheriff's Office is requesting approval of the annual agreement with the Texas Automobile Burglary and Theft Prevention Authority (ABTPA) to continue the Sheriff's combined Auto Theft Task Force Grant. Funding for the program includes Travis County and other counties with the sheriff of each county forming the Advisory Board of the program. The grant award provides funding for the Hays County Field Agent in the amount of \$51,088, which does not include fringe benefits. Hays County will provide the additional funds to cover the fringe benefits, which historically has funded in the past. The additional funds of \$23,072.00 will be funded through the Sheriff's FY13 Budget. The grant award must be completed and returned to Travis County by September 15, 2012. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Assistance Agreement for continuance of the Texas Automobile Burglary and Theft Prevention Authority Project. All voting "Aye". MOTION PASSED**



28414 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND ACCESS IMPROVEMENT, A TEXAS DOMESTIC NON-PROFIT CORPORATION, RELATED TO DEVELOPMENT OF THE PARKING MOBILITY PROGRAM

Mark Kennedy Special Counsel spoke. 25% of all disabled parking is abused at any time (jumping to 75% in bad weather). Parking Mobility is a volunteer program that addresses disabled parking abuse by empowering those affected and educating the broader community on disability issues. It satisfies the Texas Legislature's intent by enacting the highest fines in the country (\$500-\$1,250; Texas Transportation Code 681.011). It also provides an educational alternative for first time violators vs negative reinforcement (high fine). **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute the Memorandum Of Understanding between Hays County and Access Improvement, a Texas domestic non-profit corporation, related to development of the Parking Mobility Program. All voting "Aye". MOTION PASSED**

HOLD A PUBLIC HEARING ON THE FY2013 PROPOSED TAX RATE INCREASE - 7:00 P.M.

The meeting was reopened at 7:02 p.m. Judge Cobb opened the public hearing. No public input was received. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to close the public hearing. Bill Herzog County Auditor mentioned that the next meeting will be the last time the public will have input before the budget is adopted. The next Commissioners Court will be held on September 18, 2012 at 1:30 p.m.

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 close Executive Session at 2:15 p.m. and reconvened into open court meeting at 2:30 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF THE DIRECTOR OF THE TRANSPORTATION DEPARTMENT, THE DIRECTOR OF THE INFORMATION TECHNOLOGY DEPARTMENT, THE ELECTIONS ADMINISTRATOR, AND THE DIRECTOR OF THE JUVENILE PROBATION DEPARTMENT

Court convened into closed Executive Session at 10:02 a.m. and reconvened into open court meeting at 1:40 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jerry Borcharding Transportation Director, Jeff McGill IT Director, and Joyce Cowan Elections Administrator. Department Head evaluations and no action was taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF ALL INDIVIDUAL EMPLOYEES WITHIN THE AUDITOR'S OFFICE

Court convened into closed Executive Session at 1:40 p.m. and reconvened into open court meeting at 2:15 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed Executive Session 2:30 p.m. and reconvened into open court meeting at 3:45 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The burn ban will remain in force. Next week the Fire Marshall will be in court to address the burn ban issue.



County Clerk's Note Agenda Item #30 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 gave a brief update. FM 1626 Southern Section (FM 2270 to FM 967) – Environmental Process (45% Complete/draft EA Report 90% Complete), Design (Schematic 99% complete PS&E 60% complete), ROW Coordination & Acquisition (10% complete), Utility Coordination & relocation (15% complete), Construction (0% complete); FM 1626 Northern Section (FM 967 to Brodie Ln) – Environmental Process – TxDOT (complete), Design (schematic 100% complete, PS&E 100% complete), ROW Coordination & Acquisition (75% complete), Utility Coordination & Relocation (45% complete), Construction (0% complete); Yarrington Road Bridge – Environmental Process (complete), Design (schematic 100% complete PS&E 30% complete), ROW Coordination & Acquisition (0% complete), Utility Coordination & Relocation (5% complete), Construction (0% complete); FM 110 (IH 35 to SH 123) – Environmental Process – TxDOT (100% complete), Design (Schematic 100% complete), Design (Schematic 100% complete PS&E 100% complete), ROW Coordination & Acquisition (99% complete), Utility Coordination & Relocation (85% complete), Construction (0% complete); US 290 (Nuttly Brown Road to Trautwein Road) – Construction – COMPLETE; IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass) – Environmental Process (100% complete), Design (schematic 100% complete PS&E 100% complete), ROW Coordination & Acquisition (98% complete), Utility Coordination & Relocation (100% complete), Construction (100 complete); IH 35 Phase IIA (RM 150 Realignment) – Environmental Process (100% complete), Design (schematic 100% complete PS&E 100% complete), ROW Coordination & Acquisition (75% complete), Utility Coordination & Relocation (50% complete), Construction (1% complete); IH 35 Phase IIB (FM 1626 to Yarrington) – Environmental Process (100% complete), Design (schematic 100% complete PS&E 100% complete), ROW Coordination & Acquisition (100% complete) Utility Coordination & Relocation (98% complete), Construction (1% complete); FM 2001 (Frontage Road Connector) - Construction – COMPLETE.

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

Commissioner Whisenant gave a quick report on the PUA. They are planning another meeting for September 24, 2012.

A motion was made by Commissioner Jones seconded by Commissioner Whisenant to recess until 7:00 p.m.

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 September 11, 2012.



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

