



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 30TH DAY OF OCTOBER 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:

Gary Smith, Retired Air Force Chaplin gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

28529 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$1,176,538.59 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28530 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 23, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of October 23, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28531 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE TEXAS INDIGENT DEFENSE COMMISSION FOR UP TO \$72,029.00

This is a formula grant available annually to the County to assist in the implementation of the provisions of the Fair Defense Act (FDA) and improve the indigent defense system. These funds can be used for attorney fees, investigator expenses, and expert witness expenses incurred by the County on criminal indigent cases. The grant application submission is through on-line electronic process, with the Resolution e-mailed for verification authorization. The grant amount is an estimate at this time based upon previous award and will be finalized upon grant award. The funding period for this grant is October 1, 2012 through September 30, 2013. Budgeted in FY2013. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute the Resolution and submit a grant application to the Texas Indigent Defense Commission for up to \$72,029.00. All voting "Aye". MOTION PASSED

28532 ACCEPT THE DISTRICT CLERK FEE COLLECTION REPORT FOR JULY – SEPTEMBER, 2012

Art. 103.005, Code of Criminal Procedure, Required Report of an officer 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 Whisenant, seconded by Commissioner Ingalsbe to accept the District Clerk Fee Collection Report for July – September, 2012. All voting "Aye". MOTION PASSED

28533 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FIELD AGREEMENT FOR WILDLIFE DAMAGE MANAGEMENT WITH THE TEXAS WILDLIFE SERVICES PROGRAM

The Field Agreement replaces the current agreement in place. The monthly fee has been increased from \$2,400 per month to \$2,700 per month beginning January 2013. Funds are budgeted for FY 2013. Amount required \$2,700 per month 001-645-00.5448. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Field Agreement for Wildlife Damage Management with the Texas Wildlife Services Program. All voting "Aye". MOTION PASSED



28534 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AGREEMENT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR CONTINUED PARTICIPATION IN THE CAPCOG REGIONAL EMERGENCY NOTIFICATION SYSTEM (ENS) FOR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013

The Letter Agreement authorizes Hays County to use the Emergency Notification System provided by the Capital Area Council of Governments under the terms and conditions set out, for the period beginning October 1, 2012 and ending September 30, 2013. Hays County agrees to use the Emergency Notification System solely in accordance with the latest revision of the CAPCOG Emergency Notification System. Amount required \$1498 budgeted 001-645-00.5302. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a letter agreement with the Capital Area Council of Governments (CAPCOG) for continued participation in the CAPCOG Regional Emergency Notification System (ENS) for October 1, 2012 through September 30, 2013. All voting "Aye". MOTION PASSED**

28535 ACCEPT FOR MAINTENANCE FIRECRACKER DRIVE IN SUNFIELD ESTATES SUBDIVISION

Firecracker Drive has gone through a two year maintenance period. The developer remains responsible for minor repairs related to surface cracking. He is offering to donate to the Road Department's materials line item \$12,765 (the cost associated with contractor repair). He has also committed to being responsible for sidewalk maintenance a licensing agreement may follow. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept for maintenance Firecracker Drive in Sunfield Estates subdivision. All voting "Aye". MOTION PASSED**

28536 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$128,700.00 FOR DESIGN SERVICES ON A STP MM FUNDED PROJECT TO PROVIDE LEFT TURN LANES AT THE INTERSECTION OF RM 12 WITH OAKWOOD LOOP, SUMMER MOUNTAIN DR, RANCHO ENCINO DR. AND FALCONWOOD DR. IN ACCORDANCE WITH THE ADVANCE FUNDING AGREEMENT (AFA) WITH TXDOT AUTHORIZED BY THE COURT ON OCTOBER 9

The Consultant Selection Team (Jerry Borcharding and Tim Vandevorde) will review the letters of intent and interview the two firms which submitted proposals on October 23, and make a recommendation to the Commissioners Court prior to October 30. 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 \$943,800. Mike Aulick with Aulick and Associates spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement in an amount not to exceed \$128,700.00 for design services on a STP MM funded project to provide left turn lanes at the intersection of RM 12 with Oakwood Loop, Summer Mountain Dr, Rancho Encino Dr. and Falconwood Dr. in accordance with the Advance Funding Agreement (AFA) with TxDOT authorized by the Court on October 9. All voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement with HNTB in an amount not to exceed \$128,700.00 for design services on a STP MM funded project to provide left turn lanes at the intersection of RM 12 with Oakwood Loop, Summer Mountain Dr, Rancho Encino Dr. and Falconwood Dr. in accordance with the Advance Funding Agreement (AFA) with TxDOT authorized by the Court on October 9. All voting "Aye". MOTION PASSED

28537 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND CITY OF KYLE RELATED TO IMPROVEMENTS TO BE MADE TO BUNTON CREEK ROAD IN PCT. 1

The County and City desire to provide safe and well maintained roads, streets, alleys and rights-of-way for the use and benefit of the public and future generations. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Agreement between Hays County and City of Kyle related to improvements to be made to Bunton Creek Road in Pct. 1. All voting "Aye". MOTION PASSED**

28538 PLAT OF A PORTION OF TRACT 16, O'NEILL RANCH [12-4-36--2 LOTS] APPROVE FINAL PLAT

Roxie McInnis Development Services Manager gave staff recommendation. O'Neill Ranch is an unrecorded subdivision located off of Gatlin Creek Road in Precinct 4. The property owner is proposing to divide his 12.00 acres into two lots, each served by an existing private well and on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat of portion of Tract 16, O'Neill Ranch. All voting "Aye". MOTION PASSED**



28539 HOLD PUBLIC HEARING AND APPROVE FINAL PLAT OF REPLAT OF LOTS C & E, CANYON RIM ESTATES [12-4-40--3 Lots]

Judge Cobb opened the public hearing. No public input. Public hearing was closed. Roxie McInnis Development Services Manager gave staff recommendation. Canyon Rim Estates is a five lot subdivision located off of Highway 290 in Precinct 4. The owner of Lots C & E is proposing to reconfigure the acreage of the two lots and divide it into three new lots. The new lots will range in size from 4.913 to 6.225 acres. Each lot will be served by a private well and on-site sewage facility. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat of replat of Lots C & E Canyon Rim Estates. All voting "Aye". MOTION PASSED**

28540 ACCEPT THE CHAPTER 59 ASSET FORFEITURE REPORT FROM THE COUNTY AUDITOR'S OFFICE; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID REPORT FOR THE PURPOSES OF DELIVERING IT TO THE TEXAS ATTORNEY GENERAL, AS REQUIRED BY LAW

The Auditor's Office and the D.A.'s Office have been working through an audit of all asset forfeiture cases, in order to present the statutorily-required Report to the Texas A.G. The Report, which shall be presented in Open Court, represents the product of that audit. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept the Chapter 59 Asset Forfeiture Report from the County Auditor's Office; and to authorize the County Judge to execute said Report for the purposes of delivering it to the Texas Attorney General, as required by law. All voting "Aye". MOTION PASSED**

28541 AUTHORIZE THE COMMISSIONER OF PRECINCT 1, DEBBIE INGALSBE, WHO IS THE CURRENT SENIOR MEMBER OF COURT, TO SIGN OFFICIAL COUNTY DOCUMENTS ON BEHALF OF THE COUNTY JUDGE, AS NECESSARY, DURING HIS MEDICAL LEAVE

Hays County Judge Bert Cobb, M.D. announced he will be on medical leave beginning next week for back surgery and expects to be out of office for approximately two months. Senior Member of Commissioners Court Precinct 1 Debbie Gonzales Ingalsbe will lead the Court in his absence. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Commissioner of Precinct 1, Debbie Ingalsbe, who is the current senior member of court, to sign official County documents on behalf of the County Judge, as necessary, during his medical leave. All voting "Aye". MOTION PASSED**

28542 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT REGARDING FUNDING ON DACY LANE

County agrees to have constructed roadway improvements adjacent to District facilities for Science Hall project and Chapa Middle Scholl project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute the Interlocal Cooperation Agreement between Hays County and Hays Consolidated Independent School District regarding funding on Dacy Lane. All voting "Aye". MOTION PASSED**

28543 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ASSIGNMENT OF EASEMENT BETWEEN HAYS COUNTY AND CITY OF KYLE RELATED TO THE UTILITY EASEMENT BETWEEN HAYS COUNTY AND HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

The Utility Easement between Hays County and Hays Consolidated Independent School District was executed May 30, 2012. The Easement was granted to Hays County from HCISD and allows Grantee (Hays County) right to assign the easement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute the Assignment of Easement between Hays County and City of Kyle related to the Utility Easement between Hays County and Hays Consolidated Independent School District. Commissioner Conley abstained. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, and Judge Cobb voting "Aye". MOTION PASSED**

28544 AUTHORIZE AMENDMENT #2 TO HUITT ZOLLARS PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES ON THE HAYS COUNTY PRIORITY BOND PROJECT CR 266 FOR RIGHT OF WAY AND UTILITY COORDINATION SERVICES

Richard Brown of Huitt Zollars spoke. On October 13, 2009 the Commissioner's Court contracted with Huitt Zollars for Engineering Services on the County Road 266/Old Bastrop Highway Priority Bond project. Additional services for ROW & Utility Coordination are needed to complete this phase. Those services include meetings, exhibits and surveying for ROW acquisition and utility coordination. Also, an error in tracking work authorizations



has caused this contract to be over budget, and has placed invoices for services already provided on hold for payment. Amendment #2 to the PSA will cover these overages and additional services needed. Funds are available in the Priority Road bond to cover this amendment. Amount required \$46,000 027-801-96-507.5621_700. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize amendment #2 to Huitt Zollars Professional Services Agreement for Engineering Services on the Hays County Priority Bond project CR 266 for Right of Way and Utility Coordination services. All voting "Aye". MOTION PASSED**

AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE EASEMENT BETWEEN HAYS COUNTY AND BLUEBONNET ELECTRIC COOPERATIVE INC. RELATED TO A TRACT OF LAND KNOWN AS LOT 4, HIGHWAY 123 BUSINESS PARK

The purpose and scope of this Easement is to place, construct, re-construct, re-phase, operate, maintain, relocate, replace and remove in, upon, below or above the Easement Area an electric distribution line or system, telecommunications systems and equipment, or other services and systems, and its related appurtenances and equipment, and to cut, trim, chemically treat, and/or remove any or all trees, brush, shrubbery or other obstructions within or outside the Easement Area to the extent necessary to keep the Easement Area clear, or which might otherwise endanger or interfere with the efficiency of the lines, including the removal of any dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling even if same are located outside "the easement area". Court convened into Executive Session at 9:30 a.m. and reconvened into open court at 10:28 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell Chief of Staff. This item will be brought back in 2 weeks.

28545 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO AN INTERLOCAL FUNDING AGREEMENT BETWEEN HAYS COUNTY AND CITY OF KYLE RELATED TO THE CONSTRUCTION ON DACY LANE

County staff and the City of Kyle representatives have reached an agreement in principle regarding the payment schedule for the City of Kyle's responsibility under the original contract. This letter amendment represents that agreement in principle. Court convened into Executive Session at 9:30 a.m. and reconvened into open court at 10:28 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell Chief of Staff. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a letter amendment to an Interlocal Funding Agreement between Hays County and City of Kyle related to the construction on Dacy Lane. All voting "Aye". MOTION PASSED**

28546 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING THE CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY AT 111 WOODACRE DRIVE UNITS 7 AND 8 (LOT 7 AND LOT 8, WOODCREEK HEALTH SPA LOTS)

Court convened into Executive Session at 11:40 a.m. and reconvened into open court at 12:00 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell Chief of Staff. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to establish that the Hays County Commissioners Court, on behalf of Hays County, Texas authorizes the use of the power of eminent domain to acquire Lot 7, Woodcreek Health Spas, also known as 111 Woodacre Drive, Unit 7, for public park purposes. All voting "Aye". MOTION PASSED**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to establish that the Hays County Commissioners Court, on behalf of Hays, County, Texas, authorizes the use of the power of eminent domain to acquire Lot 8, Woodcreek Health Spas, also known as 111 Woodacre Drive, Unit 8, for public park purposes. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT BUCK

Court convened into Executive Session at 12:01 p.m. and reconvened into open court at 12:15p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell Chief of Staff. No action taken.



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 12:46 p.m. and reconvened into open court at 12:56 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell Chief of Staff. No action taken.

28547 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE REVIEW OF JOB APPLICANTS FOR THE HAYS COUNTY EMERGENCY MANAGEMENT COORDINATOR POSITION

Court convened into Executive Session at 10:47 a.m. and reconvened into open court 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 Chief of Staff. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to make an offer employment to Karly Smith for Emergency Management Coordinator position at an annual salary of \$53,447.00 to be effective upon her acceptance of the position, or upon her availability to fill the position. All voting "Aye". MOTION PASSED**

28548 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 EACH INDIVIDUAL EMPLOYEE WITHIN THE PERSONAL HEALTH DEPARTMENT

Court convened into Executive Session at 12:00 p.m. and reconvened into open court at 12:45 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell Chief of Staff. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to eliminate the Epidemiology Nurse position in the Personal Health Department; and to replace that position with an Epidemiology Specialist position, Grade 110; and to authorize Lon Shell to fill that new position by making an offer up to the 25th percentile of that salary range (Effective Immediately). All voting "Aye". MOTION PASSED**

DISCUSSION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted. This will be brought back on a weekly basis to determine if it will be put in place.

County Clerk's Note Agenda Item #25 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. POSSIBLE ACTION MAY FOLLOW. COBB

Commissioner Jones spoke of FM 1626. Commissioner Ingalsbe spoke of FM 110, the groundbreaking will be on November 15, 2012.

County Clerk's Note Agenda Item #27 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE – was pulled*



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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 October 30, 2012.



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

