



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 20TH DAY OF NOVEMBER A.D., 2012, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

WITH COUNTY JUDGE ALBERT H. COBB, JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Reverend Ben Nelson of St. Mark's Episcopal Church gave the invocation and led the court in the Pledge of Allegiance to the United States and Texas flags. Commissioner Ingalsbe called the meeting to order.

PUBLIC COMMENTS

Constable Pct. 2 James Kohler spoke.

28576 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 \$1,167,821.29 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

28577 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 13, 14 AND 15, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioner Court Minutes of November 13, 14 and 15, 2012 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

28578 APPROVE THE CANCELLATION OF COMMISSIONERS COURT ON FEBRUARY 19, 2013

This cancellation is due to the majority of the Court attending the VG Young Institute of County Government - School for County Commissioners Courts 2013. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the cancellation of Commissioners Court on February 19, 2013. All present voting "Aye". MOTION PASSED

28579 APPROVE SPECIFICATIONS FOR IFB 2013-B01 NUTTY BROWN ROAD DRAINAGE IMPROVEMENTS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specifications for IFB 2013-B01 Nutty Brown Road Drainage Improvements and to authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

28580 AUTHORIZE INSTITUTIONAL OSSF PERMIT 13005 FITZHUGH ROAD, AUSTIN TX

Blackstone Vineyards, LP is proposing an OSSF to serve a 9635 square foot event center on 114 acres. Water will be supplied by Public Water Supply (Public Water Hauled to site and site to be permitted by Texas Commission on Environmental Quality). This OSSF was designed by Jon Maass, R.S. for a maximum of 800 gallons per day that is flow equalized throughout the week to an 800 gpd aerobic treatment unit and discharged to a low pressure dosed drainfield. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit 13005 Fitzhugh Road, Austin TX. All present voting "Aye". MOTION PASSED



28581 AUTHORIZE THE SHERIFF'S OFFICE TO ACCEPT THE DONATION OF VIDEO, PHOTOGRAPHY AND OFFICE EQUIPMENT FROM THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN AND AMEND THE BUDGET ACCORDINGLY

Through The Canon4Kids Program, The National Center For Missing And Exploited Children Has Donated Two Cameras, One Video Camera, A Scanner, And A Printer To The Hays County Sheriff's Office. The Canon4Kids Program Donates Video, Photography, And Office Equipment To Law Enforcement Agencies Across The United States To Assist In The Investigation Of Cases Involving Children. The Equipment Received By The Hays County Sheriff's Office Has A Total Value Of \$1,259.96 And Will Be Distributed Between The Criminal Investigation And Patrol Divisions. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Sheriff's Office to accept the donation of video, photography and office equipment from the National Center for Missing and Exploited Children and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

28582 AUTHORIZE THE SHERIFF'S OFFICE TO APPLY FOR AN SLR15 RIFLES AND TRAINING GRANT, WHICH PROVIDES SLR15 RIFLES AND TRAINING TO LAW ENFORCEMENT AGENCIES

The Hays County Sheriff's Office is seeking authorization to submit an application to SLR15 Rifles, Inc. for a SLR15 Rifles and Training grant. The grant program provides SLR15 demo rifles and armorer/instructor training at no cost to the awarded law enforcement agency. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to apply for an SLR15 Rifles and Training grant, which provides SLR15 rifles and training to law enforcement agencies. All present voting "Aye". MOTION PASSED**

28583 AUTHORIZE THE SHERIFF'S OFFICE TO SUBMIT A GRANT PROPOSAL TO THE NATIONAL RIFLE ASSOCIATION FOUNDATION FOR UP TO \$25,000 FOR THE PURCHASE OF AMMUNITION TO BE USED IN DEPUTY TRAINING

The Hays County Sheriff's Office is requesting authorization to apply for a National Rifle Association Foundation General Grant for up to \$25,000 to fund the purchase of ammunition to be used in deputy training. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to submit a grant proposal to the National Rifle Association Foundation for up to \$25,000 for the purchase of ammunition to be used in deputy training. All present voting "Aye". MOTION PASSED**

28584 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR 295 FROG POND LANE, DRIPPING SPRINGS, TX.

Hill Country Jump Wild, LLC is proposing an OSSF to serve a 9800 square foot children's party and event center on 1.858 acres. Water will be supplied by Public Water Supply (Public Water Hauled to the site and the site will be permitted by Texas Commission on Environmental Quality). This OSSF was designed by Jon Maass, R.S and Tom Partridge, P.E. for a maximum of 2800 gallons per week that is flow equalized throughout the week to a maximum of 400 gpd. The on-site sewage facility will consist of a trash tank, flow equalization tank, aerobic treatment unit and pump tank discharging to a drip irrigation dispersal field. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit for 295 Frog Pond Lane, Dripping Springs, TX. All present voting "Aye". MOTION PASSED**

28585 RATIFY HIRING THE CURRENT TEXAS VACCINES FOR CHILDREN COORDINATOR (ADMINISTRATIVE ASSISTANT I) INTO THE SNS COORDINATOR POSITION WITHIN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AT THE 25TH PERCENTILE OF THE PAY RANGE

The Court authorized filling the SNS Coordinator position at the 25th percentile of the pay range on Nov. 13. The current TVFC Coordinator within the PHD has accepted the position. Since the TVFC Coordinator is a current Hays County Employee, further Court action is necessary to hire at the 25th percentile of the pay range. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones ratify hiring the current Texas Vaccines for Children Coordinator (Administrative Assistant I) into the SNS Coordinator position within the Hays County Personal Health Department at the 25th percentile of the pay range. All present voting "Aye". MOTION PASSED**

28586 ACCEPT THE NAME CHANGE OF THE COUNTY'S INDEPENDENT AUDIT FIRM

The audit division of our independent audit firm of Holtman, Wagner & Co LLP has been acquired by Alonzo, Bacarisse, Irvine, Palmer, P.C. The terms of the audit engagement and fee structure remains the same as our original bid. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones All present voting "Aye". MOTION PASSED**



28587 CALL FOR A PUBLIC HEARING ON DECEMBER 4, 2012 TO ESTABLISH TRAFFIC REGULATIONS IN SHADOW CREEK SUBDIVISION

To establish: a four-way stop intersection at four locations within Shadow Creek. At the intersection of Shadow Creek Blvd. and Black Cap, the intersection of Shadow Creek Blvd. and Dark Horse, the intersection of Spanish Trails Blvd. and Heron Drive, and the intersection of Spanish Trails Blvd. and Quarter Avenue. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant call for a public hearing on December 4, 2012 to establish traffic regulations in Shadow Creek subdivision. All voting "Aye". MOTION PASSED**

28588 REPLAT OF TRACT 2, PANTHER CREEK AMENDED PLAT [12-3-51--2 LOTS] CALL FOR A PUBLIC HEARING ON DECEMBER 11, 2012

Roxie McInnis Development Services Manager spoke. Panther Creek is a platted subdivision located off Elder Hill Road in Precinct 3. The owner of Lot 2 is proposing to divide his 50.00 acre lot into two lots. Both proposed lots are currently developed and are served by private wells and on-site sewage facilities. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to call for a public hearing on December 11, 2012 for replat of Tract 2, Panther Creek Amended Plat. All present voting "Aye". MOTION PASSED**

28589 ESTABLISH JUROR PAY RATES FOR FISCAL YEAR 2012

District Clerk, Beverley Crumley spoke. The District Clerk is proposing the Commissioners Court establish the following pay policy: First day of service: \$6.00. Subsequent days of service: the sum of \$6.00 + the official jury pay reimbursement rate in effect as established by the State Comptroller. The Comptroller has announced effective October 1, 2012, that the jury pay reimbursement rate will be \$30.00 per day for all service days after the first day. And that this amount will be reviewed quarterly and is subject to adjustment based on claims filed and remaining funds. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to establish juror pay rates for Fiscal Year 2012 at \$6.00 for the first day of service and \$36.00 for every day after. All present voting "Aye". MOTION PASSED**

28590 AWARD IFB#2012-B10 FOR BOUNDARY FENCING FOR JACOB'S WELL NATURAL AREA TO PECOS FENCE, INC. FOR \$27,056.00 AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT DOCUMENTS

On September 11, 2012 the Commissioners Court approved specifications for IFB#2012-B10 and authorized Purchasing to solicit for bid and advertise. The solicitation period closed on September 27, 2012 with five firms responding. The apparent low bidder is Pecos Fence, Inc. of San Antonio with a bid of \$27,056. Amount required \$27,056.00; 150-813-97-407.5611_700. **A motion was made by Commissioner Coney, seconded by Commissioner Whisenant to award IFB#2012-B10 for Boundary Fencing for Jacob's Well Natural Area to Pecos Fence, Inc. for \$27,056.00 and authorize the County Judge to execute contract documents. All present voting "Aye". MOTION PASSED**

28591 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

Lori Bible spoke of 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". **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to 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. All present voting "Aye". MOTION PASSED**

28592 AMEND THE FEE SCHEDULE AND LEASE AGREEMENT TEMPLATES FOR THE HAYS COUNTY CIVIC CENTER

Clint Garza Director of Development and Community Services spoke. Staff proposes amending the Civic Center lease agreement and fee schedule to better define security requirements for events requiring security and adding an hourly facility set up and break down fee to cover costs associated with labor not covered in basic facility rental. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the fee schedule and lease agreement templates for the Hays County Civic Center. All present voting "Aye". MOTION PASSED**



28593 AUTHORIZE ALONZO, BACARISSE, IRVINE, & PALMER (COUNTY'S INDEPENDENT AUDIT FIRM) TO PERFORM AGREED UPON PROCEDURES RELATED TO THE REVIEW OF EXPENDITURES FOR THE ROAD BOND & GOVERNMENT CENTER PROGRAMS

Hays County Auditor Bill Herzog would like the court to authorize a limited scope review of invoices relating to our Road Bond & Government Center Projects. The procedure will consist of testing a selection of invoices from Broaddus, HDR Engineering, & Prime Strategies. This is nothing more than a due diligence effort to assure that billings were proper & followed our contract terms. Amount required \$4,500.00 to be paid from Road Bond & Government Center funds. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Alonzo, Bacarisse, Irvine, & Palmer (County's independent audit firm) to perform agreed upon procedures related to the review of expenditures for the Road Bond & Government Center programs. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #19 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENT TO THE REYNOLDS, SMITH AND HILLS, INC. CS (RS&H CS) PROFESSIONAL SERVICES AGREEMENT AND WORK AUTHORIZATION NO. 2 TO PROVIDE CONSTRUCTION ENGINEERING AND INSPECTION SERVICES ON THE LAKEWOOD DRIVE PRIORITY ROAD BOND PROGRAM PROJECT – was pulled*

28594 AUTHORIZE AN INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 14409 FITZHUGH RD, AUSTIN, TX

Roxie McInnis Development Services Manager spoke. Spry Ranch LP are proposing an OSSF to serve a therapy camp that will house 12 disabled children in Precinct 4. This property is 52 acres. Water will be supplied by Private Water Well. This OSSF is a standard treatment system in which the effluent will be pumped to a low pressure dosed dispersal field. The system is designed for a maximum of 500 gpd. The system designer, Stephen Jetton, 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: "Based on the fact that this type of business will have consistent flow throughout the day and will not have surges. The wastewater will be equally distributed. This system is also using a standard 2 compartment tank which is not easily upset by surges in flows. In addition, the septic tank and pump tank is 20% oversized for the 338 gallon per day expected flow. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize an Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 14409 Fitzhugh Rd, Austin, TX. 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 10:20 a.m. and reconvened into open court at 10:33 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy and Lon Shell Chief of Staff. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING THE 2008 ROAD BOND AND PRIORITY ROAD PROGRAMS

Court convened into Executive Session at 10:34 a.m. and reconvened into open court at 11:08 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, 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 RIGHT OF WAY ACQUISITION ON CR 266 IN PRECINCT 1

Court convened into Executive Session at 9:33 a.m. and reconvened into open court at 10:19 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Lon Shell Chief of Staff, Director of Transportation Services Jerry Borcharding and Lori Bible. No action taken.



ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the Burn Ban will remain lifted.

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 PRECINCT 2 FACILITY PROJECT; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT – was pulled*

County Clerk's Note Agenda Item #26 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 #27 RE: *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY – was pulled*

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones 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 November 20, 2012.



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

