



APRIL 16, 2013

VOLUME V PG 137

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 16TH DAY OF APRIL A.D., 2013, 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 presented Darrell. W. Ayres – Preacher at Blanco Cowboy Church in Blanco and Constable, Precinct # 3 Hays County who gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

RECOGNITION OF SYLVIA FLORES, CHIEF CLERK, FOR HER THIRTY YEARS OF SERVICE TO THE JUSTICE OF THE PEACE PRECINCT 2 OFFICE AND HAYS COUNTY

Justice of the Peace Precinct 2, Beth Smith recognized Sylvia Flores, Chief Clerk with her 30 years of service.

28940 PROCLAMATION DECLARING APRIL 14-20, 2013 AS NATIONAL TELECOMMUNICATORS' WEEK

Gary Cutler, Hays County Sheriff spoke of Erica Carpenter not being able to make it to court this morning and introduced Chad Power who gave his thanks to the court. The second week of April each year is National Telecommunicator Week. This week is dedicated to the 9-1-1 Dispatchers Nationwide to recognize and honor their public safety duties. Specifically, the 9-1-1 Dispatchers with the Hays County Sheriff's Office are recognized for their Professional Service in Emergency Response. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to Adopt a Proclamation declaring April 14-20, 2013 as National Telecommunicators' Week. All voting "Aye". MOTION PASSED**

28941 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 \$390,453.01 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28942 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 9, 2013

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of April 9, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28943 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 001A TO CONTRACT 2013-041402 WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE RLSS/LOCAL PUBLIC HEALTH SYSTEM GRANT PROGRAM AND AMEND THE BUDGET ACCORDINGLY

On July 31, 2012 the Commissioners Court executed a contract with the Department of State Health Services for grant funding under the RLSS/Local Public Health System program. This amendment will increase the award amount by \$5,169.00 - from \$51,463.00 to \$56,632 - for additional supplies, contractual services and other expenses, and also allow 5% of the grant funds to be used in the event of a public health emergency and/or for training. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant authorize the County Judge to execute Amendment 001A to Contract 2013-041402 with the Department of State Health Services for the RLSS/Local Public Health System Grant Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**



28944 APPROVE RENEWAL OF BID FOR METAL PIPE WHICH WAS AWARDED TO CONTECH ENGINEERED SOLUTIONS LLC FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

All terms and conditions remain unchanged and in full force and effect as provided in original bid. Pricing will remain the same. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve renewal of Bid for Metal Pipe which was awarded to Contech Engineered Solutions LLC for one additional year as provided for in original bid. All voting "Aye". MOTION PASSED**

28945 ACCEPT THREE DONATIONS TOTALING IN THE AMOUNT OF \$225.00 TO HAYS COUNTY SHERIFF'S OFFICE COMMUNICATIONS DIVISION AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office Communication Division received three donations; each from Wimberley Emergency Medical Service Systems, Inc. \$100, Hays City Store \$100 and Andrew Cable \$25. The donations will be utilized for National Telecommunicator Week. NTW will take place April 15-19, 2013. Increase Revenue 001-618 00.4610 Contributions \$225.00; Increase Expense 001-618-00.5391 Miscellaneous \$225.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept three donations totaling in the amount of \$225.00 to Hays County Sheriff's Office Communications Division and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28946 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE INTERLOCAL AGREEMENTS FOR COMMERCIAL OFFICE LEASE LOCATED AT 401C BROADWAY, SAN MARCOS TEXAS AND 150 LOCKHART STREET, KYLE TEXAS BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS, TEXAS, ADMINISTERING THE WOMAN, INFANTS, AND CHILDREN ("WIC") PROGRAM OF SAN MARCOS

These letter amendments will extend the lease date to August 31, 2017 for both leases. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a letter amendment to the Interlocal Agreements For Commercial Office Lease located at 401C Broadway, San Marcos Texas and 150 Lockhart Street, Kyle Texas between Hays County and the City of San Marcos, Texas, administering the Woman, Infants, and children ("WIC") Program of San Marcos. All voting "Aye". MOTION PASSED**

28947 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CERTIFICATIONS AND ASSURANCES ASSOCIATED WITH THE FY13 TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), SECTION 5310 GRANT APPLICATION

On July 24, 2012 the Commissioners Court authorized submission of a grant application to TxDOT, under the Section 5310 program, in the amount of \$3000.00 for maintenance of the two vehicles in the Veterans Service Office previously purchased with funding from this program. The Certifications and Assurances document is a preaward requirement necessary to receive the funding. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Certifications and Assurances associated with the FY13 Texas Department of Transportation (TxDOT), Section 5310 grant application. All voting "Aye". MOTION PASSED**

28948 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO AN INTERLOCAL CONTRACT WITH THE SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION FOR LICENSING OF PERMITTING SOFTWARE FOR USE IN THE DEVELOPMENT SERVICES DIVISION

On March 13, 2012 the Commissioners Court approved an Interlocal Contract with the South Central Planning and Development Commission regarding licensing fees for a new permitting system which will be used in the Development Services Division. The executed agreement mistakenly showed \$6,000.00 for the monthly licensing fee. The correct (budgeted) fee will be \$500.00 monthly (\$6,000 annually). This contract amendment reflects the correct amount. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to an Interlocal Contract with the South Central Planning and Development Commission for licensing of permitting software for use in the Development Services Division. All voting "Aye". MOTION PASSED**

28949 AUTHORIZE THE HAYS COUNTY SHERIFF, WITH ASSISTANCE FROM LEGAL COUNSEL, TO DISPOSE OF CERTAIN SALVAGE PROPERTY IN THE POSSESSION OF THE SHERIFF'S OFFICE

In particular, the Sheriff's Office is currently in possession of 2 vehicles that are considered salvage property: 1) a 1995 Chevrolet Caprice, and 2) a 2003 Volkswagen Jetta. Legal Counsel recommends proceeding under



Chapter 263 of the Texas Local Government Code. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Hays County Sheriff, with assistance from legal counsel, to dispose of certain salvage property in the possession of the Sheriff's Office. All voting "Aye". MOTION PASSED

28950 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BINKLEY & BARFIELD CONSULTING ENGINEERS FOR PROFESSIONAL DESIGN, ENGINEERING AND CONSTRUCTION PHASE SERVICES RELATED TO THE FM 110 (FM621-SH80) PROJECT IN HAYS COUNTY

Amount required \$1,112,598.85; line item number 023-801-96-510.5621_400. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with Binkley & Barfield Consulting Engineers for professional Design, Engineering and Construction Phase services related to the FM 110 (FM621-SH80) Project in Hays County. All voting "Aye". MOTION PASSED

28951 AUTHORIZE LEGAL COUNSEL TO COORDINATE CLOSING ON THE LEASE/PURCHASE OF APPROXIMATELY 10.00 ACRES MORE OR LESS, OWNED BY HAYS COUNTY AND TO BE CONVEYED TO NEW CANAAN FARMS, INC.; TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DEED FOR THAT PURPOSE; AND AUTHORIZE LEGAL COUNSEL TO EXECUTE ANY AND ALL DOCUMENTS INCIDENTAL TO CLOSING

Commissioner Whisenant and Special Counsel, Mark Kennedy spoke. The lot is out of the K-Bar-Mac recorded subdivision in Hays County, Texas, more explicitly described in Volume 5, Page 345, in the Hays County Plat Records. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Legal Counsel to coordinate closing on the lease/purchase of approximately 10.00 acres more or less, owned by Hays County and to be conveyed to New Canaan Farms, Inc.; to authorize the County Judge to execute a deed for that purpose; and authorize Legal Counsel to execute any and all documents incidental to closing. All voting "Aye". MOTION PASSED

28952 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WOODCREEK REGARDING ROADWAY REPAIR AND MAINTENANCE

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. Amount required \$80,000.00. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of Woodcreek regarding Roadway Repair and Maintenance. All voting "Aye". MOTION PASSED

28953 AUTHORIZE LEGAL COUNSEL TO RETAIN APPRAISAL SERVICES FROM TIME TO TIME AND ON AN AS NEEDED BASIS RELATED TO HAYS COUNTY PURCHASE AND/OR SALE OF REAL PROPERTY; AND AUTHORIZE COUNSEL TO WORK WITH PURCHASING DEPARTMENT TO ESTABLISH A LIST OF APPROVED APPRAISERS

It remains an open question as to which budget will pay for appraisal services. Legal Counsel's recommendation is that when the budget of a specific project cannot be identified the services could be paid for out of Countywide Legal. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Legal Counsel to retain appraisal services from time to time and on an as needed basis related to Hays County purchase and/or sale of real property; and authorize counsel to work with purchasing department to establish a list of approved appraisers. All voting "Aye". MOTION PASSED

DISCUSSION TO CONSIDER A REQUEST FOR ADDITIONAL FUNDING FROM THE OPEN SPACE AND PARK BOND FUNDS FOR THE DRIPPING SPRINGS RANCH PARK – item tabled

Commissioner Whisenant spoke. Sam Walter – Dripping Springs resident spoke. Todd Purcell, Mayor of Dripping Springs gave a brief Powerpoint Presentation. Amount being requested is \$1.8 Million from the Hays County Open Space and Park Bond Funds. County Judge spoke of not acquiring the property back if the project failed in the future. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to award additional funding in the amount of up to \$1.8 Million but not to exceed from the Open Space and Park Bond funds for the Dripping Springs Ranch Park. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to withdraw his motion. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to table this item until next week. Commissioner Jones was not present for vote. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED



28954 APPROVE SPECIFICATIONS FOR RFP 2013-P05, REQUEST FOR PROPOSALS FOR ALTERNATIVE GROUNDWATER SUPPLY, AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

During the April 8, 2013 Hays County Water and Sewer Authority meeting, a Request for Proposal for alternative groundwater supply was discussed. The HCWSA decided to create a RFP with input from the newly formed HCWSA executive committee. The original plan was to develop the RFP over the next month. Due to various circumstances, the timeline for this process has been moved up. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve specifications for RFP 2013-P05, Request for Proposals for Alternative Groundwater Supply, and authorize Purchasing to solicit for proposal and advertise. All 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 11:53 a.m. and reconvened into opened court at 11:55 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: DISCUSSION OF ISSUES RELATED TO A RIGHT OF WAY ACQUISITION OF PARCELS ON FM 1626

Court convened into Executive Session at 11:48 a.m. and reconvened into opened court at 11:53 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING THE COUNTY'S ROLE IN THE OPERATION OF EMERGENCY SERVICES DISTRICTS

Court convened into Executive Session at 11:18 a.m. and reconvened into opened court at 11:45 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and Justice of the Peace, Pct 2 Beth Smith. 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, SALE, EXCHANGE, OR VALUE ASSOCIATED WITH UNIT 7 AT 111 WOODACRE DRIVE IN WIMBERLEY, TEXAS

Court convened into Executive Session at 11:55 a.m. and reconvened into opened court at 12:10 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No action taken.

Clerk's Note Agenda Item #22 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 RIGHT OF WAY ACQUISITION ON RM 150* – was pulled

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

On advice from the Fire Marshal the Burn Ban will remain lifted. Currently, the drought index is at 400.

County Clerk's Note Agenda Item #24 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



DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR

Allen Crozier of HDR gave a brief synopsis of the Road Bond Projects. US 290 (Mighty Tiger to McGregor) – Continuous left turn lane (fill in gaps) and improve shoulders (approx 3.7 mi.); RM 12 @ Sports Park Drive – Safety improvements (add left turn lane and other intersection safety improvements); RM 1826 @ Nutty Brown Rd (CR 163) – Safety improvements (left turn lane and other intersection safety improvements); RM 1826 @ Crystal Hill Dr (Goldenwood) – Safety improvements (left turn lane and other intersection safety improvements (potential acceleration lane)); RM 1826 @ Darden Hill Rd (CR 162) – Safety improvements (left turn lane and other intersection safety improvements – realignment of Darden Hill RD at intersection); RM 1826 @ RM 967 – Project complete; RM 2325 Fisher Store RD (CR 181 to Carney Lane – Project complete; RM 12 @ Old Kyle RD – Project complete; RM 12 & RM 32 Junction – Project complete; RM 12 Parkway Development – ROW preservation & environmental studies for 4 lane divided parkway; RM 12 @ Hugo Rd (CR 214) – Project complete; RM 12 @ Sink Creek – Project complete; RM 12 @ Wonder World Drive – Project complete; Old Bastrop Hwy (CR 266) – 1.9 mi – widen to 3 lanes (2 + CLTL) & 4' shoulders/acquire ROW for an ultimate 4-lane section; SH 21 @ High Road (CR 127) – Project complete; SH 21 @ FM 2001 – Project complete; SH 21 @ Rhode Rd (CR 126) – Safety improvements (left turn lane and other intersection safety improvements); Dacy Lane (CR 205) Bebee Rd to Windy Hill – Engineering/environmental studies & ROW preservation (2-12' lanes 14' lt turn lane, bicycle lanes & sidewalks)(1.5 mi.); Lime Kiln Rd @ Sink Creek – Study complete; Post Rd (CR 140) – Study complete; Lakewood Dr @ FM 1626 – Under construction; RM 967 @ Ruby Ranch Rd – Under construction. Laura Y.H. Harris, P.E. for HNTB gave a Powerpoint Presentation. Yarrington Bridge (at IH 35) – anticipated letting date: July 2013; FM 1626 South (FM 2770 – FM 967) – anticipated letting date: Fall 2014; IH 35 Ph 2A (RM 150 realignment) – project schedule: September 2012 – August 2013; FM 110 (McCarty Lane to SH 123) – project schedule: November 2012 – October 2013; IH 35 Ph 2B (RM 1626 to Yarrington Rd) – Project schedule: August 2012 – September 2013; FM 1626 North (RM 967 to Brodie Lane) – Project schedule: October 2012 – October 2014.

DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

Opened together with Resolution # 28954. Commissioner Whisenant spoke of meeting on April 15, 2013 of RFP that was drawn up with assistance from Special Counsel Mark Kennedy and Chief of Staff Lon Shell.

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 April 16, 2013.



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

