



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8TH DAY OF NOVEMBER A.D., 2011, 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:

Pastor Tom Glasoe from the First Lutheran Church of San Marcos gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

Dee Dee Baen Human Resources Director introduced Hays County New Hires. They are introduced the second Tuesday of every month. The new employees are Tomas Cardoso, Patrick J Chasse, David Gamble, Jonathan Lopez, Kevin Salazar, Debra R. Sample, Brandon R. Stark.

PUBLIC COMMENTS

James Kohler Constable Pct. 2 made public comment.

28564 ADOPT A PROCLAMATION DECLARING NOVEMBER 2011 AS NATIONAL HOSPICE CARE MONTH

Lisa Adams and Linda Lopez with Central Texas Medical Center Hospice Center spoke of what the center offers to the patients and family caregivers facing serious and life-limiting illness. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a proclamation declaring November 2011 as National Hospice Care Month. All voting "Aye". MOTION PASSED**

28565 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of \$4,500,312.86 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28566 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 1, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of November 1, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28567 AUTHORIZE COMMERCIAL OSSF PERMIT AT 1905 ELDER HILL ROAD, DRIFTWOOD, TX IN PRECINCT 4

Robin Garrison is proposing an event center that will include 5 bed and breakfast rooms. The on-site sewage facility is designed so that the peak weekend flows are equalized throughout the week at 900 gallons per day. The property is 84.83 acres in size. The water supply will be supplied by on-site well. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 1905 Elder Hill Road, Driftwood, TX in Precinct 4. All voting "Aye". MOTION PASSED**

28568 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE TEXAS INDIGENT DEFENSE COMMISSION FOR \$71,325.00

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 indigent defense system. These funds can be used for attorney fees, investigator expenses, and expert witness expense 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, 2011 through September 30, 2012. **A motion was made by Commissioner Ingalsbe, 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 \$71,325.00. All voting "Aye". MOTION PASSED**



28569 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SUBAWARD AGREEMENT WITH TEXAS STATE UNIVERSITY FOR GRANT FUNDS FOR THE COUNTY'S PARTICIPATION IN THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAM

The subaward agreement is a renewal of annual grant the County receives through Texas State University to fund the salary/benefits of an officer (Sergeant-Director of Training) in the Sheriff's Office involved in training and support for the ALERRT program. The Subaward Agreement in the amount of \$57,088.00. The application term is October 1, 2011 through August 30, 2013. No matching funds required 001-618-99-003.4301. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute the Subaward Agreement with Texas State University for grant funds for the County's participation in the Advanced Law Enforcement Rapid Response Training (ALERRT) program. All voting "Aye". MOTION PASSED**

28570 AMEND THE JAIL OPERATIONS BUDGET TO PURCHASE REPLACEMENT EQUIPMENT

The Sherriff's Office needs to purchase a replacement small air conditioner unit in building 1303. The amount required \$2,450.00 from 001-618-03.5451 Bldg Maint to 001-618-03.5719 Misc Eqpt. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Jail Operations Budget to purchase replacement equipment. All voting "Aye". MOTION PASSED**

28571 AUTHORIZE A COMMERCIAL OSSF PERMIT AT 1235 SOUTH LOOP 4, BUILDING #1, BUDA, TX

Clint Garza Director of Development Services spoke. Bridgeport Properties has applied for an on-site sewage facility permit for an existing commercial building. This on-site sewage facility is designed for 1200 gallons per day. The property is 22.479 acres in size. This is a modification to an existing on-site sewage facility that will authorize installation of 3 new tanks that will accommodate a proposed art supply business that will operate in the building. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize a commercial OSSF permit at 1235 South Loop 4, Building #1, Buda, TX. All voting "Aye". MOTION PASSED**

28572 AMEND THE BUDGET OF THE DEVELOPMENT SERVICES DEPARTMENT TO PROVIDE A CELL PHONE ALLOWANCE FOR AN EMPLOYEE WITH AN EFFECTIVE DATE OF NOVEMBER 15, 2011

Clint Garza Director of Development Services spoke. The Development Services Department would like to provide a cell phone allowance for an employee in their office. Amount required \$385.00 001-710-08.5194 telephone allowance. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the budget of the Development Services Department to provide a cell phone allowance for an employee with an effective date of November 15, 2011. All voting "Aye". MOTION PASSED**

28573 APPROVE UTILITY PERMIT FOR AN ELECTRICAL LINE ON YARRINGTON ROAD WITH PEDERNALES ELECTRIC COOPERATIVE (PEC) WITH A VARIANCE

Jerry Borcharding Transportation Director spoke. The Hays County Transportation Dept has received a request for a utility permit regarding: (1) upgrading existing power lines and installing additional poles. (2) variance requested to install poles closer than 10 ft from travel way. (County provisions state poles are to be placed 10 ft from travel way). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve utility permit #839 for an electrical line on Yarrington Road with Pedernales Electric Cooperative (PEC) with a variance. All voting "Aye". MOTION PASSED**



28574 RESUBDIVISION OF LOTS 19 AND 20, LOS RANCHOS [11-4-9 - 5 LOTS] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie Botkin Subdivision Coordinator gave staff recommendation. Los Ranchos is a recorded subdivision located off of F.M 150 in Precinct 4. The subdivision was originally platted in 1978 as a 28 lot subdivision. Today there are 35 taxable parcels on the CAD records. The current configuration of the two lots consists of seven unplatted parcels, three of which are currently developed. This purpose of this resubdivision is to plat five new lots, thereby allowing the existing parcels to be further developed. A plat for lots 19 and 20 was approved on September 6, 2011 and was not recorded. This plat shows newly configured lots which reflect an exchange of property agreed upon by the owners. The proposed lot sizes are as follows: Lot 20A, 4.5017 acres, Lot 20B, 2.3868 acres, Lot 20C, 2.0005 acres, Lot 19A, 7.0502 acres, Lot 9B, 4.6118 acres, Lot 20A, 20B, 19A and 19B are currently served by private wells and individual on-site sewage facilities. Water and wastewater service will be provided to lot 20C by individual water wells and on-site sewage facilities at the time of development. **A motion was made by commissioner Whisenant, seconded by Commissioner Jones to approve final plat of Resubdivision of Lots 19 and 20, Los Ranchos 5 Lots. All voting "Aye". MOTION PASSED**

28575 REVISED PLAT OF LOT 3 MADRONE RANCH SECTION 1 AND LOT 4 MADRONE RANCH SECTION II-A (1-4-33 - 2 LOTS) HOLD PUBLIC HEARING AND CONSIDER CANCELLING A PORTION OF LOT 4 MADRONE RANCH SECTION II-A AND ESTABLISHING LOT 3-A MADRONE RANCH SECTION 1 AND LOT 4-A MADRONE RANCH SECTION II-A; APPROVE FINAL PLAT OF REVISED PLAT OF LOT 3 MADRONE RANCH SECTION 1 AND LOT 4 MADRONE RANCH SECTION II-A

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie Botkin Subdivision Coordinator gave staff recommendation. Madrone Ranch is a multiple-section subdivision located off of McGregor Lane in Precinct 4. There are currently a combined 17 parcels between Sections I and II-A. The property owner is proposing to reconfigure Lot 3 (Section 1) and Lot 4 (Section II-A). Because the two lots are located in different sections, portion of Lot 4 which is to be moved to Section 1 must be cancelled. The resulting lots will be configured as follows: Lot 3-A, 32.24 acres, Lot 4-A, 13.29 acres. Both lots are currently developed and are served by private wells and individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to Revised Plat of Lot 3 Madrone Ranch Section 1 and Lot 4 Madrone Ranch Section II-A (2 lots). Hold public hearing; discussion and possible action to consider cancelling a portion of Lot 4 Madrone Ranch Section II-A and establishing lot 3-A Madrone Ranch Section 1 and lot 4-A Madrone Ranch Section II-A; approve final plat of Revised Plat of Lot 3 Madrone Ranch Section 1 and Lot 4 Madrone Ranch Section II-A. All voting "Aye". MOTION PASSED**

28576 AUTHORIZE PAYMENT OF EXCESS COMP TIME FOR DEPUTY CONSTABLE, PRECINCT 2 AND AMEND THE BUDGET ACCORDINGLY WITH THE MONEY COMING OUT OF CONTINUING ED AND REQUESTING CONSTABLE KOHLER TO FIND RESOLUTION TO THIS PROBLEM

Constable James Kohler Precinct 2 spoke. Deputy Constable Precinct 2 Mark Hanna has accumulated 480 hours of comp time. Any comp time over 480 must be paid. Amount required \$54. The money will be coming out of Continuing Education. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment of excess comp time for Deputy Constable, Precinct 2 and amend the budget accordingly with the money coming out of Continuing Education and requesting Constable Kohler to find a resolution to this problem. All voting "Aye". MOTION PASSED**

28577 WAIVE DEVELOPMENT FEES FOR ANTIOCH COMMUNITY CHURCH LOCATED AT 113 OLD BLACK COLONY ROAD, BUDA, TX

Antioch Community Church is requesting a waiver of the on-site sewage facility permit and design review fees in the amount of \$550.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to waive development fees for Antioch Community Church located at 113 Old Black Colony Road, Buda, TX. All voting "Aye". MOTION PASSED**



28578 AUTHORIZE THE PURCHASE OF THREE MULTIMEDIA PRESENTATION SYSTEMS FOR THE GOVERNMENT CENTER

Bob Hinkle of Broaddus & Associates spoke. These mobile multipurpose units will cost-effectively transform any room into a place where every type of multimedia presentation can be delivered for meetings, training, courtroom presentations, and video conferencing and will be shared within the courts and with any departments needing them for such. This eliminates the design cost for expensive permanent installations of audiovisual equipment. They will be purchased from Nomad Technologies using the TXMAS state contract government pricing. Amount required \$74,859 for 3 units (line item number Government Center Funds). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the purchase of three Multimedia Presentation Systems for the Government Center in the amount of \$74,859. All voting "Aye". MOTION PASSED**

28579 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTER-LOCAL AGREEMENT WITH THE CITY OF KYLE FOR CONSTRUCTION OF DACY LANE PHASE I ADJACENT TO SETON HOSPITAL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an inter-local agreement with the City of Kyle for construction of Dacy Lane Phase I adjacent to Seton Hospital. All voting "Aye". MOTION PASSED

28580 RATIFY THE PUBLICATIONS OF NOTICE AND RELATED EXPENDITURES ASSOCIATED WITH THE FORMATION OF A REGIONAL PUBLIC UTILITY AGENCY TO BE CALLED THE WEST TRAVIS PUA WITH MONEY COMING OUT OF LCRA FUNDS LINE ITEM

Due to time constraints associated with publication of notice, counsel moved forward with publication in advance of Court consideration. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to ratify the publications of notice and related expenditures associated with the formation of a Regional Public Utility Agency to be called the West Travis PUA with the money coming from the LCRA Funds line item. All voting "Aye". MOTION PASSED**

28581 AUTHORIZE A COMMERCIAL OSSF PERMIT AT 1235 SOUTH LOOP 4, BUILDING #2, BUDA, TX; CONSIDER VARIANCE FROM SECTION 10-M(B) OF THE HAYS COUNTY ON-SITE SEWAGE FACILITIES ORDER

Clint Garza Development Services Director explained the variance request. Bridgeport Properties has applied for an on-site sewage facility permit for an existing commercial building. This on-site sewage facility is designated for 120 gallons per day. The property is 22.479 acres in size. The on-site sewage facility consists of a standard septic tank and low pressure dosed drainfield. A wastewater meter will be installed so that the system can be monitored. The designer of the system, Stan Burrier, P.E. is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities, which requires a hydraulic equalization tank prior to the treatment tank on non-residential on-site sewage facilities. His justification for variance: The flows are expected to be at a uniform rate throughout the day and week with no peak surges and the treatment tank is 33% larger than required, which will provide more retention time. This permit will authorize disconnecting this building from the on-site sewage facility that serves the building next door (to the north) and installing a new on-site facility. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize a commercial OSSF permit at 1235 South Loop 4, Building #2, Buda, TX; consider variance from Section 10-M(B) of the Hays County On-Site Sewage Facilities order. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.72 OF THE GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF REAL PROPERTY RELATED TO HAYS COUNTY PRECINCT 2 BUILDING

Court convened into closed executive session at 10:50 am and reconvened into open meeting at 12:00 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Lon Shell and Special Counsel Mark Kennedy. No action taken.



EXECUTIVE SESSION PURSUANT TO 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF WATER AND WASTEWATER SYSTEMS CURRENTLY OWNED BY THE LOWER COLORADO RIVER AUTHORITY

Court convened into closed executive session at 12:00 pm and reconvened into open meeting at 12:30 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Lon Shell and Special Counsel Mark Kennedy. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Fire Marshal Mark Chambers spoke of the dry conditions and requesting the County keep the burn ban in place. The Burn Ban will expire on December 1, 2011.

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*

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

Alan Crozier of HDR explained the Road Bond Projects.

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

This item was opened together with Resolution #28580.

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 November 8, 2011.



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

