



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8TH DAY OF FEBRUARY A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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| 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:

Brother Cole Phillips of Connection Church gave the invocation and there was a Moment of Silence in remembrance of Charelle Burnett wife of the former Commissioner William Burnett. Judge Cobb led the court in the pledge of allegiance to the flags and called the meeting to order.

PUBLIC COMMENTS

Dee Dee Baen Human Resources Director introduced the new hires to Hays County.

27796 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 \$394,896.29 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27797 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 1, 2011

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

27798 ACCEPT THE HAYS COUNTY ESD #5 ANNUAL REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the Hays County ESD #5 Annual Report. All voting "Aye". MOTION PASSED

27799 PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON TIGER LANE

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcharding gave staff recommendation. This is to establish a 20 MPH school zone limit w/flasher light and accompanying pedestrian signs on Tiger Lane, at the request of the Dripping Springs ISD. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to establish traffic regulations on Tiger Lane. All voting "Aye". MOTION PASSED

27800 RESUBDIVISION OF LOT 69, ROLLING OAKS SUBDIVISION, SECTION 4 [10-4-47 - 2 Lots] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza Director of Development Services gave staff recommendation. The Rolling Oaks Subdivision is a recorded subdivision located off of F.M. 3237 Precinct 4 Section 4 was originally divided in 1969 and at that time there were 141 lots in the section. Today there are 158 taxable parcels on the CAD Records. Lot 69 is 5.46 acres as platted but the proposed configuration will divide the lot into 2 parcels of 2.73 acres in size. Both lots will be served by OSSFs and individual water wells. Preliminary plan was approved on January 11, 2011. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the plat of the Re-subdivision of Lot 69, Rolling Oaks Subdivision Section 4. All voting "Aye". MOTION PASSED



27801 REPLAT OF CREEKSIDE AT WIMBERLEY, VACATING LOT 1, CREEKSIDE AT WIMBERLEY, AND LOT 2, CREEKSIDE AT WIMBERLEY, SECTION 2, AND ESTABLISHING LOT 1R, CREEKSIDE AT WIMBERLEY [10-3-48] APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON MARCH 8, 2011

Clint Garza Director of Development Services gave staff recommendation. This is a platted subdivision located off Ranch Road 12 and Cypress Creek in Precinct 3. The owner of Lot 2, Creekside at Wimberley Section 2 (6.08 acres) and the owner of Lot 1, Creekside at Wimberley (2.00 acres) wish to vacate the two lots and create Lot 1R, Creekside at Wimberley (8.08 acres). Although this is a decrease in density, a public hearing is required on all cancellation and vacations of previously platted lots. The newly platted 8.08 acre lot will be serviced by existing connection to public water supply and sanitary sewer service. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve the preliminary plan and to call for public hearing on March 8, 2011 of the re-plat of Creekside at Wimberley, vacating Lot 1, Creekside at Wimberley, and Lot 2, Creekside at Wimberley, Sect 2 and establishing lot 1R, Creekside at Wimberley. All voting "Aye". MOTION PASSED**

27802 AUTHORIZE A COMMERCIAL OSSF PERMIT FOR TEXAS STATE UNIVERSITY LOCATED ON THE FREEMAN RANCH, IN PRECINCT 3

Texas State University is proposing an OSSF to serve a 6358 sq ft Multipurpose Educational Facility. The facility will contain two meeting rooms, offices and research laboratory. The tract of land is 3486.6 acres. The proposed on-site sewage facility consists of an aerobic treatment unit followed by surface dispersal. The spray will be dispersed between the hours of midnight and 5 a.m. The system was designed by John D. Mercer, P.E. The On Site Sewage Facility is designed for a maximum wastewater flow of 615 gpd. The water supply is an On Site well. The process wastewater from the research lab will be discharged to a 1500 gallon holding tank and will be hauled to a wastewater treatment plant. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize a Commercial OSSF Permit for Texas State University located on the Freeman Ranch, in Precinct 3. All voting "Aye". MOTION PASSED**

27803 ADOPT A RESOLUTION IN SUPPORT OF TRAVIS COUNTY'S APPLICATION FOR PASS-THROUGH FINANCE FUNDING FOR IMPROVEMENTS TO FM 1626 IN TRAVIS COUNTY, A ROAD LINKING HAYS AND TRAVIS COUNTIES

This would put the Hays County Commissioners Court on record in support of Travis County Application for pass-through fund improve FM 1626 near the Hays/Travis County Line to FM 2304 (Manchaca Road). There is no funding or other effort required from Hays County, except perhaps minimal coordination with our consulting engineers. Travis County Commissioners Court is seeking an agreement with the state to improve this section of FM1626 in order to enhance regional transportation and take pressure off Brodie Lane. The improvements would link with the study area included in the Hays County FM 1626 pass through project- and would either link, or come close to linking with actual improvements planned by Hays County. Though some Travis officials have been concerned about Hays County's efforts to improve traffic flow and safety on this corridor- fearing it might lead to more vehicle trips- We should be supportive of any effort to improve capacity and safety along either side of FM 1626, and appreciate Travis County's interest in both improving a regional connector and relieving congestion for their neighborhoods along Brodie Lane. The Resolution also supports improvements to Manchaca Road off FM 1626, a route that could be used by some Hays County commuters as an alternate to Brodie Lane. Those improvements to Manchaca Road are planned to be completed by Tx Dot outside of the Pass Through Finance Application. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to adopt a resolution in support of Travis County's application for pass-through funding for improvements to FM 1626 in Travis County, a road linking Hays and Travis counties. All voting "Aye". MOTION PASSED**

27804 APPROVE THE SHERIFF'S OFFICE RE-ORGANIZATION PLAN

In an effort to maximize the efficiency and potential of the Sheriff's Office, the following changes in the organization need to be made. (1) delete a Law Enforcement Lieutenant and add a Captain. (2) delete a Jail Sergeant and add a Jail Lieutenant. In order to accomplish the goal, \$9000.00 will need to be utilized from our salary savings. Mike Davenport of the Sheriff's Department explained the re-organization. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the Sheriff's office Re-Organization plan this will include promotions with an effective date of March 1, 2011. All voting "Aye". MOTION PASSED**

27805 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDED FY 2011 BIOTERRORISM PREPAREDNESS CONTRACT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND THE PERSONAL HEALTH DEPARTMENT (PHD)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an amended FY 2011 Bioterrorism Preparedness contract between the Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD). All voting "Aye". MOTION PASSED



27806 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL AGREEMENT, WITH MODIFICATIONS, BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT (PHD) AND DR. JURAIRAT MOLINA, MD FOR PEDIATRIC ALLERGY SERVICES TO BE PROVIDED IN THE PERSONAL HEALTH DEPARTMENT FACILITY

This is the renewal of the agreement which offers space within the PHD for DR. Jurairat Molina, M.D. to provide pediatric allergy services to Medicaid or unfunded clients (currently at Medicaid rates) referred by the PHD and area physicians. These services will be provided from February 01, 2011 to February 01, 2012. Modifications have been made to further protect the County from liability, and to clarify the types of cases that will be handled by Dr. Molina. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Renewal Agreement, with modifications, between Hays County Personal Health Department (PHD) and Dr. Jurairat Molina, MD for Pediatric Allergy Services to be provided in the Personal Health Department Facility. All voting "Aye". MOTION PASSED**

27807 APPROVE PAYMENT OF \$18,849.83 FOR THE RELOCATION OF A VERIZON 400-PAIR COPPER CABLE LOCATED ALONG DACY LANE FROM GOFORTH ROAD TO KYLE PARKWAY AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE AGREEMENT

This cable was placed along the east side of Dacy Lane back in June 2010 as requested by the City of Kyle. Shortly after we began the reconstruction of Dacy Lane, we were notified by Verizon that the cable would need to be relocated and the cost would be \$56,549.49. The county was not notified during the preliminary discussions and the county should not be responsible for the entire cost to relocate the cable. After some discussions with Verizon and Kyle representatives, they each agreed to pay for a third of the cost. Commissioner Ingalsbe is asking the county to consider paying \$18,849.83 of 1/3 of the cost as well. This cable serves Seton Hospital. Graham Moore of LAN gave an overview of the project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of \$18,849.83 for the relocation of a Verizon 400-pair cooper cable located along Dacy Lane from Goforth Road to Kyle Parkway and authorize the County Judge to sign the agreement. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #13 RE: *APPOINT MICHAEL R. AULICK TO DIRECTOR, POSITION #2 AND M. SCOTT ROBERTS TO DIRECTOR, POSITION #5 ON THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT'S BOARD OF DIRECTORS - was pulled*

PRESENTATION BY LCRA REGARDING THE PLANNED SALE OF THEIR WATER AND WASTEWATER FACILITIES

Heather Richardson and Janet Stephenson of LCRA gave a brief outline on the Sale of their Water and Wastewater Facilities. Jim McMeans spoke of the Trinity Water Authority in the Dallas area. He spoke of the County being possible owners of certain areas and wanting it to be publicly owned/run. He spoke of the disservice of privately owned water companies have provided, namely Aqua Texas. Lenee Lovejoy asked about the Resolution that was passed in court a couple of weeks ago.

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 at 11:30 a.m. and reconvened into open meeting at 3:15 p.m. 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 HAYS COUNTY PROPERTY ON OLD BASTROP HIGHWAY ADJACENT TO SAN PEDRO CEMETERY

Sam Brannon spoke of meetings that he's attended to review items that County is considering. At this time he's requesting the County hold public hearings on items #16 & 17 prior to making any decisions. Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 3:15 p.m. No action taken.



SSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT-OF-WAY ACQUISITION ON OR NEAR FM 150 IN PRECINCT 1

Sam Brannon spoke of meetings that he's attended to review items that County is considering. At this time he's requesting the County hold public hearings on items #16 & 17 prior to making any decisions. In attendance was Lori Bible, of LAN and Special Counsel Mark Kennedy. Court convened into closed executive session at 9:50 a.m. and reconvened into open meeting at 10:05 a.m. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 3:15 p.m. No action taken.

DISCUSSION RELATED TO THE BURN BAN

Mark Chambers Hays County Fire Marshal gave an overview of the conditions within Hays County and is recommending that at this time the Court leave the Burn Ban in effect.

Clerk's Note: Agenda Item #20 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS - was pulled*

Clerk's Note: Agenda Item #21 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR - was pulled*

PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS

Jerry Pinnix Director of Transfer & Citizens Collection and Parks Departments gave an overview of duties his office performs. At this time the County has two Collection Stations, one in Pct 3 and one in Pct 4. He also named some of the parks that the County has acquired due to the voter approved Park Bond money, and all the work done to them this past year. **A motion was made by Judge Cobb, seconded by Commissioner Jones to accept Jerry Pinnix's Report as presented. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

A motion was made by Commissioner Ingalsbe, 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 February 8, 2011.

Liz Q Gonzalez, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

