



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26TH DAY OF APRIL 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 David Skinner gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

Constable Pct 3 Darrell Ayres, Sam Brannon San Marcos resident made public comments.

28003 ADOPT A PROCLAMATION IN RECOGNITION OF TEXAS DISPOSAL SYSTEMS

A motion was made by Commissioner Jones, seconded by Commissioner Conley to adopt a Proclamation in recognition of Texas Disposal Systems. All voting "Aye". MOTION PASSED

28004 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$2,814,619.14 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28005 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 19, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of April 19, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28006 APPROVE REDIRECTION OF FUNDS IN THE PUBLIC HEALTH EMERGENCY RESPONSE (PHER) CONTRACT AND AMEND THE BUDGET ACCORDINGLY

The Texas Department of State Health Services (DSHS) has allowed the local health departments, including the Personal Health Department, to submit amended budgets redirecting funds in the PHER grant. The remaining funds may then be used to purchase needed emergency response items before the end of the contract period. The contract period ends July 31, 2011. There is no change to the grant amount. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve redirection of funds in the Public Health Emergency Response (PHER) contract and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28007 ACCEPT DONATION FROM THE BURDINE JOHNSON FOUNDATION FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received a donation for the Historical Jail Restoration Project from the Burdine Johnson Foundation. These funds will be used for the fundraising event and construction costs. Amount required is \$100,000.00(144-676-00.4610). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept donation from the Burdine Johnson Foundation for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED**



28008 APPROVE OUT OF STATE TRAVEL FOR DEPUTY JEFF JORDON TO ATTEND THE PEACE OFFICER MEMORIAL SERVICE IN WASHINGTON D.C.

At the National Peace Office Memorial Service in Washington D.C, Hays County Deputy Sheriff Henry C. Banks will be added to the National Law Enforcement Officer's Memorial on May 13, 2011. Deputy Banks was shot and killed on November 16, 1873. Deputy Jeff Jordan will be representing Hays County and the Banks family during Police Week. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve out of state travel for Deputy Jeff Jordan to attend the Peace Officer Memorial Service in Washington D.C. All voting "Aye". MOTION PASSED**

28009 AMEND BUDGET OF COUNTYWIDE OPERATIONS IN GENERAL FUND FOR LEGAL SERVICES

Hays County has exhausted the legal services line and requires additional funds, to come from Contingencies (the collective bargaining portion), partial savings in salary adjustment, part self insurance, and savings in longevity fringe. Amount required \$160,000.00 to 001-645-00.5441 Legal Services. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend budget of Countywide Operations in General fund for Legal Services. All voting "Aye". MOTION PASSED**

28010 VILLEGAS ACRES SUBDIVISION [10-2-45 – 2 LOTS] APPROVE PRELIMINARY PLAN

Clint Garza Director of Development Services gave staff recommendation. The Villegas Acres Subdivision is a proposed subdivision of 2.00 acres of land located off Mathias Lane in Precinct 2. The division will consist of two 1 acre lots. Lot 1 is served by an existing Goforth Water Supply connection and on-site sewage facility. Lot 2 will also be served by public water and OSSF at the time of development. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve preliminary plan of Villegas Acres Subdivision. All voting "Aye". MOTION PASSED**

28011 APPROVE THE APPOINTMENT JOHN ESTEPP ON THE HAYS COUNTY PARKS BOARD TO REPLACE THAD NANCE AS A VACANT PCT. 3 POSITION

This is an appointment to a vacant position for Precinct 3. John Estep will be replacing Thad Nance. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the appointment John Estep on the Hays County Parks Board to replace Thad Nance as a vacant Pct. 3 position. All voting "Aye". MOTION PASSED**

28012 GRANT DEVELOPMENT AUTHORIZATION TO MELISSA MACEO, OWNER OF LOT 1 IN THE DARLINGS HILL SUBDIVISION; PROVIDE GUIDANCE TO STAFF REGARDING FUTURE DEVELOPMENT AUTHORIZATIONS IN DARLINGS HILL SUBDIVISION

Clint Garza Director of Development Services spoke of a plat restriction and the need for a Joint Maintenance Agreement. Melissa Maceo has submitted an application for development permits including flood hazard area and OSSF. Upon review of the application staff found, if permitted, the property owner would be in violation a plat restriction in the subdivision. The plat note restricts development to one single-family residence per lot. This restriction was put in place because the subdivision is served by a shared access driveway and a condition for plat approval is the limitation on future development on those lots. The purpose for the restriction is to ensure future lot owners adequate access to their homes and limit the wear on each driveway. Ms Maceo wishes to build three small cabins as part of a "bed and breakfast or wellness retreat". Specifically Chapter 715.4.01 prohibits permitting on any parcel unless all regulations are met. The proposed development does not meet regulations as submitted; therefore staff will follow the direction of the court. All future development authorizations within the Darlings Hill Subdivision will be brought back to Commissioners Court for consideration. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to grant development authorizations to Melissa Maceo, owner of Lot 1 in the Darlings Hill Subdivision; provide guidance to staff regarding future development authorizations in Darlings Hill Subdivision. All voting "Aye". MOTION PASSED**



28013 ACCEPT A PETITION FOR THE CREATION OF A "COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION"; APPROVING THE ARTICLES OF INCORPORATION, BYLAWS, AND DIRECTORS OF SAID CORPORATION; AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF LEANDER, AND THE CITY OF BEE CAVE RELATED TO LCRA'S INTENT TO SELL ITS WATER AND WASTEWATER SYSTEMS

Per the Court's open meeting discussion on April 12, 2011 and April 19, 2011, this item considers the County's participation in a coalition of local governments that are interested in receiving information related to bidding for the local water and wastewater utilities, systems, and facilities recently advertised by the Lower Colorado River Authority (LCRA). This contemplated action must be made pursuant to the request of 3 Hays County citizens. It would establish Commissioner Ray Whisenant as one board member on the corporation that would act under the Interlocal Agreement between the collaborating local governmental entities. Sam Brannon San Marcos resident, and Barbara Hopson Hays County resident made public comments. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept a petition for the creation of a "Coalition of Central Texas Utilities Development Corporation"; approving the Articles of Incorporation, Bylaws, and Directors of said corporation; and authorizing the County Judge to execute an Interlocal Cooperation Agreement between Hays County, the City of Leander, and the City of Bee Cave related to LCRA's intent to sell its water and wastewater. All voting "Aye". MOTION PASSED**

28014 UPDATE FROM STAFF REGARDING NEWLY ADOPTED HAYS COUNTY OSSF RULES; ACTION TO ENACT A GRACE PERIOD FOR ENFORCEMENT FOR PORTIONS OF THOSE RULES

Clint Garza Director of Development Services spoke. The Texas Commission on Environmental Quality granted final approval for Hays County's new order for On-Site Sewage Facilities. The effective date of the rules is April 7, 2011, however a portion on the rules requires mandatory maintenance for all advanced OSSF's within the county. Staff will notify every affected homeowner: there are over 7,600 of these systems in the county. For many, the initial notification will be the first they have heard of these requirements therefore staff would like a grace period to ease the transition for citizens not currently under contract. Staff also requested guidance to allow homeowner's to maintain their own system on a case by case basis as long as the homeowner obtained the appropriate licensure. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to grant a grace period for enforcement for portions of those rules to have all new contracts with licensed maintenance providers submitted to Hays County by September 1, 2011 and all homeowners obtaining certifications to maintain their own systems do so by December 1, 2011. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". Commissioner Whisenant abstained. MOTION PASSED**

28015 DECLARE AN EMERGENCY AND AMEND THE INDIGENT HEALTH CARE BUDGET TO PROVIDE ADDITIONAL FUNDING FOR INDIGENT MEDICAL SERVICES AS WELL AS PRESCRIPTIONS

Hays County has budgeted \$375,000 for medical services and \$275,000 for prescriptions. The County has estimate that an additional \$400,000 will be needed for medical services and an additional \$50,000 will be needed for prescriptions for the remainder of the fiscal year. The county will need to amend the budget to obtain funds from the County's reserves. Amount required \$450,000 (120-675-06.5231 \$50,000; 120-675-06.5431 \$400,000). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to declare an emergency and amend the Indigent Health Care budget to provide additional funding for indigent medical services (\$400,000) as well as prescriptions (\$50,000) with funds to come out of Contingencies. All voting "Aye". MOTION PASSED**

28016 APPROVE THE CONTINUATION OF THE LOCAL DISASTER DECLARATION IMPLEMENTED BY THE COUNTY JUDGE UNDER CHAPTER 418 OF THE TEXAS GOVERNMENT CODE ON OR ABOUT APRIL 25, 2011 AND TO MAKE THE PENALTY FOR VIOLATING THE JUDGE'S PROCLAMATION UNDER THE DISASTER DECLARATION A CLASS C MISDEMEANOR

Mark Chambers Hays County Fire Marshal explained the potential fire hazard and the long range forecast. While fireworks are not normally an issue related to burn bans during this time of the year, recent reports of fireworks use in Northwestern Hays County have caused great concern for public safety, as drought conditions and other aggravating weather conditions have greatly increased the likelihood of wildwood. The local disaster declaration under Chapter 418 Texas Government Code was the quickest mean for dealing with the issue. However, Section 418.108 declares that the County Judge's order cannot be held in place for longer the 7 days without consent of the Commissioners Court. The County Judge, the Fire Marshall, and the Emergency Management Coordinator request consent of the Court to continue this prohibition against the use of fireworks until weather conditions have improved and the risk of wildfire is reduced. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the Continuation of the Local Disaster Declaration implemented by the County Judge under Chapter 418 of the Texas Government Code on or about 25, 2011 and to make the penalty for violating the Judge's Proclamation under the Disaster Declaration a Class C Misdemeanor. All voting "Aye". MOTION PASSED**



28017 APPROVE THE APPOINTMENTS OF COMMISSIONER WHISENANT, JUDGE COBB AND CLINT GARZA AS NEW BOARD MEMBERS OF THE HAYS COUNTY WATER & SEWER AUTHORITY

In 2000, the Commissioners Court resolved to establish a Hays County Water and Sewer Authority. The initial board members were the Hays County Judge (Jim Powers), Precinct 4 Commissioner (Russ Molenaar), and the Director of Environmental Health (Allen Walther). Since none of those individual board members are still seated in the offices, it is now necessary to reconstitute the Authority's board. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to appoint Commissioner Whisenant, Judge Cobb and Clint Garza as new Board members of the Hays County Water & Sewer Authority. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Commissioner Whisenant voting "Aye". Judge Cobb abstained. MOTION PASSED**

WORKSHOP AND UPDATE FROM JIMMY SKIPTON, PRESIDENT OF HAYS TRINITY GROUNDWATER DISTRICT

Jimmy Skipton President of the Hays Trinity Groundwater District spoke of a Resolution that was passed yesterday about bringing groundwater into Hays County. Mark Key Secretary of the Hays Trinity Groundwater District spoke. Hays Trinity Groundwater District's mission is to conserve, preserve, recharge and prevent waste of groundwater within western Hays County. In support of the District's mission, they provide educational materials and information about their water resources. HTGD provides assistance with Conservation, General Water Conservation, Rainwater Harvesting, Landscape Irrigation and Energy Starr appliance guide. The Hays Trinity Groundwater Conservation District consists of 2 Regions that rely on different measures for determining drought status. The northern region, Region K, drought status is determined by the Pedernales River discharge rate and the Henly Church well water level. The southern region, Region L, drought status is determined by the Blanco River discharge rate, Jacob's well discharge rate and the Mt. Baldy well water level. Chapter 36.0015 says: "Groundwater Conservation Districts created as provided by this chapter are the state's preferred method of groundwater management." Linda Kaye Rogers Wimberley resident, Jack Hollon Wimberley resident, David Glenn Wimberley resident, Winton Porterfield San Marcos resident, Dianne Wassenich San Marcos resident and Pokey Rehmet Wimberley resident made public comments.

WORKSHOP PRESENTED BY CERT (COMMUNITY EMERGENCY RESPONSE TEAM) TO THE COMMISSIONERS COURT

Community Emergency Response Team (CERT) Director Roster includes: Roger Parker, Search & Rescue; Bill Coffman, Finance; Cathy Kubica, Training; Gordon DeWitte, Logistics; and Mike Wilmore, Operations & Communications. CERT has been serving Hays County citizens and first responders since February 2003. Origins: Arm of Department of Homeland Security (DHS) & Federal Emergency Management Agency (FEMA), authorized by Hays County Judge in February 2003, unanimously adopted by Commissioners Court in April 2003. The mission of CERT is service to the community: to provide information on disaster preparedness; provide support for Hays County first responders and provide leadership and coordination for emergency response volunteers. County-wide coverage via 4 area teams- North, South, East, West, plus search & rescue team. Fire Fighter & Office of Emergency Management (OEM) support. Assist Fire Departments with Fires & Floods, rehab, missing person searches, volunteer supervision. Manage & man Emergency Shelters. EMS support – assist EMS with first aid, traffic safety, volunteer supervision, and triage. Hays County CERT resources include 88 trained volunteer members. CERT may be requested via Dispatch and have 2 points of contact always available, Dispatch has additional contacts, Pinpoint items needed (rehab, bus, mule & any other needs), request as early as possible. Ken Strange of Kyle made a public comment.

WORKSHOP AND PRESENTATION BY JEFFREY S. WARD AND ASSOCIATES, INC. ON THE ELEMENTS AND STATUS OF REVISIONS TO THE HAYS COUNTY HAZARD MITIGATION PLAN

In November of 2010, the Commissioners Court authorized entering into contract with Jeffrey S. Ward & Associates, Inc. for revisions to the Hays County Hazard Mitigation Plan. This plan must be updated every five years to maintain eligibility for various FEMA grant programs as well as requirements for the Hays County Emergency Management Office. The consultant will discuss the components of the Hazard Mitigation Plan and status of the progress being made towards completion. Input will also be taken on various strategies and actions to address and minimize hazards within the county.



28018 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.076 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING SECURITY DEVICES AND PERSONNEL AT THE HAYS COUNTY GOVERNMENT CENTER

Court convened into closed executive session at 3:00 pm and reconvened into open court meeting at 4:20 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Conley, Special Counsel Mark Kennedy, Hays County Auditor Bill Herzog, Sheriff Gary Cutler, Chief Jamie Paige, Captain Mike Davenport, and Robert Hinkle of Broaddus & Associates. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Sheriff's Office to hire 10 people for Security at the new Government Center with four of them being Peace Officers and six as Correction Officer's and some of this money is already budgeted and additional monies will come from amount budgeted for Security and to amend the budget accordingly, this position will be posted immediately and funding will be effective June 1, 2011. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #20 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 RANCH ROAD 12 – was pulled*

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION OF CR 266 AKA OLD BASTROP HWY IN PRECINCT 1

Court convened into closed executive session 2:27 pm and reconvened into open court meeting at 2:47 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jerry Borcharding Director of Transportation, Lori Bible and Mike Aulick. No action taken at this time.

EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

Court convened into closed executive session 4:21 pm and reconvened into open court meeting at 4:34 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy. No action taken at this time.

ACTION RELATED TO THE BURN BAN

At this time the burn ban will remain in effect in Hays 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; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS. POSSIBLE ACTION MAY FOLLOW – was pulled*

Clerk's Note Agenda Item #25 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW – was pulled*

Clerk's Note Agenda Item #26 RE: *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS – was pulled*

28019 APPROVE THE HIRING OF 3 LINE STAFF PERSONNEL IN THE JUVENILE DETENTION CENTER AND APPROVE THE HIRING OF AN ASSISTANT IN THE PURCHASING DEPARTMENT

Brett Littlejohn Director of the Juvenile Detention Center spoke of need to hire 3 line staff personnel. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the hiring of 3 line staff personnel for the Juvenile Detention Center. All voting "Aye". MOTION PASSED**
Cindy Maiorka Purchasing Agent spoke of need to hire another person in the Purchasing Office. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the hiring of a Purchasing Specialist in the Purchasing Department. All voting "Aye". MOTION PASSED**



Clerk's Note Agenda Item #28 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE* – **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 APRIL 26, 2011.



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

