



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 3<sup>RD</sup> DAY OF MAY A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>ALBERT H. COBB JR</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>MARK JONES</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILL CONLEY</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RAY O. WHISENANT JR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LIZ Q. GONZALEZ</b>	<b>COUNTY CLERK</b>

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Dennis Spire 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**

Sam Brannon of San Marcos, Maria Rocha and Dr. Mario Garza of San Marcos made a public comment.

#### **28020 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoices in the amount of \$777,845.48 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### **28021 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 26, 2011**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the Commissioners Court Minutes of April 26, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

#### **28022 AMEND AND MODIFY RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT REGARDING EX OFFICIO ROAD COMMISSIONERS AND RIGHT OF WAY ACQUISITIONS**

Sam Brannon made a public comment. Modification will provide greater latitude for county representatives and streamline the ROW negotiation process. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend and modify resolution of the Hays County Commissioners Court regarding ex officio Road Commissioners and Right of Way acquisitions. All voting "Aye". MOTION PASSED

#### **28023 AMEND BUDGET OF DISTRICT ATTORNEY FOR DNA EXPERT WITNESS/TESTING FROM CONTINGENCIES IN GENERAL FUND**

Sherri Tibbe District Attorney spoke of budget of the District Attorney's Expert Witness is \$5,000 for the FY2011. It is estimated that an additional \$30,000 will be needed for upcoming murder trial. Amount required is \$30,000.00 to 001-607-00.5436 Expert Witness Expense from 001-645-00.5399 countywide contingencies. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend Budget of District Attorney for DNA expert witness/testing from Contingencies in General Fund. All voting "Aye". MOTION PASSED

#### **28024 RESUBDIVISION OF A PORTION OF LOT 2, BLOCK E, HURLBUT RANCH EAST [11-4-6 -2 LOTS]. HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Roxie Boykin Subdivision Coordinator gave an overview of the plat and gave the final approval. Special Counsel Mark Kennedy spoke. Clint Garza Director of Development Service spoke. The Hurlbut Ranch East Subdivision is a recorded subdivision located in northern Precinct 4. The subdivision was originally platted in 1984 with 19 lots. There are currently 23 taxable parcels on the CAD records. As platted, Lot 2 Block E consists of 228.167 acres. The proposed configuration will divide a 138.229 acre portion of Lot 2 into 2 new lots (Lot 2A; 37.800ac; Lot 2B: 100.429 ac). There is an existing conservation easement on the property which will prohibit any further development of lot 2B. Lot 2A will be served by an on-site sewage facility and private water well. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat of resubdivision of a portion of Lot 2, Block E, Hurlbut Ranch East (2 lots). All voting "Aye". MOTION PASSED



**28025 ALLOW STAFF MEMBERS FROM THE JUVENILE PROBATION DEPARTMENT TO OCCUPY OFFICE SPACE IN THE PERSONAL HEALTH DEPARTMENT BUILDING LOCATED AT 150 LOCKHART ST., KYLE TX, IN PRECINCT 2**

Shelly Williams Director of Juvenile Probation spoke of utilizing office space in Precinct 2, and Nick Icosipentarios San Marcos resident spoke. Priscilla Hargraves Personal Health Department Director spoke of security in the building. At this time, the Juvenile Probation Department lacks adequate office space to conduct business and provide services. The Personal Health Department has offered to allow staff members from Juvenile Probation to use office space that is available in the building located at 150 Lockhart St. Kyle, Texas in Precinct 2. Currently, the Health Department uses the building to provide services two days a week, Monday and Tuesday. Therefore, the Juvenile Probation Department would be allowed to use the vacant office space three days a week, Wednesday to Friday. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to allow staff members from the Juvenile Probation Department to occupy office space in the Personal Health Department building located at 150 Lockhart St., Kyle TX, in Precinct 2 on a temporary basis. All voting "Aye". MOTION PASSED**

**28026 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BUDA, TEXAS AND HAYS COUNTY, TEXAS FOR THE IMPROVEMENTS OF BUDA SKATE PARK AND BRADFIELD PARK, PUBLIC PROPERTIES OWNED BY THE CITY OF BUDA, TEXAS**

Jack Jones of the Buda Director of Parks spoke. In December 2010, after review of a proposal and recommendation by the Parks and Open Space Advisory Board, the Commissioners Court allocated \$450,000 toward the Buda Skate Park and Bradfield Park. This Interlocal Agreement represents the terms and conditions of that commitment and provided for payment of County Parks Bond monies to the City of Buda. Amount \$450,000.00 (150-812-97-418 Buda State Park \$140,000) 150-812-97-419 Bradfield Park \$310,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones action to authorize the County Judge to execute an Interlocal Agreement Between the City of Buda, Texas and Hays County, Texas for the Improvements of Buda Skate Park and Bradfield Park, Public Properties Owned by the City of Buda, Texas. All voting "Aye". MOTION PASSED**

**28027 FINALIZE CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS**

Jacy Warwick of CMA Engineering spoke of the regulations. County Clerk Liz Gonzalez read a public comment email to Clint Garza from Erin K. Banks of Banks & Associates. Clint Garza Director of Development Service spoke of the regulations that would benefit the public. The Hays County Development Regulations were adopted in 2009: at that time the court and staff agreed that the regulations were an evolving document which would change to better serve the citizens of Hays County. Since adoption, the department has periodically asked the court for approval not to enforce particular sections of the regulations which were highly controversial of overly burdensome for the public. The court gave direction to selectively enforce sections of the rules but actual amendments were never made. There are still opportunities to fine tune the regulations which would ideally streamline the application procedures making the process more efficient and friendly. Changes to the rules may take place over multiple court meetings however, the first area identified is the application requirements for all development authorizations. **A motion was made by Commissioner Conley, seconded by Commissioner Jones finalize changes to the Hays County Development Regulations effective immediately. All voting "Aye". MOTION PASSED**

**AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER OF INTENT FOR THE PERSONAL HEALTH DEPARTMENT (PHD) TO ENTER INTO CONTRACT NEGOTIATIONS WITH SETON HEALTH PLAN FOR PROVISION OF SERVICES TO HEALTH AND HUMAN SERVICES COMMISSION (HHSC) HMO MEMBERS**

Nick Icosipentarios made a public comment. Priscilla Hargraves of the Personal Health spoke of the difference between of Indent Care and HMO. This agreement will allow the PHD to enter into contract negotiations with Seton Health Plan for the provision of healthcare services to HMO members enrolled with Seton Health Plan if Seton receives a contract award through HHSC. Commissioner Ingalsbe and Commissioner Jones would meet with Seton on May 4, 2011. A motion was made by Commissioner Ingalsbe to execute a letter of intent for the Personal Health Department to enter into contract negotiations with Seton Plan for provisions of services to Health and Human Services Commission HMO members motion died for lack of seconded.



**28028 DISBURSE \$15,000 FROM THE LCRA SERVICE FEE FUND TO THE COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION, AS HAYS COUNTY'S CONTRIBUTION TOWARD THE COSTS OF DUE DILIGENCE RELATED TO THE LCRA DIVESTITURE**

As discussed in the last two Commissioners Court meetings, the Coalition is diligently working toward the provision of an indicative bid before LCRA's deadline this month. Since the Corporation is newly formed, due diligence funding is being provided at varying levels by participating entities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to disburse \$15,000 from the LCRA Service Fee Fund to the Coalition of Central Texas Utilities Development Corporation, as Hays County's contribution toward the costs of due diligence related to the LCRA divestiture. Commissioner Jones voting "No" and Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb 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 RIGHT OF WAY ACQUISITION ON A PORTION OF LOT 1, HAYS COUNTY LAW ENFORCEMENT CENTER ADDITION (A.K.A. "PARCEL 3 OLD PLANT PROJECT")**

Court convened into closed executive session at 10.30 am. and reconvened into open court meeting at 10:42 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Conley, Judge Cobb and Special Counsel Mark Kennedy. **-No Action taken.**

**28029 EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT/EMPLOYMENT OF A VETERAN SERVICES OFFICER**

Court convened into closed executive session at 1:10 pm. and reconvened into open court meeting at 3:10 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Whisenant, Commissioner Conley, Commissioner Jones, Judge Cobb, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and Human Resources Director Dee Dee Baen. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to hire Jude Prather as the new Veteran Service Officer with a salary of \$34,000 per year as long as the references check out clearly. All voting "Aye". MOTION PASSED**

**ACTION RELATED TO THE BURN BAN**

Mark Chambers Fire Marshal spoke of the leaving the burn ban and fireworks ban in effect.

**County Clerks Note Item #14:** *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**  
Sam Brannon made a public comment.

**County Clerks Note Item #15:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR.* **- was pulled**  
Sam Brannon made a public comment.

**County Clerks Note Item # 16:** *PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS.* **- was pulled**

**County Clerks Note Item # 17:** *DISCUSSION AND POSSIBLE ACTION TO APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S). THE INTENT OF THE STANDING AGENDA ITEM IS TO RECOGNIZE DEADLINE RESTRAINTS AND REMOVE BARRIERS OR BOTTLENECKS FOR HIRING MANAGERS WHEN PRESENTING TO COMMISSIONERS COURT KEY POSITIONS THEY FEEL ARE NEEDED TO BE FILLED.* **- was pulled**

**County Clerks Note Item #18:** *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE.* **- was pulled** Sam Brannon made a public comment.



MAY 3, 2011

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A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe 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 MAY 3, 2011.



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

