



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 17<sup>TH</sup> DAY OF JULY A.D., 2012, 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:

Judge Cobb gave the invocation and led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

**PUBLIC COMMENTS**

Karen Brown – San Marcos resident spoke.

**PRESENTATION OF THE TEXAS HISTORICAL COMMISSION'S DISTINGUISHED SERVICE AWARD CERTIFICATE TO THE HAYS COUNTY HISTORICAL COMMISSION**

Kate Johnson Chairwoman of the Hays County Historical Commissioner spoke. The Hays County Historical Commission is a recipient of the Distinguished Service Award for outstanding preservation work accomplished in the 2011 year of service.

**PRESENTATION BY HALFF ASSOCIATES, INC. ON THE STATUS OF THE FLOOD PROTECTION PLANNING/DRAINAGE BASIN STUDY**

Michael Moya, Vice President of Halff Associates provided an update on the status of the flood protection planning/watershed basin study. He gave a Powerpoint Presentation.

**28211 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve payments of county invoices of in the amount of \$1,481,625.18 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**28212 APPROVE COMMISSIONERS COURT MINUTES OF JULY 3, 2012**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of July 3, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**28213 AMEND THE BUDGET OF JUSTICE OF THE PEACE, PCT 3 FOR JURY EXPENSE FROM CONTINUING EDUCATION**

Justice of the Peace Precinct 3 Andy Cable requires additional Jury expense, and can be funded from Continuing Ed. Amount required \$500.00 from 001-628-00.5551 Continuing Ed to 001-628-00.5306 Jury. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to amend the budget of Justice of the Peace, Pct 3 for Jury expense from Continuing Education. All voting "Aye". MOTION PASSED



**28214 APPROVE MOVING FUNDS BUDGETED IN THE SHERIFF'S OFFICE OPERATING BUDGET TO INFORMATION TECHNOLOGY BUDGET FOR SOFTWARE MAINTENANCE**

The Sheriff's Office would like to renew software maintenance that is currently being used by vehicle maintenance. The software allows for diagnostic testing on vehicles. Funds have been identified in the Sheriff's Office budget. Amount required \$ 1,300.00 decrease Sheriff's Office Law Enforcement Supplies 001-618-00.5201 – (\$1,300) increase IT Software Maintenance 001-680-00.5429- \$1,300. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve moving funds budgeted in the Sheriff's Office Operating Budget to Information Technology budget for software maintenance. All voting "Aye". MOTION PASSED**

**28215 APPROVE PROVIDER AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION INC., OF HAYS, CALDWELL AND BLANCO COUNTIES HEAD START PROGRAM**

This is a renewal contract between Community Action Inc. of Central Texas County Personal Health Department to outline the roles and responsibilities of Head Start and the Hays County Personal Health Department as they partner to provide comprehensive health services to Head Start eligible children. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Provider Agreement between Hays County Personal Health Department and Community Action Inc., of Hays, Caldwell and Blanco Counties Head Start Program. All voting "Aye". MOTION PASSED**

**28216 APPROVE UTILITY PERMITS**

This is to approve Utility Permit #856 on Ledgerock Road. Pedernales Electric Cooperative Inc. proposes to place a single phase overhead power line within the right of way of Ledgerock Road. Propose to install one 45 ft tall pole on Ledgerock and install primary wire over to private property. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Utility Permit #856 on Ledgerock Road issued to Pedernales Electric Coop. as submitted by the Road Department. All voting "Aye". MOTION PASSED**

**28217 APPROVE OUT OF STATE TRAVEL FOR CHUCK CHAPMAN, EMERGENCY PREPAREDNESS COORDINATOR, TO ATTEND THE PROGRAM F, 12-06 ITC CLASS, AUGUST 12 TO AUGUST 18, 2012 AT THE CENTER FOR DOMESTIC PREPAREDNESS (CDP) IN ANNISTON, ALABAMA**

**A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve out of state travel for Chuck Chapman, Emergency Preparedness Coordinator, to attend the Program F, 12-06 ITC Class, August 12 to August 18, 2012 at the Center for Domestic Preparedness (CDP) in Anniston, Alabama. All voting "Aye". MOTION PASSED**

**28218 ACCEPT A \$100.00 DONATION TO THE HAYS COUNTY SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY**

The Community Outreach division received a donation in the amount of \$100.00 for National Night Out and request to deposit into 052-618-00.5222 Crime Prevention. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a \$100.00 donation to the Hays County Sheriff's Office Community Outreach program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28219 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CLERK'S OFFICE**

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's Office performed an internal examination of the Hays County Clerk's Office financial records for the period of May 1, 2010 to September 30, 2011. The internal examination consisted of reviewing disbursements, receipts, deposits, fixed assets, and other supporting documentation. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Report for the Hays County Clerk's Office. All voting "Aye". MOTION PASSED**

**28220 APPROVE RENEWAL AWARD FOR BID 2011-B06 "CEMETERY MAINTENANCE" TO GREATER TX LANDSCAPE**

The previous vendor, Dripping Springs Lawn, has been released from the contract. Greater Texas Landscape has been selected as the new vendor. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the Renewal Award for bid 2011-B06 "Cemetery Maintenance" to Greater TX Landscape. All voting "Aye". MOTION PASSED**



**28221 APPROVE THE MAY 2012 TREASURER'S REPORT AND INVESTMENT REPORT**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the May 2012 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

**28222 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND SCOTT H. YARBROUGH FOR THE PERFORMANCE OF INSURANCE-RELATED CONSULTING SERVICES**

This amendment simply extends the time of Mr. Yarbrough's existing contract with Hays County. All other items and conditions remain the same. Amount budgeted \$18,000.00. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to a Professional Services Agreement between Hays County and Scott H. Yarbrough for the performance of insurance-related consulting services. All voting "Aye". MOTION PASSED

**28223 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE CUSTOMER AGREEMENT WITH THE TEXAS DEPARTMENT OF RESOURCES AND TEXAS NICUSA FOR EFILING SERVICES THROUGH TEXAS.GOV.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an amendment to the Customer Agreement with the Texas Department of Resources and Texas NICUSA for eFiling services through Texas.gov. All voting "Aye". MOTION PASSED

**28224 CONSIDER THE RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR MUSTANG VALLEY SUBDIVISION, SECTION II**

Jerry Borcharding Transportation Director is requesting that Hays County release the maintenance bond and accept the maintenance of roads in Mustang Valley Section II. The Transportation Department has inspected and recommends its acceptance for maintenance. Road segment includes a portion of Mustang Valley Trail (1,331 feet). A motion was made by Commissioner Conley, seconded by Commissioner Jones to consider the release of the maintenance bond and accept for maintenance all road and drainage improvements within County ROW for Mustang Valley subdivision, Section II. All voting "Aye". MOTION PASSED

**28225 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO NEGOTIATE AND SIGN A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH TXDOT, FOR AN AMOUNT NOT TO EXCEED \$1,230,000.00, FOR PROVIDING DESIGN SERVICES FOR THE CAMPO APPROVED STP MM FUNDED PROJECT AT THE INTERSECTION OF SH 21 AND FM 150, AND TO DIRECT STAFF TO PROCEED WITH PROCUREMENT OF PROFESSIONAL CONSULTANT DESIGN SERVICES FOR PLANS, SPECIFICATIONS AND ESTIMATES (PS&E)**

Mike Aulick Hays County Consultant spoke. The CAMPO Board on December 12, 2011 approved a Surface Transportation Program Metropolitan Mobility reimbursable grant for FY 2013 to Hays County for \$1,230,000 for intersection improvements at SH 21 and FM 150 (E). TxDot will let the project for construction in FY 2013 and has requested that Hays County procure the PS&E design services for the project. The \$1,230,000 is composed of \$984,000 in federal funds and a \$246,000 TxDot match. Hays County will be reimbursed for the cost of the design services. TxDot is drafting the LPAFA and will provide it to the County as soon as it is available. Upon Commissioners Court approval staff will begin the procurement process in compliance with TxDot requirements in order to begin the design work as soon as possible and meet the FY 2013 deadline. No County funds are required. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a resolution authorizing the County Judge to negotiate and sign a Local Project Advance Funding Agreement (LPAFA) with TxDOT, for an amount not to exceed \$1,230,000.00, for providing design services for the CAMPO approved STP MM funded project at the intersection of SH 21 and FM 150, and to direct staff to proceed with procurement of professional consultant design services for Plans, Specifications and Estimates (PS&E). Judge Cobb recused himself. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant voting "Aye". MOTION PASSED



**28226 CALL FOR A PUBLIC HEARING ON JULY 31, 2012 TO ESTABLISH A TRAFFIC REGULATION ON SPRINGLAKE DRIVE**

Jerry Borcharding Transportation Director spoke. This is to remove a stop sign on Springlake Drive at the intersection with Springlake Circle. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on July 31, 2012 to establish a traffic regulation on Springlake Drive. All voting "Aye". MOTION PASSED**

**28227 RESUBDIVISION OF LOT 2 AND ADDITIONAL ACREAGE AT RED HAWK ESTATES [11-3-31 – 3 Lots] APPROVE FINAL PLAT; HOLD PUBLIC HEARING**

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed resubdivision of Lot 2 in the Red Hawk Estates Subdivision will bring in additional acreage from a contiguous tract and will result in three lots ranging in size from 2.32 to 3.00 acres. Lot 2C is served by existing wells and on-site sewage facilities. Lot 2A and 2B will also be served by private wells and on-site sewage facilities at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final plat of Resubdivision of Lot 2 and Additional Acreage at Red Hawk Estates. All voting "Aye". MOTION PASSED**

**28228 REPLAT OF LOT 22A, ROLLING OAKS RANCH [12-3-19 – 2 LOTS] APPROVE FINAL PLAT; HOLD PUBLIC HEARING**

Judge Cobb opened the public hearing. Judge Cobb read a letter in protest from Keith and Anita McNabb. Judge Cobb closed the public hearing. Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed Resubdivision of Lot 22A Rolling Oaks Ranch will divide the existing 13.11 acre lot into two lots: Lot 22A-1 being 8.50 acres and Lot 22A-2 the remaining 4.61 acres. Lot 22A-1 is served by an existing private well and on-site sewage facility. Lot 22A-2 will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final plat of Replat of Lot 22A, Rolling Oaks Ranch. All voting "Aye". MOTION PASSED**

**28229 VACATE AND REPLAT OF LOTS 27 & 28, RIVER OAKS OF WIMBERLEY UNIT 1, SECTION 2 [12-2-25 – 1 LOT] APPROVE VARIANCES FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND TABLE 721.02 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS; APPROVE PRELIMINARY PLAN; CALL FOR A PUBLIC HEARING ON AUGUST 7, 2012**

Roxie McInnis Subdivision Coordinator spoke. The proposed vacate and replat will combine the existing lots into one 1.707 acre lot for a more favorable building site. While this is a combination of existing lots, it does not meet the Hays County minimum lot size of 2.00 acres and therefore requires a formal variance. The property owner is also asking for a variance from Table 721.02 regarding building line setbacks. The Hays County Rule for building line setbacks is 25'; however, after platting in the 1970's this portion of Oak Knob was not completed. At this time Oak Knob only exists as dedicated right of way. The owner is requesting a 10' setback from the right of way. The proposed Lot 27R will be served by a private well and advanced OSSF. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to vacate and Replat of Lots 27 & 28, River Oaks of Wimberley Unit 1, Section 2 and approve variances from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities and Table 721.02 of the Hays County Development Regulations; approve preliminary plan; call for a public hearing on August 7, 2012. All voting "Aye". MOTION PASSED**

**28230 CALL FOR A PUBLIC HEARING ON AUGUST 7, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE VACATE AND REPLAT OF LOTS 18 & 19, RUBY RANCH PHASE 7**

Roxie McInnis Subdivision Coordinator gave staff recommendation. The proposed vacate and replat will combine the existing lots into one 4.715 acre lot. The proposed Lot 18R is served by public water supply and existing on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to hold a public hearing on August 7, 2012 to discuss final plat approval of the Vacate and Replat of Lots 18 & 19, Ruby Ranch Phase 7. All voting "Aye". MOTION PASSED**

**Clerk's Note: Agenda Item #23 RE: SHADOW CREEK PHASE SIX, SECTION TWO [12-2-14--50 LOTS] APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF \$541,945.69 – was pulled**



**28231      ADD ONE DAY OF MOBILE VOTING AT BUDA CITY HALL FOR THE JULY 31, 2012, DEMOCRATIC & REPUBLICAN RUNOFF ELECTIONS AND SET THE DATE OF JULY 27, 2012**

Pat Chisholm – Buda resident and Darryl Swann – Buda resident made public comments. Joyce Cowan Elections Administrator spoke of the locations, dates and hours of Republican and Democratic Primary Runoff Election. The dates will begin Monday, July 23<sup>rd</sup> through Wednesday, July 25<sup>th</sup>, 2012 from 8:00 a.m. to 5:00 p.m. and Thursday, July 26<sup>th</sup> through Friday, July 27<sup>th</sup>, 2012 from 7:00 a.m. to 7:00 p.m. The locations will be at the Hays County Elections Office, Kyle City Hall, Wimberley Community Center and Dripping Springs ISD Administration Building. Commissioner Whisenant gave a presentation on an overview of the Primary Election. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to add one day of mobile voting at Buda City Hall for the July 31, 2012, Democratic & Republican Runoff Elections and set the date of July 27, 2012. Commissioner Whisenant voting “No”. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting “Aye”. MOTION PASSED**

**AUTHORIZE THE SHERIFF'S OFFICE TO CONVERT ADMINISTRATIVE ASSISTANT I, SLOT 0273-032 TO AN ADMINISTRATIVE ASSISTANT III, PLACING IT AT A GRADE 110**

Hays County Sheriff Gary Cutler spoke. This position will perform complex, sensitive administrative/secretarial work and provide administrative support to the Sheriff, Chief, Office of Professional Responsibility and Three Bureau Captains. The current job description has been revised and the level of work is not appropriate for the current grade. Funds have been identified in the Sheriff's Office salary savings. 2.5 month salary \$2,122, fringe \$394, for a total of \$2,516 (salary savings). Fiscal impact to add to the FY13 budget year will be; Salary \$10,183, Fringe \$1,921 for a total of \$12,104. Amount required none – due to salary savings 001-618-00.5021. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Sheriff's Office to convert Administrative Assistant I, slot 0273-032 to an Administrative Assistant III, placing it at a grade 110. Commissioner Conley and Commissioner Whisenant voting “Aye”. Commissioner Ingalsbe, Commissioner Jones and Judge Cobb voting “No”. MOTION FAILED**

**28232      TO HIRE TEMPORARY HELP IN THE HUMAN RESOURCES OFFICE**

Dee Dee Baen Human Resources Director spoke. The Human Resource Department has been operating with a reduced staff since March 2012 due to an employee out on leave. The HR Department approaches their 4<sup>th</sup> month of operating with 20% reduction in force, and can no longer continue to keep up. The position would take on a variety of tasks, working approximately 30 hours per week through September 28, 2012. At a rate of \$10.00 per hour, this temporary fill would cost \$3,300 in labor and \$252.45 in fringe for a total of \$3552.42. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to hire temporary help in the Human Resources office. All voting “Aye”. MOTION PASSED**

**28233      AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES FOR HAYS COUNTY TO HOST AN AUTISM RECOGNITION, RESPONSE AND RISK MANAGEMENT TRAINING FOR FIRST RESPONDERS AND COMMUNITY MEMBERS**

Jeff Hauff Grants Administrator spoke. The Texas Department of Aging and Disability Services (DADS) has contacted Hays County to host a training session in recognition, response and risk management of those diagnosed with Autism for first responders and other community members. This training is being offered free of charge to sponsoring organizations throughout the State, with a nationally recognized professional trainer provided by DADS. Hays County will provide the training facility (Government Center Conference Rooms), actively promote and advertise the training, and conduct registration for attendees. The Hays County District Attorney's Office, Fire Marshal's Office, and Sheriff's Office have agreed to serve as co-sponsors of the event. Continuing education credits may be available for attendees. The training has been tentatively scheduled on August 22, 2012. This training will be of benefit to those who would normally respond to public safety incidents, emergency situations and disaster management, including fire fighters, law enforcement officers, emergency medical services staff, and others, where they may encounter and have to manage those diagnosed with Autism. Being trained to recognize and work with those with special needs can serve to minimize risks involved to both the responder and the individual. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to enter into a Memorandum of Understanding with the Texas Department of Aging and Disability Services for Hays County to host an Autism Recognition, Response and Risk Management training for first responders and community members. All voting “Aye”. MOTION PASSED**



**28234      AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 10700 FM 150 WEST, DRIFTWOOD, TEXAS**

Clint Garza Development Services Director spoke. Richard Anthony Steinbrink is proposing an OSSF to serve an office/warehouse 10700 FM 150 West Precinct 4. This property is 15 acres. Water will be supplied by a private water well. This OSSF is a standard treatment system in which the effluent will be pumped to a non-standard low pressure dosed dispersal field the system is designed for a maximum of 100 gpd. The system designer, Emily Farias, R.S. is requesting a variance to Section 10-M(B) of the Hays County rules for on-site sewage facilities which requires flow equalization prior to the treatment tank. Her justification for the variance is: (1) Flow from the business is expected to be uniform throughout the day and flow equalization will not provide any benefit (2) Design includes a septic tank that is larger than required (750 gallon required-1000 gallon provided). (3) An equalization tank may cause solids to be emulsified and may prevent proper separation in the septic tank causing entrained solids to be pumped to the disposal field (4) Installation of a hydraulic equalization tank prior to the septic tank will provide no benefit to the operation of this type of system. (5) This type of system treats the wastewater in the disposal field and the design utilizes flow equalization to the field. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 10700 FM 150 West, Driftwood, Texas. All voting "Aye". MOTION PASSED**

**28235      AUTHORIZE INSTITUTIONAL OSSF PERMIT #2012-303 AND GRANT A VARIANCE TO SECTION 10-Q(7) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 86 S. OLD SPANISH TRAIL, UHLAND, TEXAS**

Clint Garza Development Services Director spoke. K&J Woodworks is proposing two new On-Site Sewage Facility's to replace a failing on-site sewage facility. This permit number is 2012-303. This property is 10.01 acres. Water will be supplied by Public Water Supply. This OSSF is an aerobic treatment system, with equalized influent, in which the effluent will be pumped to a spray irrigation dispersal field. The system is designed for a maximum of 140 gpd. The system designer, Dora Fogle, R.S. is requesting a variance to Section 10-Q (7) of the Hays County rules for on-site sewage facilities which prohibits spray irrigation for non-residential or commercial operations. Her justification for the variance is: The current system has failed due to seasonal shallow water table intrusion into the treatment tanks. In order to mitigate this, the owner is going to install two separate systems that will not have to be installed as deep and dividing the flow to two systems will reduce the load on the system. Due to shallow depth of seasonal groundwater (30"), clay soil, and not enough slope across the property to install a French drain, which could divert water away from a subsurface drainfield, a spray irrigation system that sprays at night and exceeds the required setback distance from property lines is the best choice for dispersal of the effluent. The current spray irrigation system is working well, during dry periods, and a combination of splitting the system into two and providing flow equalization will be an improvement to the current on-site sewage facility. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit #2012-303 and grant a variance to Section 10-Q(7) of the Hays County Rules for On-Site Sewage Facilities at 86 S. Old Spanish Trail, Uhland, Texas. All voting "Aye". MOTION PASSED**

**28236      AUTHORIZE INSTITUTIONAL OSSF PERMIT #2012-302 AND GRANT A VARIANCE TO SECTION 10-Q(7) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 86 S. OLD SPANISH TRAIL, UHLAND, TEXAS**

Clint Garza Development Services Director spoke. K&J Woodworks is proposing two new On-Site Sewage Facility's to replace a failing on-site sewage facility. This permit number is 2012-302. This property is 10.01 acres. Water will be supplied by Public Water Supply. This OSSF is an aerobic treatment system, with equalized influent, in which the effluent will be pumped to a spray irrigation dispersal field. The system is designed for a maximum of 140 gpd. The system designer, Dora Fogle, R.S. is requesting a variance to Section 10-Q (7) of the Hays County rules for on-site sewage facilities which prohibits spray irrigation for non-residential or commercial operations. Her justification for the variance is: The current system has failed due to seasonal shallow water table intrusion into the treatment tanks. In order to mitigate this, the owner is going to install two separate systems that will not have to be installed as deep and dividing the flow to two systems will reduce the load on the system. Due to shallow depth of seasonal groundwater (30"), clay soil, and not enough slope across the property to install a French drain, which could divert water away from a subsurface drainfield, a spray irrigation system that sprays at night and exceeds the required setback distance from property lines is the best choice for dispersal of the effluent. The current spray irrigation system is working well, during dry periods, and a combination of splitting the system into two and providing flow equalization will be an improvement to the current on-site sewage facility. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize institutional OSSF Permit #2012-302 and grant a variance to section 10-q(7) of the hays county rules for on-site sewage facilities at 86 s. Old Spanish Trail, Uhland, Texas. All voting "aye". Motion passed**



**28237      AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-M(B) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 4901 MCGREGOR LANE, DRIPPING SPRINGS, TEXAS**

Clint Garza Development Services Director spoke. Rex Baker is proposing an OSSF to serve an event center at 4901 McGregor Lane in Precinct 4. This property is 30 acres. Water will be supplied by a private water well. This OSSF is a standard treatment system in which the effluent will be pumped to a non-standard low pressure dosed dispersal field. The system is designed for a maximum of 1000 gpd. The system designer, Erin Banks, P.E. is requesting a variance to Section 10-M (B) of the Hays County rules for on-site sewage facilities which requires flow equalization prior to the treatment tank. Her justification for the variance (1) An equalization tank may cause solids to be emulsified and may prevent proper separation in the septic tank causing entrained solids to be pumped to the disposal field (2) Installation of a hydraulic equalization tank prior to the septic tank will provide no benefit to the operation of this type of system. (3) This type of system treats the wastewater in the disposal field and the design utilizes flow equalization to the field by use of a timer. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Section 10-M(B) of the Hays County Rules for On-Site Sewage Facilities at 4901 McGregor Lane, Dripping Springs, Texas. All voting "Aye". MOTION PASSED**

**28238      APPOINT THREE NEW MEMBERS TO THE HAYS COUNTY CHILD PROTECTION BOARD: JUDITH BURNS FROM BUDA, CINDY KRUDOP FROM DRIPPING SPRINGS AND JEANNE WORRELL FROM WIMBERLEY TO FILL (3) VACANT POSITIONS**

The Hays County Child Protective Board has been looking to fill these positions with representatives from all Precincts of Hays County and this appointment will satisfy that objective. These three individuals have credentials that will be an asset to the Board. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to appoint three new members to the Hays County Child Protection Board: Judith Burns from Buda, Cindy Krudop from Dripping Springs and Jeanne Worrell from Wimberley to fill (3) vacant positions. All voting "Aye". MOTION PASSED**

**28239      AUTHORIZE THE COUNTY JUDGE TO ADOPT A RESOLUTION AND EXECUTE AN AGREEMENT IN SUPPORT OF HAYS COUNTY'S PARTICIPATION IN THE REGION 7 REGIONAL HEALTHCARE PARTNERSHIP (RHP) RELATED TO THE 1115 WAIVER PROGRAM**

Sam Unigard CEO of CTMC spoke. Lon Shell gave a handout and a brief overview. The State has been granted a section 1115(a) waiver under the Social Security Act. The waiver provides for the Creation of Regional Healthcare Partnerships (RHP) that will develop health plans to accomplish the goals of the waiver. Several documents have been attached that provide information related to the RHP and the implementation of the 115 Waiver Program. The final attached document outlines the time frame for development of the regional health plan. It is proposed that the Hays County Commissioners Court follow the timeline below during this process: July 17-Consider participation in the RHP and receive information on the waiver and associated programs. July 31-Receive an update on the planning process and allow for input from Citizen's and the Healthcare Community in and around Hays County. Aug 14-Consider adopting a Hays County Health Plan and discuss implementation of an approved plan. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Resolution and execute an Agreement in support of Hays County's participation in the Region 7 Regional Healthcare Partnership (RHP) related to the 1115 Waiver Program. 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 closed executive session at 11:25 a.m. and reconvened into open court meeting at 12:54 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken

**28240      EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG CR 266 PARCEL 6 & 21**

Court convened into closed executive session at 11:15 a.m. and reconvened into open court meeting at 11:25 a.m. In attendance in Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy.



JULY 17, 2012

\*\*\*\*\*

VOLUME U PG 837

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant that the Commissioners Court on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire .4444 of an acre in fee simple for right of way and roadway improvements to CR 266 for use by the traveling public in Hays County. Commissioner Ingalsbe "Abstained". Commissioner Jones, Commissioner, Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant that the Commissioners Court, on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire 1.4030 of an acre in fee simple, .1101 of an acre for a drainage easement, .1908 of an acre for a temporary construction easement for right of way and roadway improvements to CR 266 in Hays County for use by the traveling public. Commissioner Ingalsbe "Abstained". Commissioner Jones, Commissioner, Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED

**28241 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL, DELIBERATION REGARDING RIGHT OF WAY ACQUISITION, AND CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY ALONG RM 150 IN PRECINCT 1**

Court convened into closed executive session at 11:07 a.m. and reconvened into open court meeting at 11:10 p.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lori Bible and Ellie Dietz. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones that the Commissioners Court on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire .095 of an acre in fee simple .007 for drainage easement in order for the County to use as right of way and for roadway improvements for the traveling public on RM 150 in Hays County. All voting "Aye". MOTION PASSED

**28242 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 FM 1626**

Court convened into closed executive session at 11:11 a.m. and reconvened into open court meeting at 11:25 a.m. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lori Bible and Ellie Dietz. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe that the Commissioners Court on behalf of Hays County, Texas authorize the use of the power of eminent domain to acquire .475 of an acre in fee simple for right of way and roadway improvements for the traveling public to use FM 1626 in Hays County. All voting "Aye". MOTION PASSED

**ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

The Burn Ban lapsed last week and will remain lifted due to the current rains we've had.

**Clerk's Note Agenda Item #39 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*

**Clerk's Note Agenda Item #40 RE:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – was pulled*

**Clerk's Note Agenda Item RE:** *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE – was pulled*

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 July 17, 2012.



---

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

