



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 16TH DAY OF OCTOBER A.D., 2012, 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:

Gary Smith, Retired Air Force Chaplin gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

Brenda Stewart – Kyle resident spoke.

28485 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of \$425,337.36 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28486 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 9, 2012

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of October 9, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28487 APPROVE UTILITY PERMITS

The approval Utility Permit #867 on McCarthy Lane East issued to Bluebonnet Electric Company proposes to place a three phase electric line within the right-of-way of E. McCarthy Lane in Hays County. The three phase line will cross E. McCarthy Lane approximately 880 ft. Northwest of S. Old Bastrop Hwy. The approval Utility Permit # 868 on Firecracker issued to Texas Gas Service (TGS) proposes to place a 6" PE Gas Main line within the right –of-way of CR118. TGS proposes to install approximately 6,000 LF of 6" PE gas main by open trench & directional bore along the westerly ROW of Firecracker De (CR 118) from CR 105 (N. Turnersville Rd) South to the Huntington Retirement Community. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Utility Permit #867 on McCarty Lane East issued to Bluebonnet Electric Cooperative, Permit #868 on Firecracker Drive (CR118) issued to Texas Gas Service as submitted by the Road Department. All voting "Aye". MOTION PASSED

28488 ACCEPT A \$100 DONATION TO THE SHERIFFS' OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation in the amount of \$100.00 for National Night Out 2013 and request to deposit into g/l 052-618-00.5222. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a \$100 donation to the Sheriffs' Office Community Outreach Program and amend the budget accordingly. All voting "Aye". MOTION PASSED

28489 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BETTY LAMBRIGHT, D/B/A AS RIGHT AS RAIN, FOR ENVIRONMENTAL CONSULTING SERVICES

Ms. Lambright has contracted with Hays County for environmental consulting services over the course of last Fiscal Year. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a professional services agreement with Betty Lambright, d/b/a As Right As Rain, for Environmental Consulting Services. All voting "Aye". MOTION PASSED



28490 APPROVE THE REGRADE OF THE COMPLIANCE COLLECTION SPECIALIST FROM GRADE 108 TO 109

Due to the resignation of the Compliance/Collections Administrator (grade 113) this past November, the duties of the Collection Specialist positions have been modified to accommodate added responsibilities which have resulted in these two positions becoming more independent than originally established. Given the level of independence, procedural development and implementation, department assignment and direct supervision changes, per Human Resources, it may be appropriate to regrade the positions to grade 109. The Treasurer's office will have approximately \$13,000.00 in salary savings due to changes in staff this year. (Previous collections specialist was at 25% of grade, timekeeping position will be at a lower amount, and long-time clerk will be retiring in December and the replacement will be hired at a much lower rate.) The cost of changing these 2 positions from a grade 108 to 109 would be: Rachel Rodriguez \$2,243.25 including benefits Priscilla Medrano \$2,222.58 including benefits. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the regrade of the Compliance Collection Specialist from grade 108 to 109. All voting "Aye". MOTION PASSED**

28491 AUTHORIZE THE DEVELOPMENT & COMMUNITY SERVICES DIRECTOR TO SECURE APPRAISAL SERVICES WITH GRAHAM & ASSOCIATES FOR THE WINTERS MILL TRAIL PROPERTY AND AMEND THE BUDGET ACCORDINGLY

The owner of property at the corner of winters mill parkway and F.M. 3237 is in the process of donating roughly one-half acre of property to Hays County for a future parking area at the Winters Mill Trail. The appraisal will be used by the current owner for valuation of the donation. Amount required \$500.00 Decrease Park Bond Contact Srvcs : 150-800-97.5448 (\$500) Increase WintersMill Professional Fees: 150-813-97-048.5303 \$500. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Development & Community Services Director to secure appraisal services with Graham & Associates for the Winters Mill Trail property and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28492 AUTHORIZE INSTITUTIONAL OSSF PERMIT 798 HIGH RD, KYLE, TX

Nabi LLC is proposing an OSSF to serve a 12,000 square foot commercial building which includes a meat market, convenience store, fast food restaurant, and offices at 798 High Rd in Precinct 1. This property is 18.17 acres. Water will be supplied by Public Water Supply. This OSSF is a non-standard treatment system in which the effluent will be pumped to low pressure dosed dispersal fields. The system is designed for a maximum of 3000 gpd. The system designer, Stan Burrier, P.E. has designed a treatment system which consists of a 6000 gallon grease trap, 2,000 gallon pretreatment tank, 6,000 gallon equalization tank, and 81,000 gallon/day aerobic treatment units. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit 798 High Rd, Kyle, TX. All voting "Aye". MOTION PASSED**

28493 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW IN SHADOW CREEK SUBDIVISION, SECTIONS 1A & 2A

Jerry Borcharding Transportation Director gave staff recommendation. The Transportation Department inspected and recommends its acceptance for maintenance. The road segments include: a segment of Spanish Trails Blvd and segment of Marsh Lane. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to release the maintenance bond and accept for maintenance all road and drainage improvements within County ROW in Shadow Creek subdivision, Sections 1A & 2A. All voting "Aye". MOTION PASSED**

28494 APPROVE PRELIMINARY PLAN OF SETH A. BRAY SUBDIVISION [12-1-29--2 lots]

Roxie McInnis Development Services Manager gave staff recommendation. The proposed Seth A. Bray Subdivision is a 2 lot division of 16.303 acres located off of RR150 in Precinct 1. Lot 1 is served by an existing on-site sewage facility and County Line SUD water connection. Lot 2 will also utilize an OSSF and County Line SUD connection at the time of development. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Preliminary Plan of Seth A. Bray Subdivision. All voting "Aye". MOTION PASSED**



28495 CALL FOR A PUBLIC HEARING ON NOVEMBER 13, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 6 OF THE REVISION OF LOTS 5 AND 6, TRAILS END RANCH SUBDIVISION

Roxie McInnis Development Services Manager gave staff recommendation. Trails End Ranch is a platted subdivision located off RM 32 in Precinct 3. The owner of Lot 6 is proposing to divide his 50.43 acre lot into two lots. Lot 6A is currently served by a private well and on-site sewage facility and Lot 6B will be served by a well and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to call for a public hearing on November 13, 2012 to discuss final plat approval of the Replat of Lot 6 of the Revision of Lots 5 and 6, Trails End Ranch Subdivision. All voting "Aye". MOTION PASSED**

28496 CALL FOR A PUBLIC HEARING ON NOVEMBER 13, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE VACATE & REPLAT OF TRACT 1E-1, 1E-2A, AND 1E-2B, LANIER RANCH ADDITION

Roxie McInnis Development Services Manager gave staff recommendation. The Lanier Ranch Addition is a platted subdivision located off Darden Hill Road in Precinct 4. The property owners are proposing to reconfigure the acreage of the three lots to create two new lots, resulting in a decrease in density. Each of the lots will be served by an existing private well and on-site sewage facility. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to call for a public hearing on November 13, 2012 to discuss final plat approval of the Vacate & Replat of Tract 1E-1, 1E-2A, and 1E-2B, Lanier Ranch Addition. All voting "Aye". MOTION PASSED**

28497 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN IMPLEMENTATION AGREEMENT, BETWEEN HAYS COUNTY AND RSP I-SPACE, FOR THE IMPLEMENTATION OF THE COUNTY'S FACILITIES MANAGEMENT SOFTWARE PROVIDED BY FM SYSTEMS

Clint Garza Director of Development and Community Services spoke. During negotiation of the agreement with FM Systems, it was determined by the Parties that implementation would be better performed by RSP i-Space, which is an entity that often works with FM Systems on its projects. They are doing this portion of the project for the same price that would have been charged by FM Systems. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an Implementation Agreement, between Hays County and RSP i-Space, for the implementation of the County's facilities management software provided by FM Systems. All voting "Aye". MOTION PASSED**

28498 ADOPT, BY RESOLUTION, THE REVISED HAYS COUNTY HAZARD MITIGATION PLAN

Jeff Hauff Hays County Grants Administrator spoke. In 2006 Hays County adopted its first Hazard Mitigation Plan (HMP) in conjunction with 11 partner jurisdictions to meet planning requirements for the Federal Emergency Management Agency (FEMA) Community Rating System, the Disaster Mitigation Act of 2000, and other relevant programs related to natural disaster management and mitigation, including our Emergency Management functions. The HMP must be updated every five years to maintain compliance with the program and eligibility for grant funding to minimize impacts from disaster events. In January, 2010 the County submitted a grant application to the Governor's Office, Division of Emergency Management, Hazard Mitigation Grant Program for funding to revise the HMP, and in September, 2010 funding was awarded for plan revision. In November, 2010 a consultant was hired to facilitate the planning process and plan revision, and a mitigation planning committee - comprised of representatives from partner communities - was subsequently formed to provide input on mitigation strategies. The committee met four times during 2011, and input was also obtained through email correspondence of the members. In April, 2011 a presentation was given to the Commissioners Court on plan process and content. On December 2, 2011, the draft plan was posted on the Hays County web site for public comment with a press release announcing its availability, and the comment period closed on December 24 with no public comments received. A presentation on the HMP was also given on December 8, 2011 at the Local Area Emergency Planning Committee (LEPC) year-end update meeting - with the public invited to attend - and no comments were received. The HMP was submitted for Texas Division of Emergency Management review (crosswalk) and, with comments incorporated into the plan, on to FEMA for crosswalk review requirements. With the various comments/revisions addressed, the HMP is now considered APA (approvable pending adoption) by FEMA. With Hays County's and our partner's adopting Resolutions, the plan will receive final acceptance. The Final Draft of the Hazard Mitigation Plan has been posted on the Hays County web site and distributed in electronic format to Commissioners Court members for review. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt, by Resolution, the revised Hays County Hazard Mitigation Plan. All voting "Aye". MOTION PASSED**



28499 AUTHORIZE THE FY 2012 INTERGOVERNMENTAL TRANSFER (IGT) TO THE STATE OF TEXAS THROUGH THE TEXNET ELECTRONIC PAYMENT SYSTEM FOR SUPPLEMENTAL PAYMENTS TO CENTRAL TEXAS MEDICAL CENTER AS PART OF THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM PURSUANT TO 355.8201 OF THE TEXAS ADMINISTRATIVE CODE

Lon Shell Hays County Chief of Staff and Sam Huenergardt President/CEO at CTMC spoke. Amount \$725,000 Decrease Medical Supplies: 120-675-06.5231 (251,128) Decrease Medical Services: 120-675-06.5431 (473,872) Increase Health Care Funding: 120-675-06.5801 725,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to Authorize the FY 2012 Intergovernmental Transfer (IGT) to the State of Texas through the TexNet electronic payment system for Supplemental Payments to Central Texas Medical Center as part of the Texas Healthcare Transformation and Quality Improvement Program pursuant to 355.8201 of the Texas Administrative Code in the amount of \$17,725 and to amend the budget accordingly. All voting "Aye". MOTION PASSED**

28500 AUTHORIZE PAYMENT 1 FOR FY 2013 INTERGOVERNMENTAL TRANSFER (IGT) TO THE STATE OF TEXAS THROUGH THE TEXNET ELECTRONIC PAYMENT SYSTEM FOR SUPPLEMENTAL PAYMENTS TO CENTRAL TEXAS MEDICAL CENTER AS PART OF THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM PURSUANT TO 355.8201 OF THE TEXAS ADMINISTRATIVE CODE

Lon Shell Chief of Staff spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize payment 1 for FY 2013 Intergovernmental Transfer (IGT) to the State of Texas through the TexNet electronic payment system for Supplemental Payments to Central Texas Medical Center as part of the Texas Healthcare Transformation and Quality Improvement Program pursuant to 355.8201 of the Texas Administrative Code in an amount of \$1.45M over FY13 budget and authorize the Auditor, Special Counsel & Chief of Staff on timing. All voting "Aye". MOTION PASSED**

28501 DEDICATE \$1,200,000.00 IN 2008 PARKS BOND FUNDS TOWARD IMPROVEMENTS WITHIN DRIPPING SPRINGS RANCH PARK, FORMERLY KNOWN AS HARRISON RANCH PARK

Commissioner Whisenant and Mayor Todd Purcell spoke. The action requested would earmark \$1,200,000 for further project improvements within Dripping Springs Ranch Park. After approval, counsel would negotiate a Funding Agreement with the City of Dripping Springs, which would be brought back to Court for final commitment of the funds. That Agreement will require that the City provide at least a 1:1 match of the County's contribution, as has been required on other Parks Bond projects. Amount requested \$1,200,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to dedicate \$1,200,000.00 in 2008 Parks Bond Funds toward improvements within Dripping Springs Ranch Park, formerly known as Harrison Ranch Park and authorize Special Counsel and the Auditor to draft contract. All voting "Aye". MOTION PASSED**

28502 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 close Executive Session at 11:15 a.m. and reconvened into open court at 11:27 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Legal Counsel to execute all documents necessary to perfect closing on the sale of the County's property at 110 E. MLK Blvd, San Marcos, TX, commonly known as the "Justice Center Property". All voting "Aye". MOTION PASSED**

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 close Executive Session at 4:00 p.m. and reconvened into open court at 4:40 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.



EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT BUCK

Court convened into close Executive Session at 1:35 p.m. and reconvened into open court at 2:15 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Heather Hulbert and Amy Madison. No action taken.

28503 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE POLICIES AND PROCEDURES RELATED TO THE INVOCATION HELD AT THE BEGINNING OF COMMISSIONERS COURT

Jonathan Saenz of Texas Values & Liberty Institute spoke. Court convened into close Executive Session at 11:00 a.m. and reconvened into open court at 11:15 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt the "Resolution" and "Policy and Procedure Regarding Invocations to be held in the Hays County Commissioners Courtroom". All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE REVIEW OF JOB APPLICANTS FOR THE HAYS COUNTY EMERGENCY MANAGEMENT COORDINATOR POSITION

Court convened into close Executive Session at 10:24 a.m. and reconvened into open court at 10:59 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Clay Huckabee, Clint Garza, Lon Shell and Czichos. No action taken

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING DUTIES PERFORMED AND DUTIES OF ALL HAYS COUNTY DEPARTMENT HEADS

Court convened into close Executive Session at 11:27 a.m. and reconvened into open court at 11:29 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No action taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

At this time the burn ban will remain lifted.

County Clerk's Note Agenda #25 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*

County Clerk's Note Agenda #26 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – was pulled*

County Clerk's Note Agenda #27 RE: *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE – was pulled*



OCTOBER 16, 2012

VOLUME V PG 15

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 October 16, 2012.



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

