

HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTEMBER 4, 2012

VOLUME U PG 875

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4TH DAY OF SEPTEMBER 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
ROSE ROBINSON	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chad Carlton from the First Seventh Day Adventest gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

28358 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of \$1,584,523.69 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28359 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 21, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of August 21, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28360 APPROVE THE 2013 SHERIFF'S AND CONSTABLE'S FEES

Constable Darrell Ayers Precinct 3 spoke. Pursuant to Local Government Code 118.131 changes to the Sheriff's and Constables' fees for 2013 must be submitted and approved prior to October 1, 2012. The law requires each year Commissioners Court to set fees charged for Civil Services by the offices of the Sheriff and Constables and directs that these fees be reported to the Comptroller. After reviewing the fees the Sheriff and Constables are requesting the fees remain the same. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the 2013 Sheriff's and Constable's fees. All voting "Aye". MOTION PASSED

28361 RATIFY THE COUNTY JUDGE'S EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN HAYS COUNTY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY INTEGRATED PUBLIC ALERT AND WARNING SYSTEM (IPAWS) PROGRAM MANAGEMENT OFFICE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify the County Judge's execution of a Memorandum of Agreement between Hays County and the Federal Emergency Management Agency Integrated Public Alert and Warning System (IPAWS) Program Management Office. All voting "Aye". MOTION PASSED

28362 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO EXTEND THE CONTRACT BETWEEN HAYS COUNTY AND COMMUNITY ACTION, INC. FOR THE FUNDING OF THE SAN MARCOS SENIOR CENTER EXPANSION

The project design is 90% complete and City staff is completing the environmental review steps required for a project funded with federal dollars. They anticipate construction to start in January 2013 and to take approximately 150 to 180 days to complete. Funding has already been provided. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute an amendment to extend the Contract between Hays County and Community Action, Inc. for the funding of the San Marcos Senior Center expansion. All voting "Aye". MOTION PASSED

**28363 APPROVE UTILITY PERMITS**

This is to approve Utility Permit # 864 on Fire Cracker Drive issued to Scarborough Sunfield (water) Permit # 865 on River Road issued to Pedernales Electric and Permit #866 on Country Lane (Prec. 4) issued to Pedernales Electric. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Utility Permit # 864 on Fire Cracker Drive issued to Scarborough Sunfield (water) Permit # 865 on River Road issued to Pedernales Electric and Permit #866 on Country Lane (Prec. 4) issued to Pedernales Electric as submitted by the Road Department. All voting "Aye". MOTION PASSED**

28364 AMEND THE CAPCOG 911 GRANT BUDGET TO USE SAVINGS IN TRAVEL AND CONTINUING EDUCATION FOR OFFICE SUPPLIES

This budget amendment will allow the county to spend the remainder of the grant award on supplies needed for GIS. Increase Expense 001-657-99-037.5211 Office Supplies \$1,041.00; Decrease Expense 001-657-99-037.5501 Travel (\$185.00) Decrease Expense 001-657-99-037.5551 Continuing Education (\$856.00). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the CAPCOG 911 grant budget to use savings in travel and continuing education for office supplies. All voting "Aye". MOTION PASSED**

28365 MOVE FUNDS FROM COUNTY WIDE TO THE TREASURER'S OPERATING BUDGET TO PURCHASE EQUIPMENT FOR THE MAIL ROOM AND AMEND THE BUDGET ACCORDINGLY

The Treasurer's Office needs to purchase a Mitel 5330 Phone System for the Mail Room at the Government Center in order to communicate with vendors and office staff. Funds were budgeted in County Wide contingencies during the FY2012 budget process for expenses related to the Government Center Mailroom and need to be moved to the Treasurer's budget. Amount required \$459.00 Increase Misc Equipment: 001-620-00.5719_400 \$459, Decrease Contingencies: 001-645-00.5399 (\$459). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to move funds from County Wide to the Treasurer's Operating budget to purchase equipment for the Mail Room and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28366 AUTHORIZE THE PURCHASE OF JANITORIAL MAINTENANCE EQUIPMENT FOR THE GOVERNMENT CENTER AND AMEND THE BUDGET ACCORDINGLY

On August 21st the Court authorized the purchase of janitorial equipment in relation to the Hays County Facility Maintenance Department taking over janitorial services at the Government Center. Additional equipment (20" Advance 175 RPM Buffer by Advance & Two (2) Tilt Trash Carts) is needed and will be purchased at a reduced price from MMMM. Amount required \$1,250.00, Increase: 001-695-00-5719_400 Misc Equipment 1,250.00, Decrease: 001-695-00.5208 Janitorial Supplies (1,250.00). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the purchase of Janitorial Maintenance Equipment for the Government Center and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28367 ORDER THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, IN HAYS COUNTY, TEXAS, FOR THE PURPOSE OF ELECTING THE COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION

An election is hereby ordered to be held on November 6, 2012, in Hays County, Texas, for the purpose of electing the following county and precinct officers as required by Article XVI, Section 65 of the Texas Constitution. County Sheriff, County Tax Assessor Collector, Commissioner, Pct. 1, Commissioner, Pct. 3, Justice of Peace, Pct. 1, Pl. 1, Constable Pct. 1, Constable Pct. 2, Constable, Pct. 3, Constable Pct. 4 and Constable Pct. 5. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to order the General Election to be held on November 6, 2012, in Hays County, Texas, for the purpose of electing the county and precinct officers as required by Article XVI, Section 65 of the Texas Constitution. All voting "Aye". MOTION PASSED**

28368 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENTAL AGREEMENT WITH COMPASS PAPER RECYCLING LLC FOR RENTAL OF A BALER FOR USE AS PART OF THE RECYCLING PROGRAM AT THE GOVERNMENT CENTER

In order to have Compass Recycling pick up cardboard as a part of the government center program, the cardboard must be baled. The funds requested will cover the rental and deliver for the current fiscal year. Amount required \$500.00. 001-716-00-5473. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the county judge to execute a rental agreement with Compass Paper Recycling LLC for rental of a baler for use as part of the recycling program at the Government Center. All voting "Aye". MOTION PASSED**



28369 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH HOLT CAT FOR MAINTENANCE TO THE JAIL AND 911 GENERATORS

The Sheriff's Office is requesting to go in agreement with Holt Cat for scheduled maintenance for emergency services to the Jail and 911 generators. The generators must be inspected and pass a yearly inspection in order to comply with Texas Commission on Jail Standards. Year one of the agreement will cost a total of \$6,135 for triennial service, year two - \$2,040 & year three - \$2,140 for yearly service. From line item number 001-618-03.5451. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute an agreement with Holt Cat for maintenance to the Jail and 911 generators. All voting "Aye". MOTION PASSED**

28370 AUTHORIZE THE COUNTY JUDGE AND PRECINCT 3 COMMISSIONER TO EXECUTE SUPPLEMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT AND SUPPLEMENT NO. 6 TO WORK AUTHORIZATION NO. 1 FOR LOOMIS PARTNER ON THE RM 2325 PRIORITY ROAD BOND PROGRAM PROJECT

The RM 2325 project, from Carney Lane to Fischer Store Rd., was identified as a key project in Precinct 3 as part of the 2008 Priority Road Bond Program. The project design is complete and construction is nearing completion. The project contractor is currently in liquidated damages due to overrunning the project schedule established in March of 2012. As such, it has become necessary to extend the Loomis Partners Work Authorization to provide construction phase services, as defined in Supplemental No. 4, for the remainder of the construction activities and project close out. Supplemental Agreement No.4 to the Professional Agreement and Supplemental Work Authorization No. 6 to Work Authorization No. 1 are attached for the Court's approval. Funds are available within the project's bond program budget. Amount required \$10,000 From line item number 025-803-96-760.5621. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge and Precinct 3 Commissioner to execute Supplement No. 4 to the Professional Services Agreement and Supplement No. 6 to Work Authorization No. 1 for Loomis Partner on the RM 2325 Priority Road Bond Program Project. All voting "Aye". MOTION PASSED**

28371 AMEND BUDGET OF DISTRICT COURT FOR INDIGENT APPOINTED ATTORNEYS, TRANSCRIPTIONS, AND BAILIFF SALARIES FROM COUNTYWIDE

Due to multiple capital murder cases/trials and other cases, District Court requires additional funds to Bailiff's hours as part-time budgeted, with 14,750 additional, to Appointed Attorney for 149,500, and for Court Reporter transcripts for 4,000. Auditor's Office recommends transfer from available balance in Misc. Capital Improvements in Countywide Operations. Amount required \$168,250 to 001-606-00.5021 Salaries 001-608-00.5440 Appointed Attorney 001-608-00.5445 Transcriptions from 001-645-00.5441 Misc. Capital Improvements. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend budget of District Court for Indigent Appointed Attorneys, Transcriptions, and Bailiff Salaries from Countywide. All voting "Aye". MOTION PASSED**

28372 AMEND THE BUDGET OF TRANSFER STATION FOR TRASH HAULING FROM CONTINGENCIES

Transfer Station requires additional trash hauling funds to complete year without ability to transfer within department. At budget adoption, Court set aside additional amount for Parks, which has not been used. Auditor's Office recommends 6,000 from that Contingencies funds. Amount required \$6,000.00 to 001-716-00.5452 Trash Hauling from 001-645-00.5399 Contingencies. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of Transfer Station for Trash Hauling from Contingencies. All voting "Aye". MOTION PASSED**

28373 AUTHORIZE THE PRECINCT 4 COMMISSIONER TO EXECUTE THE THIRD PARTY AGREEMENT WITH TXDOT FOR CHANGE ORDER NO. 1 ON THE RM 1826 AT CRYSTAL HILL RD. PRIORITY ROAD BOND PROGRAM PROJECT

Commissioner Whisenant Precinct 4, Delbert Bassett- Dripping Springs Resident and Bonnie Tull from the Goldenwood Neighborhood Association spoke. Change Order No. 1 - RM 1826 @ Crystal Hill Rd - TxDOT CSJ 1754-02-018. Contract Award Amount \$1,390,918. Change Order No. 1 Amount \$ 98,938.07. New Contract Amount \$1,489,856.73 reason for Change Order: Initial project plans included splitting traffic entering and exiting the various subdivisions located along Crystal Hill Road into two single lanes in each direction. These lanes stayed within the existing constrained County ROW, but passed on either side of two relatively large oak trees located on the east side of the existing roadway. Construction of the Eastern most temporary detour pavement passed over a portion of the tree root zone and would require trimming of several large branches on both trees. Residents of the subdivisions located along Crystal Hill voiced concern over long term survivability of the oaks. The designer, in conjunction with TxDOT and the Commissioner, presented an option that created a two lane detour shifted



beyond the existing ROW onto a temporary construction easement granted by the property owner. The third party agreement and change order summary is attached. Funds are available within the project's budget. Amount required \$98,938.07 line item number 025-804-96-884.5611. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Precinct 4 Commissioner to execute the third party agreement with TxDOT for Change Order No. 1 on the RM 1826 at Crystal Hill Rd. Priority Road Bond Program project. All voting "Aye". MOTION PASSED**

28374 CALL FOR A PUBLIC HEARING ON SEPTEMBER 18, 2012 TO ESTABLISH TRAFFIC REGULATIONS IN MEADOW OAKS SUBDIVISION

Jerry Borcharding Transportation Director spoke. This is to conduct a public hearing on September 18th to establish traffic regulations in Meadow Oaks Subdivision. Regulations include: a stop sign on Old Hwy 290 at Meadow Oaks Drive, a stop sign on Glen Valley Drive at Meadow Oaks Drive, a stop sign on Glen Valley Drive at Shadywood Lane, a stop sign on Hillside Drive at Meadow Oaks Drive, a stop sign on Meadow Oaks Drive at Greenridge Lane, a stop sign on Greenridge Lane at Meadow Oaks Drive, a stop sign on Greenridge Lane at Morgan Hill Drive, a stop sign on Morgan Hill Drive at Greenridge Drive, a stop sign on Hillside Drive at Morgan Hill Drive, a stop sign on Misty Slope Lane at Shadywood Lane, a stop sign on Misty Slope Lane at Morgan Hill Drive, a stop sign on Meadows Lane at Shadywood Lane, a stop sign on Meadows Lane at Morgan Hill Drive, and a speed limit throughout the subdivision of 25 MPH. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on September 18, 2012 to establish traffic regulations in Meadow Oaks subdivision. All voting "Aye". MOTION PASSED**

28375 CALL FOR A PUBLIC HEARING ON SEPTEMBER 18, 2012 TO ESTABLISH A TRAFFIC REGULATION ON SPRINGLAKE DRIVE

Jerry Borcharding Transportation Director spoke. This is to conduct a public hearing on September 18th 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 September 18, 2012 to establish a traffic regulation on Springlake Drive. All voting "Aye". MOTION PASSED**

28376 VACATE CHRISTAL MOUNTAIN SUBDIVISION

Roxie McInnis Subdivision Coordinator and Constance Austin-Dripping Springs Resident spoke. Christal Mountain Subdivision is a two lot division of 24.12 acres which was approved by the Commissioners Court on January 6, 2009. The proposed plat vacation will convert the lots back to acreage. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to vacate Christal Mountain Subdivision. All voting "Aye". MOTION PASSED**

28377 CALL FOR A PUBLIC HEARING ON SEPTEMBER 25, 2012 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF TRACT 37, GLENN H. KOTHMANN PROPERTIES SUBDIVISION

Roxie McInnis Subdivision Coordinator spoke. The proposed replat will divide the 9.18 acre lot into two lots. The proposed Lot 37B will be served by an existing private well and on-site sewage facility. Lot 37A will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on September 25, 2012 to discuss final plat approval of the Replat of Tract 37, Glenn H. Kothmann Properties Subdivision. All voting "Aye". MOTION PASSED**

28378 ALLOW A PLATTING EXCEPTION PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE FOR OWNERS OF LOTS 207 AND 238, WIMBERLEY CAMPFIRE NO. 2, SECTION FOUR

Roxie McInnis Subdivision Coordinator spoke. In September 2001, the tank for the on-site sewage facility for lot 207 was installed and permitted over the property line; therefore the system is in violation of the Hays County Rules for On-Site Sewage Facilities. In order to bring the system into compliance, the owners could replace the tank, amend the plat, or convey portions of the lots by metes and bounds. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to allow a platting exception pursuant to Section 232.010 of the Texas Local Government Code for owners of Lots 207 and 238, Wimberley Campfire No. 2, Section Four. All voting "Aye". MOTION PASSED**



28379 MAKE ADJUSTMENTS TO THE COUNTY ELECTION PRECINCTS POLLING LOCATIONS FOR THE NOVEMBER 6, 2012, GENERAL ELECTION

Joyce Cowan Elections Administrator spoke. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to make adjustments to the County Election Precincts polling locations for the November 6, 2012, General Election. All voting "Aye". MOTION PASSED

28380 ADOPT ADDITIONAL DATES TO THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 6, 2012, GENERAL ELECTION

Joyce Cowan Elections Administrator spoke. The discussion was to add additional days at TX State LBJ Student Center 700 Student Center Dr. San Marcos, Texas on Oct 22 & 23 the dates Oct 24 & 25 – 10a.m. to 7 p.m. was adopted on August 14, 2012 and to add two days to the Early voting Schedule at Kyle City Hall 100 W. Center St. Kyle, Texas 78640 on Oct. 26 & 27 (Friday 10 a.m. to 7 p.m.). This will amend the schedule adopted by the court on August 14, 2012 for the November 6, 2012 Early Voting Schedule. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt additional dates to the Early Voting Schedule for the November 6, 2012, General Election. Commissioner Jones and Judge Cobb voting "No" and Commissioner Ingalsbe, Commissioner Conley and Commissioner Whisenant voting "Aye". MOTION PASSED

28381 RELOCATE THE DUTIES, RESPONSIBILITIES AND BUDGET OF THE DISTRICT COURT COLLECTIONS (COMPLIANCE OFFICE) UNDER THE TREASURER'S OFFICE

During the FY2013 budget hearings the relocation of the Compliance office and budget was discussed. The FY 2013 budget reflects the transfer of the Compliance budget to the Treasurer's budget. Court action is necessary to approve the relocation of the duties and responsibilities of the Compliance office under the Treasurer's office. During the last few weeks the Treasurer's office has begun the process to accomplish this task and has made all necessary arrangements for a successful transition. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to relocate the duties, responsibilities and budget of the District Court Collections (Compliance Office) under the Treasurer's office. All voting "Aye". MOTION PASSED

County Clerk's Note Agenda Item #25 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT CONTRACT WITH THE U.S. DEPARTMENT OF JUSTICE, UNDER THE FY12 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, IN THE AMOUNT OF \$11,128.00 – was pulled*

28382 ACTION TO ADD LIMITED INSURANCE COVERAGE THROUGH THE TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL FOR DISTRICT JUDGES, THE DISTRICT ATTORNEY, AND TAKINGS CLAIMS

Special Council Mark Kennedy spoke. Coverage through the County's Risk Pool includes the option of certain endorsements that provide limited coverage for the categories identified above. Staff considers this option to be a policy decision that must be made by the Commissioners Court. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to add limited insurance coverage through the Texas Association of Counties Risk Management Pool for District Judges, the District Attorney, and takings claims. All voting "Aye". MOTION PASSED

28383 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE RENEWAL/AGREEMENT FOR THE WIMBERLEY PRECINCT 3 OFFICE

Commissioner Conley Precinct 3 spoke. This is a (3) year lease renewal for the Precinct 3 offices in Wimberley that includes the addition of Suite 9, an expansion, which will contain offices for Hays County Sheriff's Office and Commissioner. Line item number 002-645-00.5472 A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Lease Renewal/Agreement for the Wimberley Precinct 3 office. All voting "Aye". MOTION PASSED

28384 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A NOTICE OF INTENT TO PARTICIPATE IN THE TEXAS HOG OUT COUNTY GRANTS PROGRAM AND IDENTIFY FUNDS IN FY 2013 TO BE USED AS THE COUNTY'S CONTRIBUTION

Nick Dornak, Plum Creek Watershed Coordinator, previously presented information on the program. In order to participate in the program a notice of intent must be submitted. Mr. Dornak will administer the program. Funds will need to be identified for the County's contribution which will be used as a bounty. Amount required \$1,500.00. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a notice of intent to participate in the Texas Hog Out County Grants Program and identify funds in FY 2013 to be used as the County's contribution. All voting "Aye". MOTION PASSED



28385 AMEND THE SHERRIFF'S OFFICE FIELD TRAINING OFFICER (FTO) BUDGET WITH DIRECTION FROM THE AUDITOR'S OFFICE AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AGREEMENT WITH THE HAYS COUNTY SHERIFF AND HAYS COUNTY LAW ENFORCEMENT ASSOCIATION, RECOGNIZING MODIFICATIONS OF ARTICLE 8, SECTION 8 OF THE EXISTING AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS COUNTY LAW ENFORCEMENT ASSOCIATION

Captain Mike Davenport and Special Counsel Mark Kennedy spoke. During the bargaining process, it was agreed upon that Field Training Officers (FTO) would receive paid compensation for the hours they spent training a new employee as long as funds were available. It was determined after the Collective Bargaining Agreement to staff 17 employees at the Government Center who were all subject to the FTO Program. These new positions virtually doubled the amount of people that we had anticipated needing training. Subsequently, the FTO funding was exhausted in May. The total is \$2,498 which includes Corrections Officer back pay and September estimated hours for Patrol and Corrections Officers. Salary savings will be used; a budget amendment is not necessary. Amount required \$2,498. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Sherriff's Office Field Training Officer (FTO) budget with direction from the Auditor's Office and to authorize the County Judge to execute a letter agreement with the Hays County Sheriff and Hays County Law Enforcement Association, recognizing modifications of Article 8, Section 8 of the existing Agreement between Hays County and the Hays County Law Enforcement Association. All voting "Aye". MOTION PASSED**

28386 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ORDER RATIFYING THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY REGIONAL WATER AND WASTEWATER SYSTEMS SCHEDULE FOR RATES, FEES, CHARGES AND TERMS AND CONDITIONS OF RETAIL TREATED WATER AND WASTEWATER SERVICES

Commissioner Whisenant Precinct 4 and Special Counsel Mark Kennedy spoke. West Travis County Public Utility Agency is a public utility agency created by concurrent ordinance of Hays County, The City of Bee Cave and West Travis County Municipal Utility District No. 5. The governing bodies of the Participating Entities authorized and approved the creation of the Agency as a separate agency and political subdivision of the State of Texas. The Agency adopted the West Travis County Public Utility Agency Regional Water and Wastewater Systems Schedule for Rates, Fees, Charges and Terms and Conditions of Retail Treated Water and Wastewater Services on March 15, 2012. During its review of the Agency's recent bond issue, the Texas Attorney General's Office requested that the governing bodies of the Participating Entities ratify rates and fees adopted by the Agency. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute Order Ratifying the West Travis County Public Utility Agency Regional Water and Wastewater Systems Schedule for Rates, Fees, Charges and Terms and Conditions of Retail Treated Water and Wastewater Services. All voting "Aye". MOTION PASSED**

28387 APPROVE THE HIRING OF A TEMPORARY, PART TIME MEDICAL ASSISTANT FOR 25 HOURS PER WEEK AT \$16.50 PER HOUR TO FILL A VACANCY CREATED BY THE RESIGNATION OF A REGISTERED NURSE IN THE WELL CHILD/IMMUNIZATIONS CLINIC AT THE PERSONAL HEALTH DEPARTMENT

Lon Shell spoke. The hiring of this temporary, part time position will fill a vacancy created by the resignation of a well child/immunizations nurse. The selected candidate has experience working in the clinic as an intern and as a temporary employee. The range for the position is \$14.04 to \$20.56 per hour. It is requested that the position be filled at the \$16.50 per hour rate due to the applicants experience and familiarity with the clinic. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the hiring of a temporary, part time Medical Assistant for 25 hours per week at \$16.50 per hour to fill a vacancy created by the resignation of a Registered Nurse in the well child/immunizations clinic at the Personal Health Department. All voting "Aye". MOTION PASSED**

28388 AUTHORIZE THE COUNTY JUDGE TO APPOINT DR. CHARLES P. ANDERSON AS THE LOCAL HEALTH AUTHORITY IN HAYS COUNTY; AND TO EXECUTE AN AGREEMENT RELATING TO THAT APPOINTMENT

Dr. Anderson's contract and appointment as the Local Health Authority are being renewed. Due to possible changes in the structure of Personal Health after the first quarter of FY2013, the initial contract has been shortened to end on December 31, 2012. It will however, automatically convert into a month-to-month contract, which may be terminated with thirty (30) days' written notice. Amount required \$500.00 per month line item number 120-675-00.5448. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to appoint Dr. Charles P. Anderson as the Local Health Authority in Hays County; and to execute an Agreement relating to that appointment. All voting "Aye". MOTION PASSED**



28389 APPROVE SERVICE AGREEMENTS FOR PHYSICIANS PROVIDING CONSULTATION AND SUPERVISORY SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC AND WOMEN'S HEALTH CLINIC

Due to possible changes in the structure of Personal Health after the first quarter of FY2013, the initial contract has been shortened to end on December 31, 2012. It will however, automatically convert into a month-to-month contract, which may be terminated with thirty (30) days' written notice. The following physicians will provide consultation and supervisory services to the Hays County Personal Health Family Clinic and its Advanced Practice Registered Nurse. Dr. Charles P. Anderson and Dr. Alberto Santos. The following physicians will provide consultation and supervisory services to the Hays County Women's Health Clinic and its Advanced Practice Registered Nurse: Dr. Barrett Blaue, Dr. Kari Fay, Dr. Teresa Irwin, Dr. Beth Reid, Dr. John Bosco, Dr. Jennifer Goss and Dr. James Zachrison. Amount required \$100.00 per Clinic line item number 120-675-07.5448 for Family Clinic physicians, 120-675-99-020.5448 for Women's Health Physicians. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Service Agreements for physicians providing consultation and supervisory services for the Hays County Personal Health Department Family Clinic and Women's Health Clinic. All voting "Aye". MOTION PASSED**

28390 APPROVE HIRING A TEMPORARY LVN FOR THE FAMILY CLINIC OF THE PERSONAL HEALTH DEPARTMENT TO DOUBLE FILL A POSITION FOR GREATER THAN TWO WEEKS AT 25 HOURS PER WEEK BEGINNING SEPTEMBER 10TH AND 40 HOURS PER WEEK BEGINNING SEPTEMBER 24TH AND AMEND THE BUDGET ACCORDINGLY

Lon Shell spoke. The Family Clinic LVN position (slot 1140-001) will become vacant near the end of September due to maternity leave. At this time the exact date the position will become vacant is unknown. In the event the position is double filled in excess of two weeks, Court approval is required. Court approval is also required for a budget amendment necessary to fund the position for 25 hours per week beginning September 10th and 40 hours per week beginning September 24th. Funding for a portion of this position in FY 2013 will require changes to the proposed FY 2013 budget. This position is temporary and will end when the Family Clinic LVN returns from leave. Amount required \$1,362.00 Increase Staff Salary: 120-675-07.5021 \$1,264, Increase FICA: 120-675-07.5101_100 79, Increase Medicare: 120-675-07.5101_100 19, Decrease DH Salary: 120-675-00.5011 (\$1,362). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve hiring a temporary LVN for the family clinic of the personal Health Department to double fill a position for greater than two weeks at 25 hours per week beginning September 10th and 40 hours per week beginning September 24th and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28391 REIMBURSE O'REILLY AUTO PARTS FOR WATER AND SEWER USAGE AT THE JUSTICE CENTER

O'Reilly has continued to pay the water bill for their leased portion of the Justice Center after their lease ended in January 2003. O'Reilly has requested to be reimbursed by the County. The Court needs to decide if they wish to reimburse them for the County's water usage that they have paid for the last 9 years. If the Court decides to reimburse O'Reilly, we recommend only reimbursing the last 4 years since that is as far back as the City of San Marcos maintains water usage billing records for a given property. The amount based upon the last 4 years is \$8,660.23. O'Reilly has since closed the account. Amount required \$8,660.23 line item number 001-695 00.5480_150. County Auditor comment: This expenditure may require a budget amendment at year end in the Justice Center utility line item of about \$2,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to reimburse the last 4 years to O'Reilly Auto Parts for water and sewer usage at the Justice Center. All voting "Aye". MOTION PASSED**

HOLD A PUBLIC HEARING ON THE FY2013 PROPOSED TAX RATE INCREASE - 1:30 P.M

Judge Cobb opened public hearing. No public input. Judge Cobb closed public hearing. Hays County will hold two more public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 0.24 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate of effective tax calculated under Chapter 26, Tax Code). The Second public hearing will be held on September 11, 2012 at 7:00 PM at Commissioners Courtroom, Hays County Courthouse, 111 E. San Antonio Street, San Marcos, Texas 78666. Members of the public are encouraged to attend the hearings and express their views.



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 10:30 a.m. and reconvened into open court meeting at 10:45 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Council Mark Kennedy and Lon Shell. No Action Taken.

28392 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE SALE, EXCHANGE, OR VALUE OF A 1-ACRE TRACT OF LAND OWNED BY HAYS COUNTY NEAR THE INTERSECTION OF HUNTER AND CENTERPOINT ROADS

Court convened into closed Executive Session at 10:45 a.m. and reconvened into open court meeting at 11:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Council Mark Kennedy and Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Hays County Emergency Services District #3, as presented in Executive Session, for the sale of a 1-acre tract of land owned by Hays County at the intersection of Hunter and Centerpoint Road in Precinct 2. 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 PERFORMANCE AND DUTIES OF EACH INDIVIDUAL EMPLOYEE ASSIGNED A WORKSPACE WITHIN THE HAYS COUNTY GOVERNMENT CENTER

Court convened into closed Executive Session at 11:00 a.m. and reconvened into open court meeting at 11:40 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Council Mark Kennedy and Lon Shell. No Action Taken

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

On advise of Fire Marshal the burn ban will remain lifted.

County Clerk's Note Agenda Item 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 Item 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 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 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 September 4, 2012.

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



