



OCTOBER 29, 2013

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VOLUME V PG 269

STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 29<sup>TH</sup> DAY OF OCTOBER A.D., 2013, 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:**

Chaplain Merlin Starr Chaplin, Central Texas Medical Center, San Marcos, Texas 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**

Luanne Caraway Tax Assessor/Collector and Constable David Peterson Precinct 1 spoke of how Commissioner Ingalsbe qualified shooting and she out shot everyone.

**28435 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve County Invoices in the amount of \$ 2,458,055.21 as submitted by the County Auditor. All voting "Aye".  
**MOTION PASSED**

**28436 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 22, 2013**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioner Court Minutes of October 22, 2013 as presented by the County Clerk. All voting "Aye".  
**MOTION PASSED**

**28437 AUTHORIZE THE INFORMATION TECHNOLOGY DEPARTMENT TO ADD A TELEPHONE ALLOWANCE EFFECTIVE NOVEMBER 1ST FOR NETWORK ENGINEER, SLOT NUMBER 0931-005 AND AMEND THE BUDGET ACCORDINGLY**

The IT Network Engineer positions require the use of a smart phone in order to conduct daily activities. The individual in this position has a personal smart phone and is willing to use his for business, preferring not to carry two cell phones. This is a savings of \$15 per month for the County. Amount required \$385.00; Decrease Telephone and Data Lines: 001-680-00.5489 (\$385); Increase Telephone Allowance: 001-680-00.5194 \$385. Effective date should be 11/01/2013. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant authorize the Information Technology department to add a telephone allowance effective November 1st for Network Engineer, slot number 0931-005 and amend the budget accordingly. All voting "Aye".  
**MOTION PASSED**

**28438 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN EXTENSION OF HAYS COUNTY'S OPTION FOR THE PURCHASE OF RIGHT OF WAY ON INGRAM RANCH, LOCATED ALONG RR12 IN PRECINCT 3**

Landowner has agreed to a 2-month extension of the County's Option, which currently expires on October 31, 2013. This extension would give County contractors additional time to receive feedback from TXDOT and Hays County citizens before finalizing the plans for the RR12 Parkway project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an extension of Hays County's Option for the purchase of Right of Way on Ingram Ranch, located along RR12 in Precinct 3. All voting "Aye".  
**MOTION PASSED**

**28439 ACCEPT A DONATION TO THE SHERIFF'S OFFICE IN THE AMOUNT OF \$50.00 FOR SUPPLIES NEEDED FOR ROCKY THE HCSO DRUG DOG AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office received a donation in the amount of \$50.00 to purchase supplies for the K-9 Division. Amount required \$ 50.00; Increase Revenue 053-618-00.4610 Contributions \$50.00; Increase Expense 053-618-00.5391 Miscellaneous \$50.00. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a donation to the Sheriff's Office in the amount of \$50.00 for supplies needed for Rocky the HCSO drug dog and amend the budget accordingly. All voting "Aye".  
**MOTION PASSED**



**28440      AUTHORIZE THE FY13 PURCHASE AND PAYMENT OF ADDITIONAL INTEROPERABILITY EQUIPMENT RELATED TO THE RADIO MIGRATION IMPLEMENTATION WITHOUT SECURING A PURCHASE ORDER PER COUNTY POLICY**

Due to a miscommunication with LCRA, additional equipment was ordered during FY13 using the savings from the initial radio migration proposal but not encumbered. The attached four work orders need to be closed out and accrued to our fiscal year 2013. This additional equipment was needed in order to complete the implementation process for the radio migration plan. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the FY13 purchase and payment of additional interoperability equipment related to the radio migration implementation without securing a purchase order per County policy. All voting "Aye". MOTION PASSED**

**28441      AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE APPLICATION FOR HAYS COUNTY'S CRIME COVERAGE THROUGH TEXAS ASSOCIATION OF COUNTIES ("TAC") FOR THE FISCAL YEAR 2014**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute the Application for Hays County's Crime Coverage through Texas Association of Counties ("TAC") for the fiscal year 2014. All voting "Aye". MOTION PASSED

**28442      AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RENEWAL APPLICATION FOR HAYS COUNTY'S AUTO LIABILITY, AUTO PHYSICAL DAMAGE, GENERAL LIABILITY, AND PUBLIC OFFICIALS LIABILITY THROUGH TEXAS ASSOCIATION OF COUNTIES ("TAC") FOR FISCAL YEAR 2014**

This is a renewal with no changes from last year's coverage. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute the Renewal Application for Hays County's Auto Liability, Auto Physical Damage, General Liability, and Public Officials Liability through Texas Association of Counties ("TAC") for fiscal year 2014. All voting "Aye". MOTION PASSED**

**28443      HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN BARTON CREEK RANCH SUBDIVISION**

Judge Cobb opened Public Hearing. No public input received. Judge Cobb closed Public Hearing. Commissioner Whisenant Precinct 4 and Jerry Borcharding Director Transportation spoke and gave staff recommendation to establish a stop sign location on Barton Ranch Circle at Barton Ranch Road, on Barton's Pass at Barton Ranch Circle, on Barton's Pass at Barton Creek Drive, and on Barton Creek Circle at Barton Creek Drive. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to establish traffic regulations in Barton Creek Ranch subdivision. All voting "Aye". MOTION PASSED**

**28444      AUTHORIZE COMMISSIONER INGALSBE TO EXECUTE A SUPPLEMENTAL AGREEMENT TO THE STANDARD UTILITY AGREEMENT WITH TIME WARNER CABLE**

Commissioner Ingalsbe Precinct 1 and Mark Kennedy General Counsel spoke. The Time Warner Cable Standard Utility Agreement was executed on 10/09/12; the Supplemental Agreement to the Standard Utility Agreement was required to cover the increase in material costs that were incurred in between the time frame of the execution of the Standard Utility Agreement and when construction activities began. The estimated cost of the adjustment, relocation or removal is increased by \$6,418.52 to a total of \$23,736.05. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Commissioner Ingalsbe to execute a Supplemental Agreement to the Standard Utility Agreement with Time Warner Cable. All voting "Aye". MOTION PASSED**

**28445      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AUTOMATIC VENDING LOCATION AGREEMENT WITH ACCENT FOOD SERVICES ("ACCENT") AT THE HAYS COUNTY GOVERNMENT CENTER LOCATED AT 712 SOUTH STAGECOACH TRAIL, SAN MARCOS TEXAS**

Commissioner Ingalsbe Precinct 1 and Mark Kennedy spoke. This agreement gives Accent the exclusive right and privilege to sell food and beverage products at 712 South Stagecoach Trail, San Marcos Texas. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Automatic Vending Location Agreement with Accent Food Services ("Accent") at**



the Hays County Government Center located at 712 South Stagecoach Trail, San Marcos Texas. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Automatic Vending Location Agreement with Accent Food Services ("Accent") at the Hays County Government Center located at 712 South Stagecoach Trail, San Marcos Texas and add a 90 day notice of termination by either party. All voting "Aye". MOTION PASSED

**28446 PASS ORDERS OF THE COMMISSIONERS COURT AUTHORIZING THE COUNTY JUDGE AND DESIGNATED COUNTY STAFF TO EXECUTE DOCUMENTS RELATED TO THE ISSUANCE OF "HAYS COUNTY PASS-THROUGH TOLL REVENUE AND UNLIMITED TAX BONDS, SERIES 2013" AND "HAYS COUNTY, TEXAS LIMITED TAX NOTES, SERIES 2013"**

Dan Wegmiller with Special Public Finance and Julie Houston with Andrews Kurth, Counsel. This action of the Court gives the County Judge and Staff, with Coordination from Bond Counsel and consultants, to pursue the issuance of this year's round of Bonds and Tax Notes related to the County's Road Bond program and the Precinct #2 Building Construction. Bond Counsel will be present in Open Court to provide additional information, if needed. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to pass Orders of the Commissioners Court authorizing the County Judge and designated County staff to execute documents related to the issuance of "Hays County Pass-Through Toll Revenue and Unlimited Tax Bonds, Series 2013" and "Hays County, Texas Limited Tax Notes, Series 2013. All voting "Aye". MOTION PASSED

**28447 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEMPORARY LEASE AGREEMENT BETWEEN HAYS COUNTY AND THORPE LANE APARTMENTS LLC RELATED TO THE EMS FACILITY LOCATED BETWEEN THORPE LANE AND THE IH-35 FRONTAGE ROAD**

Commissioner Ingalsbe Precinct 1 and Mark Kennedy General Counsel spoke. This Temporary Agreement allows the EMS Facility to continue to occupy its current building, a small parking area in front of the building and have access to IH-35 for a period of up to ninety (90) days. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Temporary Lease Agreement between Hays County and Thorpe Lane Apartments LLC related to the EMS Facility located between Thorpe Lane and the IH-35 frontage road. All voting "Aye". MOTION PASSED

**28448 RECEIVE TRANSFER OF A PURCHASE AND SALE AGREEMENT BETWEEN JOHNSON/TRUBE AND ASSOCIATES (BUYER) AND FLYING TZ, L.P. (SELLER), WITH CERTAIN CONDITIONS OF TRANSFER, FOR THE PURCHASE OF APPROXIMATELY 81.76 ACRES OF LAND ALONG THE ACCESS ROAD OF IH-35 NORTH IN PRECINCT 1; TO AUTHORIZE THE ESCROW OF EARNEST MONEY PURSUANT TO THAT AGREEMENT'S DILIGENCE PERIOD, AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THE TRANSFER AND ESCROW. THE COMMISSIONERS COURT MAY ENTER EXECUTIVE SESSION ON THIS ITEM PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE**

Representatives of Hays County and TXDOT have been in discussions regarding the possible location of a DPS operated facility along this section of roadway. This Purchase and Sale Agreement provides an opportunity for Hays County to secure purchase rights to property that would fulfill these initiatives while utilizing the diligence period to ensure that the participation of all interested parties is clarified and agreed upon. Amount required \$125,000 (escrowed) line item number 001-645-00.5741. Court convened into Executive Session at 10:15 a.m. and reconvened into opened court at 10:47 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Chief of Staff Lon Shell and Ed Johnson of Johnson/Trube. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Assignment Agreement between Johnson Trube and Associates and Hays County as presented in Executive Session; authorize the deposit of \$125,000 in earnest money; and authorize the County Judge to execute all documents incidental to the Purchase Contract for approximately 81.876 acres along IH-35 Northbound n Precinct 1. All voting "Aye". MOTION PASSED

**28449 APPROVE A MODIFIED MEMORANDUM OF UNDERSTANDING WITH ACCESS EMPOWERMENT, A TEXAS DOMESTIC NON-PROFIT CORPORATION, RELATED TO THE PARKING MOBILITY PROGRAM FOR DISABLED PARKING VIOLATION ENFORCEMENT**



Mark Kennedy General Counsel spoke. Parking Mobility is a volunteer program that addresses disabled parking abuse by empowering those affected and educating the broader community on disability issues. It also provides an educational alternative for first time violators (vs) negative reinforcement (high fine). An MOU between Access Empowerment was approved on Sept. 11, 2012. Amount required \$35,000 (budgeted for FY14) line item number 001-680-00.5718\_700. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve a modified Memorandum of Understanding with Access Empowerment, a Texas domestic Non-Profit Corporation, related to the Parking Mobility Program for disabled parking violation enforcement. 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, INCLUDING BUT NOT LIMITED TO THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY-OWNED, OR COUNTY-LEASED PROPERTIES**

Court convened into Executive Session at 10:50 a.m. and reconvened into opened court at 11:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy and Chief of Staff Lon Shell. No Action Taken.

**DISCUSSION OF ISSUES RELATED TO INMATE POPULATION AT THE HAYS COUNTY JAIL**

Captain Mark Cumberland with the Hays County Sheriff spoke. Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our recommendations to 311. The jail's daily average was 292 and peak was 300 on October 24<sup>th</sup> for the week of October 20 to October 26, 2013. The maximum female capacity is 56 inmates. Last week's average was 42 and peak was 45 on 10/24/2013. The maximum male capacity is 276 inmates. Last week's average was 249 and peak was 255 on 10/24/2013.

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

Mark Chambers Hays County Fire Marshal spoke of the drought index being 56 and updated to a 66 by mid-morning with a 80% chance of rain today. Burn Ban at this time will remain lifted.

**County Clerk's Note Agenda Item #19 RE: DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PRECINCT 2 FACILITY PROJECT; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT - was pulled**

**County Clerk's Note Agenda Item #20 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR - was pulled**

**County Clerk's Note Agenda Item #21 RE: DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY - 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 October 29, 2013.



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

