



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 12TH DAY OF NOVEMBER A.D., 2013, 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:

Judge Cobb gave the invocation. 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

Sara Holland of the Clean Air Force Coalition spoke. Kharley Smith, Emergency Management Coordinator gave an update on the Halloween flood.

28473 ADOPT A PROCLAMATION DECLARING NOVEMBER, 2013 AS NATIONAL HOSPICE CARE MONTH

Michael Campos a Social Worker from CTMC spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring November, 2013 as national Hospice Care Month. All voting "Aye". MOTION PASSED

28474 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of 1,485,004.14 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28475 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 5, 2013

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of November 5, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28476 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HILLMAN ENVIRONMENTAL & CONSTRUCTION FOR FUEL TANK REMOVAL AT 1307 UHLAND ROAD

Removal of one underground storage tank. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract with Hillman Environmental & Construction for fuel tank removal at 1307 Uhland Road. All voting "Aye". MOTION PASSED

28477 APPROVE THE FORM OF THE BAILMENT AGREEMENT TO BE USED BETWEEN THE HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICE DEPARTMENT AND THE CITY OF DRIPPING SPRINGS PURSUANT TO OPERATIONS AT DRIPPING SPRINGS RANCH PARK

City of Dripping Springs has agreed to accommodate traditional Civic Center activities. Hays County is in a position to help Dripping Springs fulfill these activities with the use of equipment from the Civic Center which is now closed. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the form of the Bailment Agreement to be used between the Hays County Development and Community Service Department and the City of Dripping Springs pursuant to operations at Dripping Springs Ranch Park. All voting "Aye". MOTION PASSED



28478 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE GEOSPATIAL DATA INTERLOCAL CONTRACT BETWEEN HAYS COUNTY AND CAPITAL AREA COUNCIL OF GOVERNMENTS ("CAPCOG") FOR GEOMAP 2014 WORK

This amended contract allows Hays County to contribute funding toward 6-inch and 12-inch resolution Orthoimagery being developed jointly by Hays County, CAPCOG, and Fugro EarthData ("FEDI"). The previous contract was for 6-and 24-inch imagery, however an increase in grant funding now allows the County to develop higher quality imagery. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an Amendment to the Geospatial Data Interlocal Contract between Hays County and Capital Area Council of Governments (CAPCOG) for Geomap 2014 work. All voting "Aye". MOTION PASSED**

28479 AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO PURCHASE 110 GALLON FUEL TANK TO PLACE AT THE SHERIFF'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

During the FY14 budget process, funds were set aside in the Building Maintenance budget for the SO fuel tank removal. Savings within those budgeted funds are available to purchase a small above ground fuel tank for the SO to use to fuel smaller equipment for grounds maintenance and other small equipment projects. Budget Amendment: Decrease Misc Capital Improvements - 001-695-00.5741 (\$753.00) Increase Misc Equipment - 001-695-00.5719_400 \$753.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Building Maintenance Department to purchase 110 gallon fuel tank to place at the Sheriff's Office and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28480 AMEND THE SHERIFF'S OFFICE FY 2013 DRUG FORFEITURE FUND FOR EXPENSES RELATED TO THE INTER-LOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR FORENSIC LAB SERVICES

In August of 2012 the Commissioner's Court approved an Inter-local Agreement with the City of Austin for forensic lab services. The Sheriff's Office will utilize revenue within their Drug Forfeiture fund for their portion of this contract. Budget Amendment: Increase Forfeiture Proceeds - 053-618-00.4514 \$37,936 Increase Contract Services - 053-618-00.5448 \$37,936. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the sheriff's Office FY 2013 Drug Forfeiture Fund for expenses related to the Inter-local Agreement with the City of Austin for Forensic Lab Services. All voting "Aye". MOTION PASSED**

28481 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE A REPLACEMENT DVR FOR MICROCEPTION'S VIDEO OVERSIGHT AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office is requesting to replace a DVR for the Microception's Video Oversight. The replacement is needed in order to interview recording and case management for Law Enforcement. The funds will be moved to the Information Technology budget to order and track for fixed asset purposes. Budget Amendment: Decrease SO Criminal Investigations - 001-618-00.5362 (\$650.00) Increase IT Computer Equipment - 001-680-00.5712_400 650.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to purchase a replacement DVR for Microception's Video Oversight and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28482 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SERVICE AGREEMENT BETWEEN HAYS COUNTY LOCAL HEALTH DEPARTMENT (HCLHD) AND PHYSICIAN CHAMALEE WEERATUNGE FOR SERVICES RELATED TO THE HCLHD-TB PROGRAM

These services will run through March 31, 2014. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Service Agreement between Hays County Local Health Department (HCLHD) and Physician Chamalee Weeratunge for services related to the HCLHD-TB Program. All voting "Aye". MOTION PASSED**

28483 AUTHORIZE LEGAL COUNSEL TO RETAIN LEGAL SERVICES RELATED TO THE REVIEW OF CASES OR COMPLAINTS WHEN THE INDIVIDUAL(S) IDENTIFIED FOR REVIEW BY COUNTY POLICY ARE CONFLICTED

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Legal Counsel to retain Legal Services related to the review of cases or complaints when the individual(s) identified for review by County Policy are conflicted. All voting "Aye". MOTION PASSED



28484 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH DANNENBAUM ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE IH35/POSEY ROAD TXDOT-HAYS COUNTY PARTNERSHIP PROGRAM PROJECT IN HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with Dannenbaum Engineering for Professional Engineering Services related to the IH35/Posey Road TxDOT-Hays County Partnership program project in Hays County. All voting "Aye". MOTION PASSED

28485 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE FM 150 EAST REALIGNMENT (IH35-ARROYO RANCH ROAD) PROJECT IN HAYS COUNTY

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with K Freiese & Associates for Professional Engineering Services related to the FM 150 East Realignment (IH35-Arroyo Ranch Road) project in Hays County. All voting "Aye". MOTION PASSED

28486 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL #1 WITH PRIME STRATEGIES, INC. FOR PROFESSIONAL PROGRAM MANAGEMENT SERVICES FOR THE TXDOT/HAYS COUNTY PARTNERSHIP PROGRAM

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental #1 with Prime Strategies, Inc. for Professional Program Management Services for the TxDOT/Hays County Partnership Program. All voting "Aye". MOTION PASSED

28487 GRANT A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND APPROVE FINAL PLAT LOPEZ SUBDIVISION [SUB-109 - 1 LOT]

Roxie McInnis Development Services Manager spoke. The proposed Lopez Subdivision is a one-lot subdivision of 0.9697 acres located off of Mathias Lane in Precinct 2. This property was divided by metes and bounds from a larger tract in 2007. The parcel does not currently meet the County's minimum lot size in this area (1.00 acres); however it did at the time that the property was originally subdivided. This lot will be served by Goforth SUD and advanced individual on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to grant a variance from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities and approve final plat of Lopez Subdivision [SUB-109 - 1 LOT]. All voting "Aye". MOTION PASSED**

CLERK'S NOTE AGENDA ITEM #16 RE: DISCUSSION AND POSSIBLE ACTION TO APPOINT REPLACEMENT DIRECTORS TO THE BOARD OF DIRECTORS FOR THE HAYS COUNTY WATER AND SEWER AUTHORITY, INC. (HCWSA) - WAS PULLED

28488 GRANT A VARIANCE FROM THE HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW ISSUANCE OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO NELLY ROSARIO, OWNER OF A 0.469 ACRE PORTION OF LOT 1, TURKEY HOLLOW SUBDIVISION

Roxie McInnis Development Services Manager spoke. Ms. Rosario is the owner of a 0.469 acre portion of a lot in the Turkey Hollow Subdivision in Precinct 3. She has applied for a permit to construct an On-Site Sewage Facility to replace the existing failing system. She has been informed that her parcel was part of a non-compliant division of land and is required to be platted under both the Local Government Code and the Hays County Development Regulations. In addition to the platting requirement, Chapter 715.4.01 of the Hays County Development Regulations prohibits the Division from issuing any development permit on a tract of land that is not in compliance with all current rules. The property owner has been made aware of the plat requirement, and the non-compliant lot will have to be replatted to meet Hays County rules. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to grant a variance from the Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow issuance of an On-Site Sewage Facility Development Permit to Nelly Rosario, owner of a 0.469 acre portion of Lot 1, Turkey Hollow Subdivision. 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 THE VETERANS SERVICE OFFICER, FIRE MARSHALL, EMERGENCY MANAGEMENT COORDINATOR, IT DIRECTOR, HUMAN RESOURCES DIRECTOR, TRANSPORTATION DIRECTOR, GENERAL COUNSEL, ELECTIONS ADMINISTRATOR, DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR, AND GRANTS ADMINISTRATOR

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 12:00 p.m. broke for lunch and back into Executive Session at 1:15 p.m. and reconvened into open meeting at 4:00 p.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.

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 closed executive session at 10:25 a.m. and reconvened into open meeting at 10:47 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.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING THE ATTORNEY GENERAL OPINION REQUEST PROPOSED IN HAYS COUNTY'S WATER RESERVATION AND SUPPLY AGREEMENT WITH FORESTAR

Court convened into closed executive session at 9:45 a.m. and reconvened into open meeting at 10:24 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.

28489 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 12:15 p.m. and reconvened into open meeting at 1:15 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Court Counsel Mark Kennedy, and Chief of Staff Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize General Counsel to execute Settlement Agreements on behalf of Hays County with individual members of the Bargaining Unit as presented in Executive Session and as these agreements relate to the accrual of Equivalent Vacation Time (EQV). All voting "Aye". MOTION PASSED**

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

Capt. Mark Cumberland of the Sheriff's Office gave the report. Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our recommendation to 311. The jail's daily average was 298 and peak was 307 on November 6 for the week of November 3 to November 9, 2013. The maximum female capacity is 56 inmates. Last week's average was 39 and peak was 41 on 11/8/2013. The maximum male capacity is 276 inmates. Last week's average was 259 and peak was 268 on 11/6/2013.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Hays County Fire Marshall Mark Chambers spoke of the Drought Index being at 58. His recommendation to the Court is to keep the Burn Ban lifted.

CLERK'S NOTE AGENDA ITEM #24 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. POSSIBLE ACTION MAY FOLLOW – was pulled*



DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR

Laura Harris of HNTB gave a PowerPoint presentation on the Pass through Financing Program/Construction Summary Report for November 2013.

CLERK'S NOTE AGENDA ITEM #26 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 Conley, 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 November 12, 2013.



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

