



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 17TH DAY OF DECEMBER 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

Jim Nuse City Manager of the City of San Marcos spoke.

PRESENTATION OF CERTIFICATE TO CINDY MAIORKA FOR OBTAINING HER LIFETIME CERTIFICATION DESIGNATION AS A CERTIFIED PUBLIC PURCHASING BUYER FROM THE UNIVERSAL PUBLIC PROCUREMENT CERTIFICATION COUNCIL

Hays County Auditor Bill Herzog spoke. Cindy Maiorka received a Professional Public Buyer Certificate from the Universal Public Procurement Certification Council.

PRESENTATION BY BILL MCLEMORE, DEPUTY COMMISSIONER, OF THE TEXAS VETERAN'S LAND BOARD TO THE HAYS COUNTY COMMISSIONERS COURT AND JUDE PRATHER, VETERAN SERVICES OFFICER FOR HAYS COUNTY

Bill McLemore, Deputy Commissioner Texas Veterans spoke and presented a Plaque and Texas State Flag to Jude Prather, Veteran Services Officer for Hays County. This presentation was to recognize the number of loans made to Hays County Veterans through the Texas Veterans Land Board.

UPDATE FROM DAN WEGMILLER REGARDING THE PASS-THROUGH BOND AND NOTE SALES

Dan Wegmiller with Specialized Public Finance, Inc. spoke. Hays County, Texas \$4,285,000 Limited Tax Notes, Series 2013 Summary Bids received. Bank of Texas: Bid 0.82%. Callable anytime with make-whole provision. Paying agent fee of \$300 applies. Bank Counsel fee is \$2,500 plus a MAC fee of \$828.50. Regions Bank: Bid 0.98884%. Non-Callable Bank will serve as its own paying agent for no fee. Bank Counsel Fee is \$3,500 plus a MAC fee of \$828.50. BBVA Compass Bank: Bid 1.57%. Non-Callable Bank will serve as its own paying agent for no fee. Bank Counsel Fee is \$3,500 plus MAC of \$828.50.

PRESENTATION BY HAYS COUNTY MASTER NATURALIST CHAPTER ON COMMUNITY BIRDING PROJECT

Richard Parrish Extension Agent introduced Larry Calvert, Board of Director and Treasurer who gave an overview of the birding project that they would like for Hays County. This project is identifying potential bird watching locations across Hays County with plans to develop them and promote them to the birding community. This project could bring potential tourist monies to Hays County.

28535 ANNOUNCEMENT REGARDING THE FINALIZATION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN HCLEA, HAYS COUNTY, AND HAYS COUNTY OFFICIALS

Commissioner Conley and Danny Arredondo of CLEAT and SMPD spoke of the Agreement. Judge Cobb spoke of the money that Special Counsel Mark Kennedy and his team saved Hays County conducting the negotiations.

28536 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 \$1,122,233.08 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

**28537 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 10, 2013**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of December 10, 2013 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant, and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

28538 AMEND VARIOUS DEPARTMENTAL BUDGETS IN PREPARATION FOR THE COUNTY'S FY2013 YEAR-END PROCESS

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend various departmental budgets in preparation for the County's FY2013 year-end process. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

28539 ACCEPT A DONATION ON BEHALF OF THE HAYS COUNTY SHERIFF'S OFFICE, FROM THE CANON4KIDS PROGRAM FOR PHOTOGRAPHY, VIDEO, AND OFFICE EQUIPMENT TO BE USED IN THE PATROL AND CRIMINAL INVESTIGATION DIVISIONS AND ADJUST THE BUDGET ACCORDINGLY

The Canon4Kids program is a partnership between the National Center for Missing and Exploited Children and Canon Digital Cameras. The program is intended to assist Law Enforcement with investigations which involve children. The Hays County Sheriff's Office received two cameras, a camcorder and a scanner to be used in the Patrol and Criminal Investigation Divisions. The value of the donation is \$1,009.96. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a donation on behalf of the Hays County Sheriff's Office, from the Canon4Kids program for photography, video, and office equipment to be used in the Patrol and Criminal Investigation Divisions and adjust the budget accordingly. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

28540 AUTHORIZE INFORMATION TECHNOLOGY TO DONATE/RECYCLE COMPUTER EQUIPMENT PURSUANT TO TLGC 263.152 (4)

The equipment will be donated to Goodwill for recycling. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Information Technology to donate/recycle computer equipment pursuant to TLGC 263.152 (4). Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

28541 APPROVE UTILITY PERMITS

Approval of Utility Permit 906 is for the installation of a new gas line along the western ROW of Trautwein to service Key Ranch Subdivision on the east side of Trautwein Rd. Plans submitted and reviewed by the department. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve utility permit # 906 on Trautwein Road to Texas Gas Service/Enco Consulting as submitted by the Hays County Road Department. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

28542 APPROVE \$2.00 E-FILING TRANSACTION FEE FOR ALL COURTS ACCEPTING E-FILINGS

HB 2302, 83rd Legislative Session, relating to the establishment of the Statewide Electronic Filing System Fund and to certain court fees and court costs to fund the account and allows local governments to continue to assess a \$2.00 fee on every e-filing transaction (upon Commissioner's Court approval) only if the local government annually certifies to the OCA that the amount of the fee is necessary to recover to operating costs of the e-filing system. The effective date of the fee is January 1, 2014 and will expire on September 1, 2019. This fee will be assessed per e-filing submission (envelope). A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve \$2.00 E-Filing Transaction fee for all courts accepting E-Filings. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED



28543 APPROVE THE REAPPOINTMENTS OF LEIGHTON STALLONES AND LEA ANN KENWORTHY TO THE HAYS COUNTY ESD #3 FOR ADDITIONAL TWO YEAR TERMS

Leighton Stallones and Lea Ann Kenworthy have agreed to serve an additional term, beginning January 1, 2014 and ending December 31, 2015. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the reappointments of Leighton Stallones and Lea Ann Kenworthy to the Hays County ESD #3 for additional two year terms. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

28544 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LOCKWOOD, ANDREWS & NEWNAM, INC. (LAN) FOR RIGHT-OF-WAY ACQUISITION SERVICES ON THE FM 1626 SOUTH (RM2770 TO RM967) PASS THROUGH PROJECT IN HAYS COUNTY

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with Lockwood, Andrews & Newnam, Inc. (LAN) for right-of-way acquisition services on the FM 1626 South (RM2770 to RM967) Pass Through Project in Hays County. All voting "Aye". MOTION PASSED

28545 ADOPT THE HAYS COUNTY VETERANS' COURT PROGRAM, UNDER SECTION 617 OF THE TEXAS HEALTH AND SAFETY CODE

David Lyle, AMVETS Post 115 and Peggy Jones resident of San Marcos spoke. Judge Cobb read a letter from State Representative Jason Isaac. Section 617 of the Texas Health and Safety Code provides the authority for Hays County to make, establish and publish procedures for the creation of a Veterans' Court Program. Veterans' Services and County staff have collaborated to establish protocols for the operation of a Veterans' Court Program, which would initially be limited to specified misdemeanor offenses Jude Prather Hays County Veterans Services Officer spoke of the Veterans' Court and gave a PowerPoint Presentation. Judge Cobb read a Letter from State Representative Jason Isaac in support of the Veterans' Court. David Lyle – AMVETS presented Jude Prather with a plaque and certificate and in support of the Veterans' Court. Peggy Jones – spouse of a National Guard member spoke in support of the Veterans' Court. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt the Hays County Veterans' Court Program, under Section 617 of the Texas Health and Safety Code. All voting "Aye". MOTION PASSED

28546 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY, THE SCHEIB CENTER AND VA CENTRAL HEALTH CARE SYSTEM IN REGARDS TO THE CREATION AND OPERATION OF A HAYS COUNTY VETERANS' COURT PROGRAM

The purpose of this Memorandum of Understanding MOU is to set out the means of cooperation and coordination between Hays County, the Scheib Center and the VA Central Texas Health Care System in regards to the creation of a Veterans Court in Hays County. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Memorandum of Understanding between Hays County, the Scheib Center and VA Central Health Care System in regards to the creation and operation of a Hays County Veterans' Court Program. All voting "Aye". MOTION PASSED

28547 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KYLE AND HAYS COUNTY FOR MAGISTRATE SERVICES

This MOU formally describes the responsibilities for magistrate services. The MOU which has been approved by the City of Kyle is included. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Memorandum of Understanding between the City of Kyle and Hays County for magistrate services. All voting "Aye". MOTION PASSED

28548 APPROVE FORM OF LAND LEASE TO BE USED ON THE APPROXIMATE 1.03 ACRES OF PROPERTY BEING AUCTIONED FOR LEASE IN PRECINCT 2; AND TO ESTABLISH A MINIMUM BID AT AUCTION; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID LEASE AFTER AWARD IS MADE

Notice of the auction ran in a paper of general circulation for 3 consecutive weeks. Commissioner Jones will hold the auction at the Precinct 2 Building on December 17, 2013 at 3pm. The purpose of this item is to have all



elements in place to move forward without delay should award be made. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve form of Land Lease to be used on the approximate 1.03 acres of property being auctioned for lease in Precinct 2; and to establish a minimum bid at auction; and to authorize the County Judge to execute said lease after award is made. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Jones, seconded by Commissioner Whisenant to add a minimum bid of \$2,500 annually. All voting "Aye". MOTION PASSED

28549 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 GLASS AND PROJECT WHEAT

Court convened into Executive Session at 10:57 a.m. and reconvened into opened court at 11:45 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Chief of Staff Lon Shell, Anna Cruz and Mike with Econ Development. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to make an Economic Development incentives offer as related to Project Wheat and as discussed in Executive Session. If accepted, the offer would be formalized after coming back to court as a 381 Agreement. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

A motion was made by Commissioner Ingalsbe, and seconded by Commissioner Whisenant to authorize Legal Counsel to draft a proposal for Economic Development Incentives; and authorize the County Judge to make an offer utilizing that proposal, after review and approval by Commissioner, Precinct 1. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. 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 11:46 a.m. and reconvened into opened court at 12:30 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.

28550 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE AND/OR VALUE OF 26.244 ACRES OF REAL PROPERTY LOCATED ALONG RANCH ROAD 12 AND OWNED BY INGRAM RANCHES I, LTD

Court convened into Executive Session at 10:15 a.m. and reconvened into opened court at 10:50 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, Allen Crozier with HDR and Carlos with Tx DOT. A motion was made by Commissioner Conley seconded by Commissioner Whisenant to authorize the County Judge to execute an Option Agreement for the purchase of 26.244 acres of Real Property from Ingram Ranches I, LTD located along Ranch Road 12 in Precinct 3. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED

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

Hays County Sheriff, Gary Cutler gave the staff 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 277 and peak was 288 on December 8, 2013 for the week of December 8 to December 14, 2013. The maximum female capacity is 56 inmates. Last week's average was 39 and peak was 45 on 12/14/2013. The maximum male capacity is 276 inmates. Last week's average was 277 and peak was 288 on 12/8/2013.

DISCUSSION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb said the Burn Ban will remain lifted at this time.



County 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 – 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. Pct. 1 – IH 35 Phase 2B (FM 1626 to Yarrington); Pct. 2. – IH 35 Phase 1 (Kyle Crossing (CR 210) Overpass); FM 2001 (CR210/IH5 NB Frontage Road Connector); IH 35 Phase 2A (RM 150 Realignment); IH 35 Phase 2B (FM 1626 to Yarrington); Pct. 4 - US 290 West (Trautwein Road to Nutty Brown Road).

County 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 Whisenant, 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 December 17, 2013.



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

