



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 21<sup>ST</sup> DAY OF JANUARY A.D., 2014, 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.

**PRESENTATION OF THE EMPLOYER SUPPORT OF THE GUARD AND RESERVE AWARD TO KHARLEY SMITH AND CLINT GARZA**

National Guard member Mike Jones spoke. This award was created to publicly recognize employers who provide exceptional support for their Guard and Reserve employees.

**29585 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 \$313,672.89 as presented by the County Auditor. All voting "Aye". MOTION PASSED

**29586 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 14, 2014**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of January 14, 2014 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**29587 MOVE FUNDS FROM COUNTY WIDE TO CONSTABLE PCT. 3 FOR UNIFORM ALLOWANCE AND AMEND THE BUDGET ACCORDINGLY**

The part-time Deputy Constable in precinct 3 did not receive his uniform allowance during fiscal year 2013, beginning in April 1 to September 30. The FY 2013 books have been closed; therefore funds from County Wide salary adjustments will be moved to the Constable Pct. 3 budget and paid to the employee on the January 31<sup>st</sup> payroll cycle. Amount Required \$180.00; Increase Constable 3 Uniform Allowance: 001-637-00.5192 - \$180.00 Decrease County Wide Salary Adjustments: 001-645-00.5091 - (\$180.00). A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to move funds from County Wide to Constable Pct. 3 for uniform allowance and amend the budget accordingly. All voting "Aye". MOTION PASSED

**29588 ACCEPT DONATIONS TOTALING \$50,000 FOR THE HISTORICAL COMMISSION'S DOCUMENTARIES AND AMEND THE BUDGET ACCORDINGLY**

The Historical Commission received donations for FY 2014 documentary projects. Amount required \$50,000.00; Increase Revenue 001-676-00-055.4610 Contributions (\$50,000.00), Increase Expense 001-676-00-055.5201 General Supplies \$2,000.00, Increase Expense 001-676-00-055.5448 Contract Services \$48,000.00. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept donations totaling \$50,000 for the Historical Commission's documentaries and amend the budget accordingly. All voting "Aye". MOTION PASSED



**29589 APPROVE THE REAPPOINTMENT OF HALLEY ORTIZ AND DUWAIN WHITIS, JR. TO SERVE AS A REPRESENTATIVE ON EMERGENCY SERVICES DISTRICT #2**

Halley Ortiz and Dwain Whitis, Jr. have agreed to serve an additional two-year term ending December 2015. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the reappointment of Halley Ortiz and Duwaine Whitis, Jr. to serve as representatives on Emergency services District #2. All voting "Aye". MOTION PASSED

**29590 APPROVE THE REAPPOINTMENT OF PAUL TERRY AND RICHARD "MIKE" FULTON TO SERVE AS A REPRESENTATIVE TO EMERGENCY SERVICES DISTRICT #5**

Paul Terry and Richard "Mike" Fulton have agreed to serve an additional two-year term expiring December 2015. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the reappointment of Paul Terry and Richard "Mike" Fulton to serve as representatives to Emergency Services District #5. All voting "Aye". MOTION PASSED

**29591 APPROVE THE REAPPOINTMENT OF BETH SMITH TO SERVE AS A REPRESENTATIVE ON EMERGENCY SERVICES DISTRICT #5**

Beth Smith has agreed to serve an additional two-year term expiring December 2015. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the reappointment of Beth Smith to serve as a representative on Emergency Services District #5. All voting "Aye". MOTION PASSED

**29592 APPROVE REAPPOINTMENT OF JOE SEGOVIA AND CARON KAY GREAVES TO SERVE AS A REPRESENTATIVE ON EMERGENCY SERVICES DISTRICT #8**

Joe Segovia and Caron Kay Greaves have agreed to serve an additional two-year term ending December 2015. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve reappointment of Joe Segovia and Caron Kay Greaves to serve as representatives on Emergency Services District #8. All voting "Aye". MOTION PASSED

**29593 APPROVE THE REAPPOINTMENTS OF KAREN BROWN, JUNE HANKINS AND MARY CAUBLE TO THE HAYS COUNTY CHILD PROTECTION BOARD FOR A THREE YEAR TERM, BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2016**

Their terms are up and they are willing to be reappointed to continue serving on the Hays County Child Protective Board. The Board would like to recommend their reappointments. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the reappointments of Karen Brown, June Hankins and Mary Cauble to the Hays County Child Protection Board for a three year term, beginning January 1, 2014 and ending December 31, 2016. All voting "Aye". MOTION PASSED

**29594 APPROVE OUT OF STATE TRAVEL FOR SGT. CURTIS JACKSON, CPL. PATRICIA RAMIREZ AND C.O. RYAN WIGHTMAN, SHERIFF'S OFFICE TO ATTEND TRAINING**

Sgt. Jackson, Cpl. Ramirez and C.O. Wightman have been selected to attend the Direct Supervision Training for Trainers in Aurora Colorado on February 10-14, 2014. There is no registration fee and the National Institute for Corrections will be paying for the participant's airfare, lodging and most meals. The training program is designed to move agencies from a traditional jail into a direct supervision jail. Some of the topics included in the program are Direct Supervision Overview, Officer- Inmate Interaction, Orienting inmates to the housing unit and Monitoring and Evaluating Officer Performance. Amount required \$ 800.00; line item number 001-618-00.5551. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve out of state travel for Sgt. Curtis Jackson, Cpl. Patricia Ramirez and C.O. Ryan Wightman, Sheriff's Office to attend training. All voting "Aye". MOTION PASSED

**29595 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Utility Permit # 910 on High Road issued to AT&T as submitted by the Road Department. All voting "Aye". MOTION PASSED

**29596 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE INTERLOCAL COOPERATIVE AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WOODCREEK RELATED TO TRAFFIC ENFORCEMENT**

The letter amendment shall reflect the addition of the Hays County Constables Office providing additional enforcement services on all city roadways. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Letter Amendment to the Interlocal Cooperative Agreement between Hays County and the City of Woodcreek related to Traffic Enforcement. All voting "Aye". MOTION PASSED

**29597 AUTHORIZE THE INSTALLATION OF HAND RAILING AT AN EMERGENCY EXIT AT THE HAYS COUNTY GOVERNMENT CENTER**

During non-regular business hours throughout election season, the elections office uses the emergency exits near the conference rooms at the Hays County Government Center. Staff feels hand railing should be installed to ensure the safe entrance and exit through these doors for all citizens. Amount Required \$2950.00; line item number 001-645-00-5399. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the installation of hand railing at an emergency exit at the Hays County Government Center. All voting "Aye". MOTION PASSED

**29598 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) APPLICATION TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR \$37,465.04**

The Emergency Management Performance Grant (EMPG) has funded a portion of the salary and benefits for the Emergency Management Coordinator since 2002. The amount of \$37,465.04 is less than half of the salary and benefits. We have been receiving less than half in the last couple of years. The grant term is for period October 1, 2013 - September 30, 2014. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to submit an Emergency Management Performance Grant (EMPG) Application to the Texas Department of Public Safety, Division of Emergency Management for \$37,465.04. All voting "Aye". MOTION PASSED

**29599 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND CBRE, INC., FORMERLY KNOWN AS, CB RICHARD ELLIS TO INCLUDE 3.76 ACRES AND 8.071 ACRES OF RAW LAND OWNED BY HAYS COUNTY, LOCATED OFF CLOVIS BARKER LANE IN SAN MARCOS AND TO EXTEND THE CONTRACT TO SEPTEMBER 30, 2014**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Letter Amendment to the Professional Services Agreement between Hays County and CBRE, Inc., formerly known as CB Richard Ellis, to include 3.76 acres and 8.07a acres of raw land owned by Hays County, located off Clovis Barker Lane in San Marcos and to extend the contract to September 30, 2014. All voting "Aye". MOTION PASSED

**29600 AUTHORIZE THE COMMISSIONER OF PRECINCT 4 AND GENERAL COUNSEL TO NEGOTIATE, AND IF NEEDED SETTLE POTENTIAL CLAIMS RELATED TO CONSTRUCTION AT THE INTERSECTION OF CRYSTAL HILLS DRIVE AND FM 1826 IN HAYS COUNTY**

The mistaken removal of heritage tree(s) on the construction site has resulted in potential arrangement between contractor and the neighboring subdivision for which Hays County can act as an arbitrator. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Commissioner of Precinct 4 and General Counsel to negotiate, and if needed settle potential claims related to construction at the intersection of Crystal Hills Drive and FM 1826 in Hays County. All voting "Aye". MOTION PASSED



**29601 ACCEPT FISCAL SURETY FOR STREET AND DRAINAGE IMPROVEMENTS FOR POSEY BUSINESS PARK SECTION 1 IN THE AMOUNT OF \$50,168.00**

Roxie McInnis Development Services Manager spoke. The final plat for Posey Business Park Section 1 has been reviewed under the interlocal cooperation agreement with the City of San Marcos and has been approved by County staff. While the plat has been approved administratively, formal acceptance of fiscal surety is required by Commissioners Court action. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to accept Fiscal Surety for street and drainage improvements for Posey Business Park Section 1 in the amount of \$50,168.00. All voting "Aye". MOTION PASSED**

**29602 APPROVE FINAL PLAT; CONSIDER GRANTING A VARIANCE TO TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES; HOLD A PUBLIC HEARING (1 LOT) SUB-128 AMENDED PLAT OF A PORTION OF LOT 3, SILVER SPUR RANCHETTES, SECTION 3**

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat and grant a variance to Table 10-1 of the Hays County Rules for On-Site Sewage Facilities for Amended Plat of a portion of Lot 3, Silver Spur Ranchettes, Section 3. All voting "Aye". MOTION PASSED**

**29603 FINALIZE THE ADOPTION OF THE EARLY VOTING SCHEDULE (DATES, TIMES, AND LOCATIONS) FOR THE MARCH 4, 2014, DEMOCRATIC & REPUBLICAN PRIMARY ELECTION**

Addition of Buda City Hall and Seton Medical Center Hays (Two days voting at each site). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to finalize the adoption of the Early voting schedule (dates, times, and locations) for the March 4, 2014, Democratic & Republican Primary Election. All voting "Aye". MOTION PASSED**

**29604 AUTHORIZE PAYMENT OF \$3400 TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR HAYS COUNTY'S PARTICIPATION IN THE CENTRAL TEXAS CLEAN AIR COALITION**

Clint Garza Director of Development & Community Services spoke. Hays County has been an active participant in the Capital Area Clean Air Coalition which is purposed with facilitating development, adoption, and implementation of clean air plans to maintain regional compliance with federal 8 hour ozone standards. In October of 2013, Hays County adopted a resolution in support of the Ozone Advance and committed to action plan items to reduce emissions within Hays County. CAPCOG's Air Quality program fell short on grant funding for the FY 2014. The 14 Jurisdictions in the coalition were asked to contribute based on percent of combined population. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize payment of \$3,400 to the Capital Area Council of Governments (CAPCOG) for Hays County's participation in the Central Texas Clean Air Coalition. All voting "Aye". MOTION PASSED**

**29605 DISCUSSION REGARDING APPOINTMENTS TO 1) THE HAYS COUNTY GRIEVANCE COMMITTEE 2) THE HAYS COUNTY SALARY GRIEVANCE COMMITTEE, AND 3) THE LABOR RELATIONS/MERIT REVIEW COMMITTEES**

General Counsel Mark Kennedy spoke. SALARY GRIEVANCE COMMITTEE: (a) In each county there is a salary grievance committee composed of the county judge and: (1) the sheriff, county tax assessor-collector, county treasurer, county clerk, district clerk, county attorney or criminal district attorney, and the number of public members necessary to provide nine voting members; or (2) nine public members, if the commissioners court votes to have nine public members. (b) The county judge is chairman of the committee, but is not entitled to vote. (c) Public members must be residents of the county. This item will be brought back on the next Commissioners Court meeting. No Action Taken

**29606 ACTION REGARDING THE CREATION OF A RAINWATER INITIATIVE FUND**

David Glenn – Wimberley resident, Barbara Hopson - Wimberley resident, and Jim McMeans – Wimberley resident spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize Commissioner Whisenant and Commissioner Conley to develop a process and details associated with a committee in relation to Hays County Rainwater Initiative Committee and bring back the detailed information to the Court and asking the Court to adopt and if in the first Draft Court members would make their proper appointments to that committee. 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 Executive Session at 12:10 p.m. and reconvened into opened court at 12:32 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 HAYS COUNTY CIVIC CENTER AND CONTIGUOUS PROPERTIES LOCATED IN PRECINCT 1**

Court convened into Executive Session at 12:33 p.m. and reconvened into opened court at 12:40 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Director of Development and Community Services Clint Garza, General Counsel Mark Kennedy and Chief of Staff 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 PROJECTS GLASS, WHEAT AND UPLAND**

Court convened into Executive Session at 12:41 p.m. and reconvened into opened court at 12:45 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 SECTION 551.071 AND 551.076 OF THE TEXAS GOVERNMENT CODE: DELIBERATION REGARDING SECURITY DEVICES IN THE HAYS COUNTY LAW ENFORCEMENT CENTER ON UHLAND ROAD IN SAN MARCOS, TEXAS**

Court convened into Executive Session at 10:47 a.m. and reconvened into opened court at 12:10 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Hays County Sheriff Gary Cutler, Captain Mark Cumberland, Terry Whitman with Broadus and Associates, 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**

Hays County Sheriff Office, Captain Mark Cumberland gave an updated 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 303 and peak was 317 on January 15 for the week of January 12 to January 18, 2014. The maximum female capacity is 56 inmates. Last week's average was 50 and peak was 57 on 1/17/2014. The maximum male capacity is 276 inmates. Last week's average was 253 and peak was 260 on 1/17/2014.

**29607 ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

Hays County Fire Marshal Mark Chambers spoke. The drought index is 135. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to place the burn ban back in effect for 90 days. All voting "Aye". MOTION PASSED**

**County Clerk's Note Agenda Item #30 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 #31 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 #32 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.

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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 January 21, 2014.



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

