



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 28TH DAY OF JANUARY A.D., 2014, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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| 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 REGARDING BUDGET TRANSPARENCY SOFTWARE FOR COUNTIES AND CITIES DEVELOPED BY BUDGET INFOGRAPHICS LLC

CEO, Larry Peterson of Budget Infographics gave a presentation of information regarding software that has been developed to allow for further transparency of County and City budgets.

29608 ADOPT A PROCLAMATION RECOGNIZING PHIL WILSON'S SERVICE AS EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF TRANSPORTATION

Commissioner Conley and Executive Director of TxDOT, Phil Wilson spoke. Mr. Wilson became the Executive Director of TxDOT in October of 2011. Through Mr. Wilson's leadership, TxDOT experienced great success and was a great partner of Hays County. Mr. Wilson will begin his duties as the General Manager of LCRA on February 1st. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing Phil Wilson's service as Executive Director of the Texas Departments of Transportation. All voting "Aye". MOTION PASSED**

29609 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$ 2,380,321.83 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

29610 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 21, 2014

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of January 21, 2014 as presented by the County Clerk. All voting "Aye". MOTION PASSED

29611 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 21701 N IH 35, KYLE, TX

Travis Mitchell is proposing an OSSF to serve a Motorsport Retail Business in Precinct 1. This property is 2.24 acres. Water will be supplied by public water system. The system designer, Jon Maass, R.S. has designed a treatment system which consists of standard treatment and an equalization tank to equalize the effluent dispersal to a low pressure dosed leaching chamber drainfield at a daily usage rate of 96 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 21701 N IH 35, Kyle, TX. All voting "Aye". MOTION PASSED**

29612 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT POSEY ROAD BUSINESS PARK SECTION ONE, SAN MARCOS, TX

Pro Build Real Estate Holdings is proposing an OSSF to serve a Veolia Transportation shuttle bus service center in Precinct 3. This property is 3.226 acres in the Posey Road Business Park Subdivision Section One. Water will be supplied by public water system. The system designer, Jeff Snowden, P.E. has designed a treatment system which consists of standard treatment and an equalization tank to equalize the effluent dispersal to a drip irrigation dispersal field at a daily usage rate of 155 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at Posey Road Business Park Section One, San Marcos, TX. All voting "Aye". MOTION PASSED**



29613 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 200 WINDY HILLS ROAD, DRIPPING SPRINGS, TX

Robert Avera is proposing an RV park that will include 11 RV spaces in Precinct 4. The on-site sewage facility was designed by Kyle DeHart, R.S. for a daily flow rate of 720 gallons. The property is 54.48 acres in size. This on-site sewage facility is composed of pretreatment tank aerated with vacuum bubble technology, equalization tank, and a 1,000 gallon per day aerobic treatment unit. A pump tank will dose the metered flow to a low pressure dosed dispersal field. The water supply will be private water well. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit at 200 Windy Hills Road, Dripping Springs, TX. All voting "Aye". MOTION PASSED**

29614 ACCEPT A 1988 KAWASAKI MULE, MOD. KAFA40B1 THROUGH THE "1033 PROGRAM" (MILITARY SURPLUS EQUIPMENT) WITH A VALUE OF \$6,000

Constables are very active within their community, and frequently are called upon to attend or work special events, i.e. parades, rodeo's, Founder's Days, etc. These events may be located in an area as small as 1-2 acres or as large as 50-100 acres; but are always attended by a large number of the public. The use of this vehicle will allow the Constables and/or their Deputies to quickly maneuver around or through a crowd at these events. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a 1988 Kawasaki Mule, Mod. KAFA40B1 through the "1033 Program" (military surplus equipment) with a value of \$6,000. All voting "Aye". MOTION PASSED**

29615 ACCEPT THE 2013 RACIAL PROFILE REPORT FROM CONSTABLE PRECINCT 3

Constable Darrell Ayers Precinct 3 spoke. Since January 1, 2003, the Hays County Constables Office of Precinct 3 in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings in this report will serve as evidence that the Precinct 3 Constables office continues to strive towards the goal of maintaining strong relations with the community. In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. These sections contain information relevant to the institutional policies adopted by the Precinct 3 Constables Office banishing the practice of racial profiling among its officers. The Final components of this report provide statistical data relevant to the public contacts made during the period of 1/1/13 and 12/31/13. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept the 2013 Racial Profile Report from Constable Precinct 3. All voting "Aye". MOTION PASSED**

29616 APPROVE THE REAPPOINTMENT OF STEVE JANDA AND MARILYN MILLER TO ESD #6

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe approve the reappointment of Steve Janda and Marilyn Miller to ESD #6. All voting "Aye". MOTION PASSED

Clerk's Note Agenda Item #11 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY (CTRMA) RELATED TO DESIGN AND CONSTRUCTION OF A NEW STATE HIGHWAY SEGMENT EXTENDING APPROXIMATELY 3.6 MILES FROM MOPAC TO FM1626 - was pulled*

29617 SUB-102 REPLAT OF LOT 3E, OF THE REPLAT OF LOT 2 & LOT 3, WERTH SUBDIVISION (14 LOTS) APPROVE FINAL PLAT; ACCEPT CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS AND A TWO YEAR MAINTENANCE BOND IN THE AMOUNT OF \$8,300.00

Director of Development and Community Services Clint Garza spoke and gave staff recommendation. The Werth Subdivision is a seven lot subdivision located off of Mirela Ann Road in Precinct 4. The owner of Lot 3E has proposed to divide the 23.8 acres into 13 residential lots and 1 open space/greenbelt lot. The residential lots range in size from 1.00 to 1.38, each of which will be served by an individual rainwater collection system and advanced on-site sewage facility. Transportation Department staff recommends acceptance of construction of the road and drainage improvements within the ROW. The Road Department has inspected and approved the improvements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat of Sub-102 Replat of Lot 3E, of the Replat of Lot 2 & Lot 3, Werth Subdivision (14 Lots). All voting "Aye". MOTION PASSED**



29618 AWARD A PROP BUILDING CONTRACT TO LAKE SERVICES, INC. IN THE AMOUNT OF \$27,500.00 WITH 50% (\$13,750.00) PAYMENT IN ADVANCE

Kate Johnson of the Hays County Historical Commission spoke. The Historical Commission is currently working on a documentary set in the Civil War Era. Lake Services, Inc. will build, transport, and demolish the Union Gunboat prop for \$27,500.00. This company requests 50% deposit in advance and the remainder upon completion. No budget amendment necessary. Amount required \$27,500.00; line item number 01-676-00-055.5448 Contract Services. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to award a prop building contract to Lake Services, Inc. in the amount of \$27,500.00 with 50% (\$13,750.00) payment in advance. All voting "Aye". MOTION PASSED**

29619 APPOINT FIVE (5) MEMBERS, ONE (1) FACILITATOR, WITH ALTERNATES TO THE HAYS COUNTY GRIEVANCE COMMITTEE PURSUANT TO SECTION 3.23 OF THE HAYS COUNTY EMPLOYEE PERSONNEL POLICY

Mark Kennedy, General Counsel advised that the committee should be appointed for the remainder of this fiscal year and subsequently appointed on an annual basis. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to appoint five (5) members, Michele Tuttle (or Britney Richey), Liz Gonzalez, Bill Herzog, Lon Shell and Judge Scott Cary and one (1) facilitator, Judge Linda Rodriguez with alternate Britney Richey (or Michele Tuttle) to the Hays County Grievance Committee pursuant to Section 3.23 of the Hays County Employee Personnel Policy. All voting "Aye". MOTION PASSED**

29620 APPOINT NINE (9) MEMBERS AND ALTERNATE MEMBERS TO THE SALARY GRIEVANCE COMMITTEE PURSUANT TO SECTION 152.014 OF THE TEXAS LOCAL GOVERNMENT CODE

Mark Kennedy General Counsel advises that the committee should be appointed for the remainder of this fiscal year and subsequently appointed on an annual basis. Texas Local Government Code - Section 152.014. Salary Grievance Committee § 152.014 (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. Six names were drawn from the Grand Jury: (1) Jacqueline Hughes (2) Scott Clark (3) Melinda Connors (4) Robert Blake (5) Reid Williams (6) Dale Collins and (1) facilitator, Judge Bert Cobb and the combination of Elected Officials. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to appoint nine (9) members and alternate members to the Salary Grievance Committee pursuant to Section 152.014 of the Texas Local Government Code. All voting "Aye". MOTION PASSED**

29621 APPOINT TWO (2) MEMBERS TO THE LABOR RELATIONS/MERIT REVIEW COMMITTEES PURSUANT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN HAYS COUNTY AND HAYS COUNTY LAW ENFORCEMENT ASSOCIATION (HCLEA)

Mark Kennedy General Counsel advises that the committees should be appointed for the remainder of this fiscal year and subsequently appointed on an annual basis. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to appoint Commissioner Will Conley and Lon Shell to the Labor Relations/Merit Review Committees pursuant to the Collective Bargaining Agreement between Hays County and Hays County Law Enforcement Association (HCLEA). All voting "Aye". MOTION PASSED**

29622 AUTHORIZE PAYMENT OF \$719.17 TO GOODYEAR FOR VEHICLE MAINTENANCE AND REPAIR ITEMS, FOR CONSTABLE 2, IN WHICH NO PURCHASE ORDER WAS OBTAINED

Commissioner Jones and Constable James Kohler Precinct 2 spoke. In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total \$500 or more. Therefore, this invoice cannot be paid until it is granted by the court. Constable Kohler would like to amend his budget for the purchase of one battery and two tires for a vehicle in the amount of \$719.17 but did not obtain a purchase order. Amount required \$719.17; line item number 001-636-00.5413. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment of \$719.17 to Goodyear for vehicle maintenance and repair items, for Constable 2, in which no purchase order was obtained. 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 HAYS COUNTY CIVIC CENTER AND CONTIGUOUS PROPERTIES LOCATED IN PRECINCT 1

Court convened into closed Executive Session at 11:50 a.m. and reconvened into open court meeting at 12:00 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special 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 closed Executive Session at 11:50 a.m. and reconvened into open court meeting at 11:50 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special 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 ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into closed Executive Session at 10:30 a.m. and reconvened into open court meeting at 11:15 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Chief of Staff Lon Shell. No Action Taken.

29623 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING 131 NORTH GUADALUPE STREET, SAN MARCOS, TEXAS

Court convened into closed Executive Session at 11:20 a.m. and reconvened into open court meeting at 11:50 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Chief of Staff Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize General Counsel to work with a contract with the LBJ Museum a County owned property located at 131 North Guadalupe Street, San Marcos, Texas. All voting "Aye". MOTION PASSED**

County Clerk's Note Item #22 was open together with Item #21: EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE HAYS COUNTY PROPERTY USE POLICY

Court convened into closed Executive Session at 11:20 a.m. and reconvened into open court meeting at 11:50 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, and Chief of Staff Lon Shell. Motion is on agenda item #21.

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

Lt. Eric Batch with the Hays County Sheriff Office 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 297 and peak was 303 on January 19 for the week of January 19 to January 25, 2014. The maximum female capacity is 56 inmates. Last week's average was 42 and peak was 47 on 1/19/2014. The maximum male capacity is 276 inmates. Last week's average was 255 and peak was 257 on 1/22/2014.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb remained the burn ban remain in effect.



County Clerk's Note Agenda Item #25 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 #26 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 #27 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 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 January 28, 2014.



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

