



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 11TH DAY OF FEBRUARY A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

| | |
|--------------------------|----------------------|
| 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 |

WITH COUNTY JUDGE ALBERT H. COBB JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Constable Darrell Ayers Precinct 3 gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the United States and Texas Flags. Commissioner Ingalsbe called the meeting to order

PUBLIC COMMENTS

Constable James Kohler Precinct 2 spoke.

29624 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 \$1,881,048.34 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

29625 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 28, 2014

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of January 28, 2014 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

29626 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM CONSTABLE PRECINCT 1

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the Annual Racial Profiling Report from Constable Precinct 1. All present voting "Aye". MOTION PASSED

29627 AMEND THE BUDGET OF CONSTABLE PCT 4 TO RECORD THE RECEIPT OF 1988 KAWASAKI MULE VALUED AT \$1,500

This equipment was accepted by the Court on January 28, 2014 but the budget was not amended at that time because there was a question concerning the appropriate value of the equipment. We have since researched the value & have determined that \$1,500 is the approximate value. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the budget of Constable Pct. 4 to record the receipt of 1988 Kawasaki Mule valued at \$1,500. All present voting "Aye". MOTION PASSED

29628 ACCEPT A DONATION IN THE AMOUNT OF \$350.00 FROM THE GUNNER THAMES MEMORIAL FOUNDATION TO THE CONSTABLE PRECINCT 3 OFFICE AND AMEND THE BUDGET ACCORDINGLY

This will be placed in line item 001-637-00.5206. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a donation in the amount of \$350.00 from the Gunner Thames Memorial Foundation to the Constable Precinct 3 Office and amend the budget accordingly. All present voting "Aye". MOTION PASSED

29629 FINAL FY 2013 BUDGET AMENDMENT FOR THE DISTRICT ATTORNEY'S INSURANCE RECONCILIATION

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize final FY 2013 budget amendment for the District Attorney's Insurance Reconciliation. All present voting "Aye". MOTION PASSED

**29630 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 18131 FM 150, DRIFTWOOD, TX**

Epic Communications is proposing an OSSF to serve an office/warehouse building in Precinct 4. This property is on 2 in the Driftwood Acres Subdivision (3.885 ac). Water will be supplied by private water well. The system designer, Greg Johnson, P.E., 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 Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit at 18131 FM 150, Driftwood, TX. All present voting "Aye". MOTION PASSED**

29631 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 321 FM 1626, BUDA, TX

Broadway National Bank is proposing to alter the OSSF that services their existing bank building at 321 FM 1626 in Precinct 2. The drainfield is being relocated due to FM 1626 expansion. This property is 1.574 acres in the Cornerstone West Subdivision, lot 1. The system designer, Kyle DeHart, R.S. has designed a treatment system which consists of standard treatment and equalization tank to equalize the effluent dispersal to a low pressure dosed drainfield at a daily usage rate of 100 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit at 32 FM 1626, Buda, TX. All present voting "Aye". MOTION PASSED**

29632 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 994 OLD WEST TRAIL, BUDA, TX

Gladys Seafood is proposing to add a new office/warehouse to their existing seafood wholesale business in Precinct 2. This property is .7 acre in the Old West Trail Subdivision, lot 2. The system designer, Derrick Lormand, R.S. has designed a treatment system which consists of standard treatment and equalization tank to equalize the effluent dispersal to a low pressure dosed drainfield at a daily usage rate of 100 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit at 994 Old West Trail, Buda, TX. All present voting "Aye". MOTION PASSED**

29633 ACCEPT TWO DONATIONS TOTALING \$1,500.00 ISSUED TO HAYS COUNTY SHERIFF'S OFFICE COMMUNITY OUTREACH DIVISION AND HAYS COUNTY SHERIFF'S OFFICE VICTIMS ASSISTANCE PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received two donations totaling \$1,500.00 from the San Marcos Lions Club. A donation of \$500.00 has been issued to Community Outreach to be utilized for the 2014 Jr. Deputy Program. The HCSO Crime Victim Services received a donation of \$1,000.00 to be utilized for supplies and materials. Budget Amendment - \$500.00 052-618-00.5222 - Special Projects/Crime Prevention. Budget Amendment - \$1,000.00 001-618-99-899.5201 - Other Grants & Contributions/General Supplies. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept two donations totaling \$1,500.00 issued to Hays County Sheriff's Office Community Outreach Division and Hays County Sheriff's Office Victims Assistance Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

29634 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND KENNEDY CONSULTING, INC. RELATED TO THE FM 110 PROJECT IN HAYS COUNTY

The letter amendment shall reflect the name change from Kennedy Consulting, Ltd. to Kennedy Consulting, Inc. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Letter Amendment to the Interlocal Agreement between Hays County and Kennedy Consulting, Inc., related to the FM 110 Project in Hays County. All present voting "Aye". MOTION PASSED**

29635 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE SUPPLIES FOR THE TRAINING ACADEMY AND AMEND THE BUDGET ACCORDINGLY

On Dec. 6, 2011, Commissioner's Court authorized the Sheriff's Office to amend the operating budget for tuition and related expenses for the Training Academy. At this time, the S.O. is requesting to amend the budget for supplies and materials. BUDGET AMENDMENT- INCREASE TRAINING ACADEMY FEES: 001-618-00.4408 (\$3,000.00). INCREASE TRAINING ACADEMY: 001-618-00.5333 \$3,000.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to purchase supplies for the Training Academy and amend the budget accordingly. All present voting "Aye". MOTION PASSED**



29636 APPROVE CHANGE ORDERS #1 - #5 FROM MPS CONSTRUCTION & DESIGN, LLC. FOR PHASE II OF THE OLD HAYS COUNTY JAIL RESTORATION PROJECT

The original contract price is \$197,950.00. These change orders increase the contract by \$12,026.00 for an adjusted total of \$209,976.00. No budget amendment necessary. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Change Orders #1 - #5 from MPS Construction & Design, LLC. For Phase II of the Old Hays County Jail Restoration Project. All present voting "Aye". MOTION PASSED**

29637 ACCEPT THE 2013 RACIAL PROFILE AND YEARLY ACTIVITY REPORT FROM CONSTABLE PRECINCT 4

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept the 2013 Racial Profile and Yearly Activity Report from Constable Precinct 4. All present voting "Aye". MOTION PASSED

29638 CALL FOR A PUBLIC HEARING ON FEBRUARY 18, 2014 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING ZONE) ALONG CRYSTAL MEADOW DRIVE AT THE PCT. 2 OFFICE

Unauthorized parking along Crystal Meadow Drive is damaging turf and causing erosion. There is adequate parking around the building itself; making parking along Crystal Meadows unnecessary. This item applies only to the County portion of Crystal Meadow. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to call for a Public Hearing on February 18, 2014 to establish traffic regulations (No Parking Zone) along Crystal Meadow Drive at the Pct. 2 Office. All present voting "Aye". MOTION PASSED**

29639 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A STANDARD INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF HAYS REGARDING ROADWAY REPAIR AND MAINTENANCE

County and City desire to provide safe and well maintained roads, streets, alleys and rights-of-way for the use and benefit of the public and future generations. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Standard Interlocal Agreement between Hays County and the City of Hays regarding roadway repair and maintenance. All present voting "Aye". MOTION PASSED**

ESTABLISH A PROCESS FOR THE SELECTION OF TRANSPORTATION PROJECTS IN HAYS COUNTY TO RECEIVE AVAILABLE FUNDING ESTIMATED AT \$5.68 MILLION THROUGH CAMPO FOR FY 2014 - 2018

Michael Aulick of Aulick & Associates and Lucy Johnson, City of Kyle Mayor spoke. The Capital Area Metropolitan Area Planning Organization (CAMPO) has identified approximately \$104 million in new funds which are available for projects in the 6-county CAMPO area for FY 2014 - 2018. Based on a preliminary CAMPO proposal, approximately \$5.68 million would be allocated for projects in Hays County based on funding for regional projects and a 6-county population formula, as shown on the next page. There are four categories of funding, some federal and some TxDOT. Federal funding requires a 20% local/state fund match. TxDOT normally provides the match for projects on the State highway system. CAMPO and TxDOT are developing a list of requirements and criteria for project eligibility and selection. It is expected that the CAMPO Transportation Policy Board would give final approval to projects selected by the six counties at its April 14 meeting. Attached for the Court's information is the chronology of the similar Hays County project selection process in 2011 for \$3.87 million in federal funds. No action taken.

29640 AUTHORIZE THE COUNTY JUDGE AND COMMISSIONER MARK JONES TO EXECUTE SEMA CONSTRUCTION CONTRACT CHANGE ORDER NO. 3 FOR THE FM 1626N PROJECT

Change Order No. 3 results in a net decrease of -\$105,805.16 to the Contract amount. The original Contract and previous Change Orders totaling \$17,307,265.25 will be adjusted to a revised Contract amount of \$17,153,459.09. The original Contract amount was \$17,235,782.15. As a result of this and all Change Orders to date, -\$82,323.06 has been deducted to the Contract resulting in -0.48% net decrease in Contract cost. No additional days will be added or deducted as a result of this Change Order. Change Order No. 3 is eligible for FHWA participation. Changer Order No. 3 will allow for: * Cost savings opportunities discovered during construction. Revisions to roadway subgrade to allow for the use of Item 247 Flex Base in lieu of Item 260 Lime due to field conditions which provides for an equitable product that is substantially less expensive to Hays County. * Establishment of funding for emergency situations regarding environmental impact and traffic safety throughout the project, as well as funding for bonus/penalty payments for asphalt production placement as well as roadway ride quality. * Compensation of unforeseeable site conditions altered by an act of nature. Repair of



Abutment No. 1 at Little Bear Creek Bridge due to October 2013 storm event. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge and Commissioner Mark Jones to execute Sema Construction Contract Change Order No. 3 for the FM 1626N Project. All present voting "Aye". MOTION PASSED**

29641 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF HAYS REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HAYS, PURSUANT TO HB1445 (2001)

Clint Garza Director of Community and Development Services gave staff recommendation. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute an Agreement with the City of Hays regarding Subdivision and Development Regulation in the Extraterritorial Jurisdiction of the City of Hays, Pursuant to HB 1445 (2001). All present voting "Aye". MOTION PASSED**

29642 APPROVE FINAL PLAT; ACCEPT CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS AND A TWO YEAR MAINTENANCE BOND IN THE AMOUNT OF \$37,774.80 FOR SHADOW CREEK PHASE 7 SECTION 2 (12-2-46 – 41 LOTS)

Clint Garza Director of Community and Development Services gave staff recommendation. The preliminary plan for the Shadow Creek Subdivision was originally approved on June 15, 2004 as a 1440 lot subdivision located off of Windy Hill Road in Precinct 2. Since that time, seventeen sections have been platted totaling 931 lots. This section includes 39 single-family residential lots and 2 greenspace/drainage lots. All lots will be served by public water and sewer provided by Goforth Special Utility District and North Hays County Municipal Utility District Number 1. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant Approve final plat; accept Construction of Street and Drainage Improvements and a two year Maintenance Bond in the amount of \$37,774.80 for Shadow Creek Phase 7 Section 2 (12-2-46 – 41 lots). All present voting "Aye". MOTION PASSED**

29643 APPROVE FINAL PLAT; ACCEPT CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS AND A TWO YEAR MAINTENANCE BOND IN THE AMOUNT OF \$39,673.20 FOR SHADOW CREEK PHASE 11 SECTION 1 (12-2-42 – 32 LOTS)

Clint Garza Director of Community and Development Services gave staff recommendation. The preliminary plan for the Shadow Creek Subdivision was originally approved on June 15, 2004 as a 1440 lot subdivision located off of Windy Hill Road in Precinct 2. Since that time, seventeen sections have been platted totaling 931 lots. This section includes 31 single-family residential lots and 1 greenspace/drainage lot. All lots will be served by public water and sewer provided by Goforth Special Utility District and North Hays County Municipal Utility District Number 1. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve final plat; accept Construction of Street and Drainage Improvements and a two year Maintenance Bond in the amount of \$39,673.20. All present voting "Aye". MOTION PASSED**

29644 SUB-162 CANCEL THE REDIVISION OF TRACT 8 OF THE SYCAMORE VALLEY ADDITION; WAIVE PUBLIC NOTIFICATION AND PUBLIC HEARING

Clint Garza Director of Community and Development Services gave staff recommendation. The Sycamore Valley Addition is a 12 lot platted subdivision located off Sycamore Creek drive near the Hays/Blanco County line in NW Pct. 4. It was originally platted in 1981. In 1998, the owners of Tract 8 applied for and were granted permission for a resubdivision of the 9.66 acre lot into a 5.0 and 4.66 acre lot. The owner now wishes to vacate or cancel the redivision back to the original configuration. Typically a cancellation of subdivision would require notification of other owners within the affected division. The applicant is the only owner of any portion of tract 8 and will be the only affected party. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to cancel the redivision of Tract 8 of the Sycamore Valley Addition (Sub – 162); Waive public Notification and Public Hearing. All present voting "Aye". MOTION PASSED**



29645 AUTHORIZE THE DISTRICT ATTORNEY'S OFFICE TO HIRE TWO (2) TEMPORARY PART-TIME ADMINISTRATIVE ASSISTANT II'S AT 20 HOURS EACH PER WEEK, EFFECTIVE 2/18/14

District Attorney Sherri Tibbe spoke. The Texas Legislature passed a new law affecting criminal discovery during the last legislative session. This law, the Michael Morton Act, became effective January 1, 2014. Previously, the law placed the burden on a defendant's attorney to request and copy all the evidence in a criminal case. The duty of the District Attorney's Office was to make it available. As of January 1st, the legislature has shifted the burden of production to the District Attorney's Office. We are now responsible for providing copies of all documents, CD's, DVD's and any other evidence to all defendants. We also have to provide proof to the court we have complied with the law. Currently, the District Attorney's Office indicts approximately 1,000 new felony cases and 4,000 new misdemeanor cases a year. Since we began to comply with these new statutory duties, we have noticed the workload for the support staff has increased significantly. They have to copy each file, do a thorough review to ensure all evidence has been copied, document this process, and complete the process in a timely manner. Each defendant has a United States Constitutional right to a speedy trial. We do not want the time it takes to complete discovery to affect our criminal cases. We would like two new temporary part time employees so that we will have the resources to meet this new duty placed on our office by the legislature. Salary savings within our budget has been identified to cover this cost. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the District Attorney's Office to hire two (2) temporary Part-Time Administrative Assistant II's at 20 hours each per week, effective 2/18/14. All present voting "Aye". MOTION PASSED**

29646 AUTHORIZE THE SHERIFF, JAIL DIVISION TO HIRE THE FACILITY MANAGER, SLOT 0191-002 AT THE 75TH PERCENTILE, EFFECTIVE 3/1/14

Captain Mark Cumberland with the Hays County Sheriff spoke. This position supervises the maintenance of a large complex and the grounds surrounding it. The Jail complex is aging and houses operations that work 24 hours a day every day of the year. The candidate possesses the background to develop a preventative maintenance plan that will make our current operation more efficient and effective. His education and training include; Master Electrician, Certified Facility Manager, Universal CFC Refrigerant Technician, Asbestos O&M Supervisor, Computer Aided Drafting, and Basic Public Purchasing. Salary savings within the budgeted position has been identified to cover this cost. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Sheriff, Jail Division to hire the Facility Manager, Slot 0191-002 at the 75th percentile, effective 3/1/14. All present voting "Aye". MOTION PASSED**

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, UPLAND AND RED RIVER

Court convened into closed Executive Session at 10:29 a.m. and reconvened into open court meeting at 11:06 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special 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 closed Executive Session at 11:54 a.m. and reconvened into open court meeting at 12:50 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, and Chief of Staff Lon Shell. No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE DUTIES OF THE ADMINISTRATOR OF THE JUVENILE DETENTION CENTER

Court convened into closed Executive Session at 11:16 a.m. and reconvened into open court meeting at 11:52 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special 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 department 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 318 and peak was 330 on February 6 for the week of February 2 to February 8, 2014. The maximum female capacity is 56 inmates. Last week's average was 49 and peak was 54 on 2/6/2014. The maximum male capacity is 276 inmates. Last week's average was 269 and peak was 279 on 2/5/2014.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain in effect.

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*

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*

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 Conley to adjourn.

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 FEBRUARY 11, 2014.



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