



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 25<sup>TH</sup> DAY OF FEBRUARY 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:

Esperanza Ramirez, Senior Pastor of El Buen Pastor Methodist Church 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 BY REPRESENTATIVES OF CENTRAL TEXAS MEDICAL CENTER AND LIVE OAK HEALTH PARTNERS TO PROVIDE AN UPDATE ON THE OPERATIONS OF THE COMMUNITY HEALTH CLINIC**

Lenore DePagter, D.O. and Regina Henderson, MBA of Live Oak Health Partners gave an update of the Operations of the Community Health Clinic.

**PRESENTATION TO UPDATE THE COMMISSIONERS' COURT ON THE PLUM CREEK WATERSHED PARTNERSHIP TEXAS DEPARTMENT OF AGRICULTURE HOG OUT COUNTY GRANTS PROGRAM**

Plum Creek Watershed Coordinator, Nick Dornak gave a power point presentation on Feral Hogs and what this program provides.

**29662 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve payments of county invoices in the amount of \$1,953,098.15 as submitted by the County Auditor. All voting "Aye".  
**MOTION PASSED**

**29663 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 18, 2014**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of February 18, 2014 as presented by the County Clerk. All voting "Aye".  
**MOTION PASSED**

**29664 AUTHORIZE THE DEVELOPMENT AND COMMUNITY SERVICES, PARKS DIVISION TO ACCEPT A DONATION FROM THE DRIPPING SPRINGS RUNNING CLUB, RUN BY THE CREEK 5K AND 10K RUNNING RACE FOR PARK IMPROVEMENTS**

The committee for the Dripping Springs Run by the Creek 5k/10k has generously offered to donate funds to the Parks division to improve outdoor spaces to promote their mission of healthy lifestyles. Budget Amendment: Increase Contributions: 001-700-00.4610 Increase General Supplies: 001-700-00.5201. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Development and Community Services, Parks Division to accept a donation from the Dripping Springs Running Club, Run by the Creek 5K and 10K Running Race for Park Improvements. All voting "Aye".  
**MOTION PASSED**

**29665 APPROVE ADDITIONAL EXPENSES ON THE LAKE SERVICES, INC. CONTRACT IN THE AMOUNT OF \$1,640.00**

Commissioners Court approved a contract with Lake Services, Inc. on January 28, 2014 for \$27,500.00 to build, transport, and demolish a Union Gunboat prop for the Historical Commission's latest documentary. The project is now complete and additional expenses were incurred for cannons, portable toilets, and catered food. No budget amendment necessary. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve additional expenses on the Lake Services, Inc. contract in the amount of \$1,640.00. All voting "Aye".  
**MOTION PASSED**



**29666            AUTHORIZE CONSTABLE PCT. 1 TO PURCHASE TWO POINT BLANK BULLET PROOF VESTS, MODEL # VISION A-II FOR DEPUTY CONSTABLE SLOTS, 0885-001 AND 0885-004 AND AMEND THE BUDGET ACCORDINGLY**

The Constable Pct. 1 office has two Deputy Constables that have bullet proof vests that will expire in May of 2014. Funds were not identified during the budget process to cover these replacements, however due to safety issues it is imperative that these be replaced in a timely manner. Salary savings within our budget has been identified to cover this request. Budget Amendment: Decrease Staff Salaries: 001-635-00.5021 Increase DOJ BPV Law Enf Eqpt: 001-618-99-001.5717\_400. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize Constable Pct. 1 to purchase two point blank bullet proof vests model # Vision A-II for Deputy Constable slots, 0885-001 and 0885-004 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**29667            APPROVE THE REAPPOINTMENT OF RAY WHISENANT TO REPRESENT HAYS COUNTY ON THE BOARD OF THE CLEAN AIR COALITION**

Reappointment of Commissioner Whisenant for another 2 year term (2014-2015) on the board of Clean Air Force. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the reappointment of Ray Whisenant to represent Hays County on the Board of the Clean Air Coalition. All voting "Aye". MOTION PASSED**

**29668            AUTHORIZE THE COUNTY JUDGE TO REQUEST FUNDS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS ASSOCIATED WITH UNCLAIMED CAPITAL CREDITS RECEIVED FROM ELECTRIC COOPERATIVES AND CERTIFY THAT USE OF THE FUNDS WILL BE FOR A PROGRAM AS SPECIFIED UNDER TEXAS LOCAL GOVERNMENT CODE, SECTION 381.004, AND UPON RECEIPT AMEND THE BUDGET ACCORDINGLY**

The Texas Comptroller is authorized, under section 74.602 of the Texas Property Code, to allocate a portion of the monies associated with unclaimed capital credits received from electric cooperatives back to counties in the cooperative's service area for use to support programs under Section 381.004 of the Local Government Code. The County must request these funds and certify that funds will be used for purposes as specified under section 381.004. Copies of the Comptroller's notification letter, the letter of request, and Section 381.004 of the TLGC are attached for review. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to request funds from the Texas Comptroller of Public Accounts associated with Unclaimed Capital Credits received from Electric Cooperatives and certify that use of the funds will be for a program as specified under Texas Local Government Code, Section 381.004, and upon receipt amend the budget accordingly. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote MOTION PASSED**

**29669            ACCEPT THE 2013 ANNUAL RACIAL PROFILING REPORT FROM THE HAYS COUNTY SHERIFF'S OFFICE**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the 2013 Annual Racial Profiling Report from the Hays County Sheriff's Office. Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Jones not present for vote. MOTION PASSED**

**29670            APPROVE A PROFESSIONAL SERVICES CONTRACT WITH BOWMAN ENGINEERING FOR DEVELOPMENT OF AN EMERGENCY ACTION PLAN, BREACH ANALYSIS, AND INUNDATION MAP FOR THE LAKE LAUREL DAM IN WOODCREEK NORTH SUBDIVISION**

Transportation Director Jerry Borcharding spoke. TCEQ notified us in 2013 that this dam study is required. Valley Springs Road (a County maintained road) runs atop the structure. Since part of the structure lies outside County ROW, Wimberley Springs Partners has agreed to fund half of the study's cost, making the actual County responsibility \$6,050. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve a Professional Services Contract with Bowman Engineering for Development of an Emergency Action Plan, Breach Analysis, and Inundation Map for the Lake Laurel Dam in Woodcreek North Subdivision. All voting "Aye". MOTION PASSED**



**29671      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT (AFA) WITH TXDOT FOR A HIGHWAY IMPROVEMENT PROJECT (FM 110 FROM STATE HIGHWAY 123 TO I-35 AT YARRINGTON ROAD)**

Mike Weaver of Prime Strategies spoke. As the County's Pass-Through Finance and Priority Road Bond Programs are moving forward and nearing completion, the County has been coordinating with the Texas Department of Transportation (TxDOT) to develop the next Partnership program with TxDOT, which will utilize cost savings realized from the earlier programs. This AFA will outline the costs and responsibilities for the FM 110 project from State Highway 123 to I-35 at Yarrington Road. This project is identified in the approved Hays County Transportation Plan. Both Hays County and the City of San Marcos have each created a Transportation Reinvestment Zone (TRZ) to capture a portion of increased value of development along the FM 110 alignment to repay TxDOT for \$48.0 million in construction funding. Caldwell County has committed \$1.0 million as a contribution towards the project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to conditionally approve the County Judge to execute a local transportation project Advance Funding Agreement (AFA) with TxDOT for a Highway Improvement Project (FM 110) from State Highway 123 to I-35 at Yarrington Road) Contingent to bond counsel approval. All voting "Aye". MOTION PASSED**

**29672      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT BETWEEN WEST THOMSON REUTERS AND HAYS COUNTY RELATED TO ONLINE LEGAL RESEARCH**

**A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Contract between West Thomson Reuters and Hays County related to online legal research. All voting "Aye". MOTION PASSED**

**29673      ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) FOR THE HAYS COUNTY VETERAN COURT IN THE AMOUNT OF \$104,553**

Jeff Hauff Grants Director and Alan Cameron San Marcos Resident spoke. On December 17, 2013 the Commissioners Court authorized creation of the Hays County Veterans Court, to be placed under the jurisdiction of County Court at Law #2. The Veterans Court will provide a voluntary intensive treatment program for those Military Veterans who suffer from combat-related trauma, have been diagnosed with mental health issues, PTSD, or TBI, and have been arrested for a misdemeanor offense. The grant application requests funding for a Case Manager, part-time Assistance Court Administrator, laptop computer, cell phone allowance, travel, office supplies, drug/alcohol testing, and Court-appointed defense attorneys. The grant must be submitted by February 28, 2014 and the project period is from September 1, 2014 through August 31, 2015. Award notice is anticipated in August, 2014. No matching funds are required for the grant. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Resolution authorizing the County Judge to submit a Grant Application to the Office of the Governor, Criminal Justice Division (CJD) for the Hays County Veteran Court in the amount of \$104,553. All voting "Aye". MOTION PASSED**

**29674      ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) FOR THE JUSTICE OF THE PEACE OFFICES IN THE AMOUNT OF \$55,923.00**

Grants Director Jeff Hauff, JP Pct. 2 Beth Smith and JP Pct. 1-2 Margie Hernandez spoke. The Justice of the Peace Offices are requesting funding for a caseworker to assist with failure to attend school offenses that are filed in their jurisdiction. Violation of Court-ordered sanctions within the JP Courts results in contempt of court charges and escalation within the justice system, involving further staff resources, additional court time and potential incarceration of the individual. Currently, it is difficult for the JP Courts to monitor those with deferred sentences, and it is hoped that the caseworker can monitor and work closely with the individuals sentenced, leading to successful completion of the specified plan and avoidance of further justice system sanctions. This grant will fully fund the first year of salary/benefits and operations of the caseworker, and in subsequent years will provide a declining annual funding percentage (80, 60, 40) for the following 3 years, if additional funding is sought beyond the first year. The Code of Criminal Procedure, Chapter 102.0174 allows assessment of a fee of \$5 in court costs for FTA/PCTT cases, but only if a caseworker is employed to address the truancy issues. This fee could be collected to help support the position after implementation. The position will be assessed for effectiveness near the end of the first year of implementation, and a determination can be made on whether or not to continue the program. The grant application must be submitted electronically on or before February 28, 2014, and award notice is expected in August. No matching funds are required at this time. The grant project period is September 1, 2014 through August 31, 2015. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Resolution authorizing the county Judge to submit a Grant Application to the Office of the Governor, Criminal Justice Division (CJD) for the Justice of the Peace Offices in the amount of \$55,923.00. All voting "Aye". MOTION PASSED**



**29675 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) FOR HAYS COUNTY SHERIFF'S OFFICE AND CONSTABLE PCT. 3 IN THE AMOUNT OF \$58,414**

Grants Director Jeff Hauff spoke. The purpose of this grant is to acquire in-car and mobile camera systems for two law enforcement entities. The Sheriff's Office is requesting 20 body cameras for the Traffic Unit and School Resource Officer Unit. Constable Pct.3 is requesting four car cameras. Both the car video camera system and body cameras will record all details of the traffic stop or incident and help reduce agency liability and is a safety issue for both the citizen and the officer. The car video camera system currently being used by the Constable's office is over 12 years old and uses VHS tapes that are no longer available. The units are essentially unserviceable. These will be replaced with integrated Coban systems that serve both the computer/camera function and help to standardize equipment used by our law enforcement agencies. The current laptops used by the Constable's Office have exceeded the standard set for useful life and have been scheduled for replacement next year. The application must be submitted electronically on or before February 28, 2014. Award notice is expected in August. The project period is from September 1, 2014 through August 31, 2015. Funding to cover warranties and service after the grant period and not covered by the grant is noted above - for the Sheriff's Office - and will have to be budgeted for the 2015 fiscal year. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Resolution authorizing the County Judge to submit a Grant Application to the Office of the Governor, Criminal Justice Division (CJD) for Hays County Sheriff's Office and Constable Pct. 3 in the amount of \$58,414. All voting "Aye". MOTION PASSED**

**29676 APPOINT COMMISSIONER DEBBIE GONZALES INGALSBE TO THE SAN MARCOS HAYS COUNTY EMS BOARD OF DIRECTORS FOR A ONE (1) YEAR TERM**

Due to a restructuring of the Board, an updated appointment is required. Hays County will have one appointee to the Board with an initial term of one year. Following the initial term the appointment will be for three year terms. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to appoint Commissioner Debbie Gonzales Ingalsbe to the San Marcos Hays County EMS Board of directors for a one (1) year term. 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 PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY INCLUDING THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT**

Court convened into closed Executive Session at 11:00 A.M and reconvened into open court meeting at 11:02 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. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT**

Court convened into closed Executive Session at 11:00A.M. and reconvened into open court meeting at 11:02 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.

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

Lt. Eric Batch of the Sheriff's 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 319 and peak was 329 on February 20 for the week of February 16 to February 22, 2014. The maximum female capacity is 56 inmates. Last week's average was 47 and peak was 52 on 2/19/2014. The maximum male capacity is 276 inmates. Last week's average was 272 and peak was 280 on 2/21/2014.



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

The Burn Ban will remain in effect. There will be a Red Flag warning tonight and the County will reevaluate this item next week.

**County Clerk's Note Agenda Item #22 RE:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR. POSSIBLE ACTION MAY FOLLOW – was pulled*

**County Clerk's Note Agenda Item #23 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.

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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 February 25, 2014.



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

