



MARCH 18, 2014

VOLUME V PG 349

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 18TH DAY OF MARCH 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 and 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

Charlie Johnson – Wimberley resident spoke of the Texas Capitol Vietnam Veterans Monument Dedication in Austin on March 29th at the Texas State Capitol from 10:00 a.m. - 3 p.m. The Veteran Monument will be located on the Northeast side of the Capitol grounds. Vietnam War exhibits, including the Texas Vietnam Heroes Exhibit of 3,417 dog tags honoring every Texas killed in war, will be on display in and around the Capitol at the Family-Friendly event honoring our Texas Veterans.

29706 ADOPT A PROCLAMATION DECLARING MARCH 24, 2014 AS WORLD TB DAY

Rebecca Herring, R.N. (Registered Nurse) TB Case Manager spoke and introduced Anna M. Martinez, NCMA - National Certified Medical Assistant (TB Nursing Staff). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring March 24, 2014 as World TB Day. All voting "Aye". MOTION PASSED**

PRESENTATION REGARDING THE LONE STAR REGIONAL WATER AUTHORITY

Mike Robinson, President of the Lone Star Regional Water Authority, spoke. He spoke of trying to get Williamson, Travis and Hays Counties and all the cities in between to join the Lone Star Regional Water Authority. Texas has plenty of water. One of the goals of the LSRWA is reserving water. The Lone Star Regional Water Authority (originally the Corn Hill Regional Water Authority) is a nonprofit entity established in 2011 by the Texas Legislature. Current members of the Authority are; Williamson County, the Sonterra and Capital Land and Livestock Municipal Utility Districts (MUDs) and the City of Jarrell. LSRWA is a non-profit group.

PRESENTATION REGARDING THE IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ASSIGNMENT PROGRAM AND THE ABILITY FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO ASSUME THE FEDERAL HIGHWAY ADMINISTRATION'S (FHWA) RESPONSIBILITY FOR ENVIRONMENTAL REVIEW OF CERTAIN TRANSPORTATION PROJECTS

Sue Theiss, Deputy Director of TxDOT's Environmental Affairs Division presented the program and what it means for Local Governments. In this program, TxDOT will assume the Federal Highway Administration responsibility of environmental review and clearance of CEs, EAs and EISs thereby streamlining the environmental process. The program is expected to begin this summer.

29707 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 \$5,284,944.63 as presented by the County Auditor. All voting "Aye". MOTION PASSED

29708 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 11, 2014

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of March 11, 2014 as submitted by the County Clerk. All voting "Aye". MOTION PASSED



29709 APPROVE A RENEWAL AGREEMENT BETWEEN HAYS COUNTY AND DR. WEERATUNGE FOR PHYSICIAN SERVICES FOR THE TB CLINIC

Dr. Weeratunge has been providing services to the TB Clinic portion of the Local Health Department for 1 year and the previous agreement has expired. Staff would like to renew with Dr. Weeratunge until the end of the fiscal year and at that time begin renewing annually at the beginning of each fiscal period. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve a renewal agreement between Hays County and Dr. Weeratunge for physician services for the TB Clinic. All voting "Aye". MOTION PASSED**

29710 AUTHORIZE THE SHERIFF'S OFFICE TO ADD A TELEPHONE ALLOWANCE EFFECTIVE APRIL 1, 2014 FOR FACILITY MAINTENANCE DIRECTOR, SLOT NUMBER 0191-02 AND AMEND THE BUDGET ACCORDINGLY

A stipend has been approved for the Facility Maintenance Director position via the Request/Justification Form for Electronics and Related Equipment/Services. This position will better serve the facilities of the Sheriff's Office and Jail after hours during emergencies by utilizing a smart phone. Budget Amendment - 001-618-00.5489 Telephone & Data Lines (\$210.00) 001-618-03.5194 Telephone Allowance \$210.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to add a telephone allowance effective April 1, 2014 for Facility Maintenance Director, Slot number 0191-02 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

29711 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 2550 BELL SPRINGS RD, DRIPPING SPRINGS, TX

Kenneth and Karen Moise are proposing an OSSF to serve an event/wedding center in Precinct 4. This property is 22.72 acres and water will be supplied by a Texas Commission on Environmental Quality permitted water system that relies on potable water transported to the site by a TCEQ approved tank truck. The system designer, Danny Gonzalez, R.S., has designed a treatment system which consists of standard treatment and an equalization tank to equalize the peak weekend flows to a low pressure dosed dispersal field at a daily usage rate of 511 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 2550 Bell Springs Rd, Dripping Springs, TX. All voting "Aye". MOTION PASSED**

29712 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 23663 RANCH ROAD 12, DRIPPING SPRINGS, TX

John and Janet Morgan are proposing an OSSF to serve an event center in Precinct 4. This property is 3 acres and water will be supplied by private water well. The system designer, Jon Maass, R.S., has designed a treatment system which consists of an equalization tank, standard treatment, and dosing peak weekend flows to a low pressure dosed dispersal field at a daily usage rate of 350 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 23663 Ranch Road 12, Dripping Springs, TX. All voting "Aye". MOTION PASSED**

29713 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION FOR ELIGIBILITY TO RECEIVE FEDERAL SURPLUS PROPERTY BY PARTICIPATING IN THE TEXAS FACILITIES COMMISSION FEDERAL SURPLUS PROPERTY PROGRAM

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to submit an application for eligibility to receive Federal Surplus Property by participating in the Texas Facilities Commission Federal Surplus Property Program. All voting "Aye". MOTION PASSED

29714 ACCEPT TWO DONATIONS TOTALING \$150.00 TO THE HAYS COUNTY SHERIFF'S OFFICE COMMUNICATIONS DIVISION AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office Communications Division received two donations; one from Hays County District Attorney's Office in the amount of \$100.00 and Dripping Springs Shell Store in the amount of \$50.00. The donations will be utilized for National Telecommunicator Week. NTW will take place April 13-19, 2014. Budget Amendment - Increase Revenue 001-618-00.4610 Contributions \$150.00 Increase Expense 001-618-00.5391 Miscellaneous \$150.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept two donations totaling \$150.00 to the Hays County Sheriff's Office Communications Division and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**29715 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve permit #914 issued to PEC on Hwy 290 W. as presented by the Hays County Transportation Department. All voting "Aye". MOTION PASSED

29716 ACCEPT A GRANT FROM THE NATIONAL RIFLE ASSOCIATION IN THE AMOUNT OF \$8,799.99 FOR THE PURCHASE OF 22 SHOTGUNS FOR THE HAYS COUNTY CONSTABLE OFFICES AND AMEND THE BUDGET ACCORDINGLY

On December 10, 2013, the office of Constable Precinct 2 James Kohler requested approval to submit an application for this grant from the National Rifle Association. They sought to use the grant funds to purchase 22 Benelli Nova Pump Tactical Shotguns for each of the Hays County Constable offices. The application required no matching funds. The Constable received approval for the grant funds. Budget Amendment: Increase Revenue 001-899-99-081.4610 Contributions \$8,800.00 Increase Expense 001-899-99-081.5206 Law Enforcement Supplies \$8,800.00. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a grant from the National Rifle Association in the amount of \$8,799.99 for the purchase of 22 shotguns for the Hays County Constable Offices and amend the budget accordingly. All voting "Aye". MOTION PASSED

29717 APPROVE SPECIFICATIONS FOR BID #2014-B03, ELECTRICAL SERVICES COUNTYWIDE, AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a grant from the National Rifle Association in the amount of \$8,799.99 for the purchase of 22 shotguns for the Hays County Constable Offices and amend the budget accordingly. All voting "Aye". MOTION PASSED

29718 AUTHORIZE THE EXECUTION OF A RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT RELATED TO FM110

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the execution of a Resolution of the Hays County Commissioners Court related to FM110. All voting "Aye". MOTION PASSED

29719 APPROVE AND CONFIRM THE APPOINTMENT OF GREGORY GRUMBLES AS RESERVE DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 1 OFFICE

Constable David Peterson introduced Gregory Grumbles to the Court. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve and confirm the appointment of Gregory Grumbles as Reserve Deputy Constable in the Hays County Constable Precinct 1 Office. All voting "Aye". MOTION PASSED

29720 APPROVE AND CONFIRM THE APPOINTMENT OF JERRY TALLEY, III AS DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 5 OFFICE TO FILL A RECENTLY VACATED POSITION

Constable Matt Mancillas introduce Jerry Talley, III to the Court. Pursuant to Local Government Code 86.011 (a) Appointment of Deputy Constable. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve and confirm the appointment of Jerry Talley, III as Reserve Deputy Constable in the Hays County Constable Precinct 5 Office. All voting "Aye". MOTION PASSED

29721 HOLD A PUBLIC HEARING ON MARCH 18, 2014 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING ZONE) ALONG CRYSTAL MEADOW DRIVE AT THE PCT. 2 OFFICE

Judge Cobb opened Public Hearing. No public input was received. Judge Cobb closed Public Hearing. Mark Kennedy, General Counsel and Jerry Borcharding, Transportation Director spoke. Unauthorized parking along Crystal Meadow Drive is damaging turf and causing erosion. There is adequate parking around the building; making parking along Crystal Meadows unnecessary. This item applies to the County portion of Crystal Meadow and includes both side shoulders of the roadway (inbound and exit lanes of traffic). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to establish traffic regulations (NO PARKING zone) along Crystal Meadow Drive at the Pct. 2 office. All voting "Aye". MOTION PASSED



29722 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FY2014 ADULT DRUG COURT DISCRETIONARY GRANT PROGRAM, FOR FUNDING TO SUPPORT THE HAYS COUNTY VETERANS COURT

Jeff Hauff, Grants Director 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 and been diagnosed with mental health issues, PTSD, or TBI, have a co-occurring substance abuse problem, and have been arrested for a non-violent misdemeanor offense. The grant application requests funding for a Court Coordinator; part-time Assistance Court Administrator; laptop computer; conference registration, travel, lodging, and meals; office supplies; drug/alcohol testing; and Court-appointed defense attorneys. The grant period is for 3 years, and a 25% local match is required over the 3-year period. Based on a total project cost of \$325,941, the federal grant will be \$244,456 with a local match of \$81,485. The grant must be submitted electronically on March 18, 2014. Award notice is anticipated in August, 2014. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to submit a grant application to the U.S. Department of Justice, Bureau of Justice Assistance FY2014 Adult Drug Court Discretionary Grant Program, for funding to support the Hays County Veterans Court. All voting "Aye". MOTION PASSED**

29723 DISPOSE OF CERTAIN PERSONAL PROPERTY AT THE HAYS COUNTY CIVIC CENTER BY DONATING THE ITEM TO A CIVIC OR CHARITABLE ORGANIZATION PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE

Mark Kennedy, General Counsel spoke. Staff recommends that the stage originally donated to Hays County by LULAC 654 be returned to that Charitable Organization. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to dispose of certain personal property at the Hays County Civic Center by donating the item to LULAC 654 pursuant to Section 263.152 of the Texas Local Government Code. All voting "Aye". MOTION PASSED**

29724 APPROVE THE FORM OF THE EARLY POSSESSION AND USE AGREEMENT "EPUA" FOR USE ON COUNTY ROAD PROJECTS BY STAFF, CONSULTANTS, AND EX OFFICIO ROAD COMMISSIONERS

Mark Kennedy, General Counsel spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the form of the Early Possession and Use Agreement "EPUA" for use on County Road Projects by staff, consultants, and Ex Officio Road Commissioners. 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 11:00 a.m. and reconvened into opened court at 12:50 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.

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

Lt. Eric Batch of the Hays County Sheriff's Office gave 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 301 and peak was 306 on March 10th and 14th for the week of March 9 to March 15, 2014. The maximum female capacity is 56 inmates. Last week's average was 47 and peak was 49 on 3/14/2014. The maximum male capacity is 276 inmates. Last week's average was 254 and peak was 258 on 3/10/2014.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

County Judge Cobb said the Burn Ban will remain lifted per recommendation of the Hays County Fire Marshal.



DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR

Laura Harris of HNTB on behalf of Prime Strategies gave monthly update. **Pct. 1 – Under construction:** FM 110 (McCarty Lane to SH 123) and Yarrington Road Bridge (at IH 35). **Completed** – IH 35 PH 2B (RM 150 to RM 1626) and IH 35 PH 2A (RM 150 Realignment). **Pct. 2 – In Design:** FM 1626 South (FM 2770 to RM 967). **Under Construction:** FM 1626 North (RM 967 to Brodie Lane). **Completed/Open to Traffic:** IH 35 PH 2B (RM 150 to FM 1626), IH 35 PH 1 (CR 210 Overpass) and FM 2001 (IH 35 NB Frontage Road Connector). **Pct. 3 – No projects.** **Pct. 4 – Completed/Open to traffic:** US 290 West (Trautwein Road to Nutty Brown Road).

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 Jones, 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 March 18, 2014.



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

