



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 5<sup>TH</sup> DAY OF AUGUST 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:

Reverend Carl W. Clark, Chaplin 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.

**29993 ADOPT A PROCLAMATION DECLARING AUGUST, 2014 AS NATIONAL IMMUNIZATION AWARENESS MONTH**

Margie Rodriguez of the Personal Health Department spoke about immunization and the need for all to be vaccinated. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring August, 2014 as National Immunization Awareness Month. All voting "Aye". MOTION PASSED

**29994 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoices in the amount of \$591,327.22 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**29995 APPROVE COMMISSIONERS COURT MINUTES OF JULY 29, 2014**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of July 29, 2014 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**29996 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MAINTENANCE AGREEMENT WITH TOUCH LEGAL INC. FOR THE LAW LIBRARY KIOSK LOCATED AT THE JAIL**

The Hays County Jail is in need of an extended maintenance agreement with Touch Legal DBA Touch Sonic Technologies for the law library kiosk. The agreement will be funded by the Jail Inmate Trust Fund. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Maintenance Agreement with Touch Legal Inc. for the Law Library Kiosk located at the Jail. All voting "Aye". MOTION PASSED

**29997 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE DRUG FORFEITURE FUNDS FOR SUPPLEMENTAL PAY AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff is requesting supplemental pay for the Mechanic, slot 1060-003 for supervising and managing the fleet from June 1 to June 15 prior to filling the Equipment Superintendent position. Discretionary funds are available to fund this request. Budget Amendment: Increase Staff Salaries - \$302 Increase FICA - \$19 Increase Medicare - \$5 Increase Retirement - \$37 Decrease Misc Expense - (\$363). A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to utilize drug forfeiture funds for supplemental pay and amend the budget accordingly. All voting "Aye". MOTION PASSED

**29998 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve utility permit #928 on Heritage Oaks Drive issued to WTCPUA as presented by the County Road Department. All voting "Aye". MOTION PASSED



**29999      AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 161 WELDON JOHNSTON, KYLE, TX**

Richard Edwards is proposing an OSSF to serve a 4-bay office/warehouse building in Precinct 1. This property is 1.14 acres. Water will be supplied by public water system. The site is within the Kyle City Limits. The system designer, James Massaro, P.E. has designed a treatment system which consists of standard treatment with the effluent dispersed to a low pressure dosed drainfield at a daily usage rate of 115 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize institutional OSSF Permit at 161 Weldon Johnston, Kyle, TX. All voting "Aye". MOTION PASSED**

**30000      AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 181 WELDON JOHNSTON, KYLE, TX**

Richard Edwards is proposing an OSSF to serve a 4-bay office/warehouse building in Precinct 1. This property is 1 acre. Water will be supplied by public water system. The site is within the Kyle City Limits. The system designer, James Massaro, P.E. has designed a treatment system which consists of standard treatment with the effluent dispersed to a low pressure dosed drainfield at a daily usage rate of 100 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize institutional OSSF Permit at 181 Weldon Johnston, Kyle, TX. All voting "Aye". MOTION PASSED**

**30001      AUTHORIZE COUNTY JUDGE TO HIRE AND SIGN A CONTRACT FOR PROFESSIONAL SERVICES WITH KLOTZ & ASSOCIATES FOR DETAILED ROADWAY IMPROVEMENT BASED ON THE RECENT HARRIS HILL ROAD DRAINAGE STUDY**

Continued flooding of homes along Harris Hill Road warranted the now completed drainage study. This agenda item will fund detailed engineering drawings for the improvements cited in the study. These drawings will be used by County personnel to make the needed improvements along Harris Hill and will also provide exhibits to each resident detailing the impact on their property. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize County Judge to hire and sign a contract for Professional Services with Klotz & Associates for detailed roadway improvement based on the recent Harris Hill Road Drainage Study. All voting "Aye". MOTION PASSED**

**30002      AUTHORIZE COUNTY JUDGE TO HIRE AND SIGN A CONTRACT FOR PROFESSIONAL SERVICES WITH BROWN & GAY ENGINEERING FOR PRELIMINARY DESIGN OF A SIDEWALK ON RATTLER ROAD FROM THE FM110/MCCARTY LANE INTERSECTION TO CR266**

A preliminary design and schematic needs to be produced to determine the ROW requirements and general feasibility of building a mixed-use sidewalk from FM110 to CR266 (Old Bastrop Road) Schematics will be produced that can be used to discuss the project with residents, utility conflicts will be identified and a cost estimate will be developed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize County Judge to hire and sign a contract for Professional Services with Brown & Gay Engineering for Preliminary Design of a sidewalk on Rattler Road from the FM 110/Mc Carty Lane Intersection to CR 266. All voting "Aye". MOTION PASSED**

**30003      AWARD IFB 2014-B06 ROAD BUILDING MATERIALS TO MULTIPLE VENDORS**

The award will be made to multiple vendors considering pit locations and best price per type of material in order to cover all road materials needed pursuant to TLGC 262.027 (e) (see attached tabulation). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to award IFB 2014-B06 Road Building Materials to multiple vendors. All voting "Aye". MOTION PASSED**

**30004      ACCEPT THE RESIGNATION OF KIMBERLY FREER AS ESD #1 BOARD MEMBER**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept the resignation of Kimberly Freer as ESD #1 Board Member. All voting "Aye". MOTION PASSED**

**30005      SUB 199 - LIBERTY RIDGE (8 LOTS) APPROVE FINAL PLAT**

Roxie McInnis Development Services Manager gave staff recommendation. Liberty Ridge is a proposed eight-lot subdivision of 41.175 acres located off of Pursley Road in Precinct 4. All lots in this subdivision will be served by private wells and individual on-site sewage facilities. A plat requires the installation of a 2500 gallon rainwater collection system on each lot. Lots range in size from 3.33 to 10.80 acres with an average size of 5.896. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat of Sub 199 Liberty Ridge (8 lots). All voting "Aye". MOTION PASSED**



**30006 SUB-209 PLAT OF LOTS 37A & 68A RAINBOW RANCH (2 LOTS) WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION; APPROVE FINAL PLAT**

Roxie McInnis Development Services Manager gave staff recommendation. Rainbow Ranch is an unrecorded subdivision located off of Lone Man Mountain Road in Precinct 3. The 27.03 acres being platted are currently divided into three individual parcels. The owners are proposing to change the configuration and create a 19.49 acre lot and a 7.54 acre lot. Both lots have existing private wells and permitted onsite sewage facilities. Section 705.12.02 of the Hays County Development Regulations states the following: "On a case by case basis the Department may request that the Commissioners Court wave notice requirements for Subdivisions of six (6) Lots or less with existing water and wastewater service." Given that these lots have existing utility service, the Department requests that public notification requirements be waived for this subdivision. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to waive preliminary plan and public notification and approve final plat of Sub 209 Plat of Lots 37A & 68A Rainbow Ranch (2 lots). All voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #15 RE:** *AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND HAYS CISD ("HCISD") FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS ("SRO'S")* – **was pulled**

**30007 CLARIFY AND ESTABLISH A COUNTYWIDE POLICY RELATED TO PROJECTS PREFORMED UNDER CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to direct General Counsel to draft a Resolution of court that summaries the policy and guidelines for projects preformed under Chapter 253 of the Texas Transportation Code. The Resolution will be placed on the consent agenda for August 12, 2014. All voting "Aye". **MOTION PASSED**

**30008 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LICENSE AGREEMENT BETWEEN HAYS COUNTY, GOLDENWOOD PROPERTY OWNERS ASSOCIATION, GOLDENWOOD WEST PROPERTY OWNERS ASSOCIATION, AND RADIANCE PROPERTY OWNERS ASSOCIATION RELATED TO THE INSTALLATION AND MAINTENANCE OF LANDSCAPING IMPLEMENTS LOCATED AT THE INTERSECTION OF FM1826 AND CRYSTAL HILL DRIVE IN PRECINCT 4**

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a License Agreement between Hays County, Goldenwood Property Owners Association, Goldenwood West Property Owners Association, and Radiance Property Owners Association related to the installation and maintenance of landscaping implements located at the intersection of FM 1826 and Crystal Hill Drive in Precinct 4. All voting "Aye". **MOTION PASSED**

**30009 APPOINT DR. KEVIN LEWIS AS COMMISSIONER TO EMERGENCY SERVICES DISTRICT #1 IN HAYS COUNTY**

Dr. Lewis will be filling the unexpired term of Kimberly Freer who has resigned. The appointment will be effective immediately. The term expires December 2014. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to appoint Dr. Kevin Lewis as Commissioner to Emergency Services District #1 in Hays County. All voting "Aye". MOTION PASSED**

**AUTHORIZE GENERAL COUNSEL TO NEGOTIATE A FUNDING AGREEMENT WITH THE CITY OF WIMBERLEY RELATED TO THE CITY'S ACQUISITION OF 4.314 ACRES OF OPEN SPACE IN PRECINCT 3; TO AUTHORIZE THE COUNTY JUDGE TO SIGN SAID AGREEMENT, ONCE NEGOTIATED**

Don Ferguson City Administrator with the City of Wimberley gave a Powerpoint presentation. The City of Wimberley has negotiated the acquisition of real property within or near the City's corporate limits for the preservation of open space. That open space includes "Mount Baldy," and the City's ownership of a property right in that property means that the area would be dedicated for parkland purposes and would be preserved. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize General Counsel to negotiate a Funding Agreement with the City of Wimberley related to the City's acquisition of 4.314 acres of Open Space in Precinct 3; to authorize the County Judge to sign said Agreement, once negotiated and if goals are met and using \$25K out of Parks Fund. Commissioner Conley voting "Aye". Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "No". **MOTION FAILED**



**30010 AUTHORIZE GENERAL COUNSEL TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT RELATED TO ASSESSMENT AND/OR REPAIR OF UTILITY SERVICES AT 712 S. STAGECOACH DRIVE IN SAN MARCOS; TO AUTHORIZE THE COUNTY JUDGE TO SIGN SAID AGREEMENT, ONCE NEGOTIATED**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize General Counsel to negotiate a Professional Services Agreement related to Assessment and/or repair of utility services at 712 S. Stagecoach Drive in San Marcos; to authorize the County Judge to sign said Agreement, once negotiated in an amount not to exceed \$50K. All voting "Aye". MOTION PASSED

**Clerk's Note Agenda Item #21 RE:** 11:00 A.M. FIRE CODE WORKSHOP WITH POSSIBLE COURT ACTION – was pulled

**BUDGET WORKSHOP REGARDING THE FY 2015 HAYS COUNTY BUDGET**

Constable Pct. 4 – Constable Ron Hood gave a Powerpoint presentation outlining the needs for his office. Constable is requesting 3 newer vehicles than what he currently has. He'd like to replace '04 Crown Vic – 179K mi., '05 Chevy Caprice 123K mi., and '09 Dodge Durango 146K mi. If vehicle is replaced he will need the equipment for each. He's requesting 2 additional radars and 1 additional Ticket Writer. He'd like to promote one of his Deputy's from a level 1 to a level 4. Constable Pct. 1 – Constable David Peterson explained the needs he has. He needs another Deputy without a vehicle to be stationed at the Courthouse. If that position is approved, they will need a computer, hand held radio, patrol rifle, rifle magazines(2), badge, body armor, Taser, Taser holster, Taser cartridges, cell phone, cell phone service, business cards, handheld camera. He's also requesting 2 new Coban data/terminal and camera system, 2 new Coban/Havis computer stand, laptops for current vehicle fleet. Sheriff – Sheriff is requesting to regrade: LE Records Admin I to Admin II, with total budget impact of \$3,192. Warrants Admin II to Warrant Specialist, with total budget impact of \$719 including fringe. The Sheriff is also requesting 1 additional Ticket Writer. Personnel – Jail – 4 Officers for the booking area, with a total budget impact of \$191,323.

**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 11:40 a.m. and reconvened into opened court at 11:55 a.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.

**30011 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS FOR THE HAYS COUNTY HUMAN RESOURCES DEPARTMENT**

Court convened into Executive Session at 11:16 a.m. and reconvened into opened court at 11:40 a.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. This relates to ongoing reorganization of duties with the County's HR Department. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to increase the salary paid to the Worker Comp/HR Generalist position within the Human Resources Department from the minimum of Grade 113 up to the 41<sup>st</sup> percentile of Grade 113; and amend the budget accordingly. These changes will be accounted for in FY 2015 by way of the Court's budget process. All voting "Aye". MOTION PASSED**

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

Lieutenant, John Saenz 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 314 and peak was 323 on July 30<sup>th</sup> for the week of July 27 to August 02, 2014. The maximum female capacity is 56 inmates. Last week's average was 49 and peak was 51 on 7/27/2014. The maximum male capacity is 276 inmates. Last week's average was 266 and peak was 274 on 7/30/2014.



**30012 ACTION TO IMPLEMENT THE BURN BAN AND/OR DISASTER DECLARATION**

Hays County Fire Marshall Mark Chambers gave the Drought Index. It is currently at 548. The 14-day outlook number is 637. All the area Fire Chiefs agree that the Burn Ban should be implemented, effective immediately. Once the Burn Ban is put in effect, it will remain in effect for 90 days, unless the County Judge lifts it. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to implement the Hays County Burn Ban as recommended by the Hays County Fire Marshall. All voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #27 RE:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR – was pulled*

**Clerk's Note Agenda Item #28 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 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 August 5, 2014.



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

