



OCTOBER 15, 2013

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VOLUME V PG 255

STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 15<sup>TH</sup> DAY OF OCTOBER A.D., 2013, 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:

Rev Dr. Jenna Hart, First United Methodist Church Senior Minister, San Marcos 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.

**28372 ADOPT A PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER, 2013 AS BREAST CANCER AWARENESS MONTH**

Clint Garza, Director of Development of Community and Services accepted the Proclamation on behalf of the Hays County Health Department. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation recognizing the month of October, 2013 as Breast Cancer Awareness Month. All voting "Aye". MOTION PASSED

**28373 ADOPT A PROCLAMATION DECLARING OCTOBER 17, 2013 AS CONFLICT RESOLUTION DAY IN HAYS COUNTY**

Walt Krudop and Tera Cleland accepted on behalf of HCDRC. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring October 17, 2013 as conflict Resolution Day in Hays County. All voting "Aye". MOTION PASSED

**28374 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 19 - 26, 2013 AS RED RIBBON WEEK IN HAYS COUNTY**

Grace Davis Executive Director Hays-Caldwell Council on Alcohol and Drug Abuse and Rose Brooks spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Proclamation declaring the week of October 19 - 26, 2013 as Red Ribbon Week in Hays County. All voting "Aye". MOTION PASSED

**28375 ADOPT A PROCLAMATION RECOGNIZING THE WEEK OF OCTOBER 18-26, 2013 AS CELEBRATE MY DRIVE WEEK**

Yolanda Almendarez, State Farm Representative Rosie Garcia and San Marcos High School Principal Michelle Darlin spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Proclamation recognizing the week of October 18-26, 2013 as celebrate My Drive Week. All voting "Aye". MOTION PASSED

**28376 ADOPT A RESOLUTION IN SUPPORT OF HAYS COUNTY'S PARTICIPATION IN THE REGIONAL OZONE ADVANCE PROGRAM**

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt a Resolution in support of Hays County's participation in the Regional Ozone Advance Program. All voting "Aye". MOTION PASSED

**RECEIVE AN UPDATE FROM DAN WEGMILLER OF SPECIALIZED PUBLIC FINANCE REGARDING PASS-THROUGH FINANCE AND LIMITED TAX NOTE ISSUANCES**

Dan Wegmiller gave an update to the Court.

**28377 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of \$1,031,525.98 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**28378 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 1, 2013**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of October 1, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**28379 APPROVE RENEWAL OF IFB 2010-B07 "MOWING & GROUNDS MAINTENANCE FOR DUDLEY JOHNSON/ RANDALL VETTER PARKS & KYLE LOG HOUSE" FOR ONE ADDITIONAL YEAR AS PROVIDED IN ORIGINAL BID. ALL TERMS AND CONDITIONS REMAIN UNCHANGED**

The contract for "Mowing & Grounds Maintenance for Dudley Johnson/Randall Vetter & Kyle Log House will expire soon. A letter will be serve as notice that Hays County would like to renew the existing contract for one additional year provided all terms and conditions remain unchanged and in full force and effect as provided in the original contract. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve renewal of IFB 2010-B07 "Mowing & Grounds Maintenance for Dudley Johnson/Randall Vetter Parks & Kyle Log House" for one additional year as provided in original bid. All terms and conditions remain unchanged. All voting "Aye". MOTION PASSED

**28380 APPROVE OUT OF STATE TRAVEL FOR TRAINING FOR CHIEF JAMIE PAGE**

The Hays County Sheriff's Office would like for Chief Page to attend the Force Science Certification course in Arizona on January 13-17, 2014. This training will certify Chief Page in Force Science Analysis. He will be trained to recognize and articulate important psychological, biological and physiological factors that can influence human behavior and memory in force encounters and pursuit situations. Amount required \$3500.00 line item number 01-618-00.5551. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve out of state travel for training for Chief Jamie Page. All voting "Aye". MOTION PASSED

**28381 APPROVE OUT OF STATE TRAVEL FOR TRAINING FOR SERGEANT MATTHEW WASKO**

The Hays County Sheriff's Office would like for Sergeant Wasko to attend the Force Science Certification course in Washington on February 10-14, 2014. This training will certify Sergeant Wasko in Force Science Analysis. He will be trained to recognize and articulate important psychological, biological and physiological factors that can influence human behavior and memory in force encounters and pursuit situations. Amount required \$3500.00 line item number 01-618-00.5551. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve out of state travel for training for Sergeant Matthew Wasko. All voting "Aye". MOTION PASSED

**28382 ACCEPT A DONATION OF \$1,000 FROM THE WIMBERLEY VFW POST #6441 TO THE CONSTABLE PRECINCT 3 OFFICE AND AMEND THE BUDGET ACCORDINGLY**

Money to be placed in line item 001-637-00.5206. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept a donation of \$1,000 from the Wimberley VFW Post #6441 to the Constable Precinct 3 office and amend the budget accordingly. All voting "Aye". MOTION PASSED

**28383 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH GROUND CARE LAWN & LANDSCAPE SERVICE FOR THE LAWN MAINTENANCE OF THE GOVERNMENT CENTER AND HAYS COUNTY PRECINCT 4 OFFICE**

Contract for general lawn maintenance of the Government Center and the Hays County Precinct 4 Office. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a contract with Ground Care Lawn & Landscape Service for the lawn maintenance of the Government Center and Hays County Precinct 4 Office. All voting "Aye". MOTION PASSED

**28384 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL CONTRACT FOR PUBLIC SAFETY ANSWERING POINT MAINTENANCE, EQUIPMENT AND TRAINING WITH THE CAPITAL AREA EMERGENCY COMMUNICATIONS DISTRICT (CAECD) IN THE AMOUNT OF \$3,000.00 AND AMEND THE BUDGET ACCORDINGLY**

The Capital Area Emergency Communications District (CAECD) is a regional emergency communications district and political subdivision of the State of Texas, organized and operating under Chapter 722, Subchapter



G of the Health and Safety Code. The CAECD serves local governments within the boundaries coterminous with the Capital Area Council of Government (CAPCOG), and operations are based within the CAPCOG offices in Austin. Hays County has previously received funding from CAPCOG for the purchase of supplies to maintain the Public Safety Answering Point (PSAPs), upgrade equipment, and train personnel to participate in the 9-1-1 emergency telephone system in the Region. Responsibilities for administration of the regional program have now been assumed by the CAECD. The Interlocal Contract will provide funding to Hays County in the amount of \$3000.00 for Fiscal Year 2014 for supplies and services under the program. The contract term is from September 1, 2013 to September 30, 2014. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Contract for Public Safety Answering Point Maintenance, Equipment and Training with the Capital Area Emergency Communications District (CAECD) in the amount of \$3,000.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28385      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL CONTRACT FOR NEXT GENERATION 9-1-1 DATABASE PROGRAM WITH THE CAPITAL AREA EMERGENCY COMMUNICATIONS DISTRICT (CAECD) FOR EMERGENCY COMMUNICATIONS GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES TO BE PROVIDED BY THE COUNTY AND AMEND THE BUDGET ACCORDINGLY**

The Capital Area Emergency Communications District (CAECD) is a regional emergency communications district and political subdivision of the State of Texas, organized and operating under Chapter 722, Subchapter G of the Health and Safety Code. The CAECD serves local governments within the boundaries coterminous with the Capital Area Council of Government (CAPCOG), and operations are based within the CAPCOG offices in Austin. Hays County has previously received funding from CAPCOG to develop, maintain, and share an accurate Geographic Information System (GIS) database for effective emergency services delivery within the County. Responsibilities for administration of the regional program have now been assumed by the CAECD. The Interlocal Contract will provide additional funding to Hays County for Fiscal Year 2013 not to exceed \$12,795 and for Fiscal Year 2014 - \$153,536 - for services under the program. Funding will be utilized for personnel, contract services, equipment, supplies, travel and training associated with database management. The contract term is from September 1, 2013 to September 30, 2014. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Contract for Next Generation 9-1-1 Database Program with the Capital Area Emergency Communications District (CAECD) for emergency communications Geographic Information System (GIS) services to be provided by the County and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28386      AUTHORIZE THE COUNTY JUDGE TO ACCEPT AN AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE FY2013 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) IN THE AMOUNT OF \$64,969.00**

On April 30, 2013 the Commissioners Court authorized submission of a grant application to the U.S. Department of Justice, Bureau of Justice Assistance (BJA) for FY2013 funding under the State Criminal Alien Assistance Program (SCAAP). An award of \$64,969.00 has been made to the County. SCAAP provides federal payments to state and local entities for partial reimbursement of costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions and that are jailed for at least 4 consecutive days. Acceptance of this award is done through Internet on-line access to the BJA. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to accept an award from the Bureau of Justice Assistance (BJA) for the FY2013 State Criminal Alien Assistance Program (SCAAP) in the amount of \$64,969.00. All voting "Aye". MOTION PASSED**

**28387      AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA), BULLETPROOF VEST PARTNERSHIP (BVP) PROGRAM IN THE AMOUNT OF \$19,869.11**

On May 14, 2013 the Commissioners' Court authorized submission of a grant application to the Bureau of Justice Assistance (BJA), Bulletproof Vest Partnership program in the amount of \$53,550 (for a grant request of \$26,775) for 63 bulletproof vests over a two-year period. The Bulletproof Vest Partnership Program reimburses one-half of the cost of the vests. Notice of award was received via e-mail (attached), and the grant amount is for \$19,869.11, which will allow the purchase of 47 vests with grant assistance. Acceptance is done electronically. Amount required \$19,869.11 over a 2-year period. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to accept a grant award from the Bureau of Justice Assistance (BJA), Bulletproof Vest Partnership (BVP) program in the amount of \$19,869.11. All voting "Aye". MOTION PASSED**



**28388 APPROVE THE PURCHASE OF THE INDIAN WARS AND PIONEERS OF TEXAS BOOK AND A COLT REVOLVER CYLINDER SCENE TO BE USED IN THE COURTHOUSE MUSEUM, AND A CANON 18-135MM CAMERA TO BE USED FOR HISTORICAL COMMISSION DOCUMENTARIES AND AMEND THE FY14 BUDGET**

The Indian Wars and Pioneers of Texas book costs \$1,495.19 and the Colt Revolver Cylinder Scene Plate costs \$1,614.69, and the camera costs \$1,549.00. Amount required \$4,659.00; Decrease Expense 001-676-00-055.5448 Contract Services (\$1,549.00); Increase Expense 001-676-00-055.5719\_400 Miscellaneous Equipment Operating \$1,549.00; Decrease Expense 141-676-00.5461 Printing Services (\$3,110.00); Increase Expense 141-676-00.5719\_400 Miscellaneous Equipment Operating \$3,110.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the purchase of The Indian Wars and Pioneers of Texas book and a Colt Revolver Cylinder Scene to be used in the Courthouse Museum, and a Canon 18-135mm Camera to be used for Historical Commission documentaries and amend the FY14 budget. All voting "Aye". MOTION PASSED**

**28389 MOVE FUNDS BUDGETED IN THE EMERGENCY MANAGEMENT COORDINATOR'S DEPARTMENT TO THE SHERIFF'S OPERATING BUDGET FOR A RICOH COPIER LEASE**

The EMC office is no longer in need of the Ricoh copier that is under lease since their move to the Yarrington Facility. This office is willing and capable of sharing a copier with other offices within the building. The Sheriff's Office would like to take over this lease and have the machine moved to their human resources office area. Funds were budgeted during the FY14 budget process in the EMC budget and will be moved to the SO Operating budget to cover the monthly lease. Amount required \$2,000; Decrease EMC Eqpt Lease - 001-656-00.5473 (\$2,000); Increase SO Eqpt Lease - 001-618-00.5473 \$2,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to move funds budgeted in the Emergency Management Coordinator's department to the Sheriff's Operating budget for a Ricoh copier lease. All voting "Aye". MOTION PASSED**

**28390 APPROVE THE RE-GRADE AND RE-TITLE OF THE CHIEF DEPUTY CLERK, SLOT 0405-001 GRADE 110 TO A DEPUTY CLERK III, SLOT 0453-007 GRADE 109 IN THE DISTRICT CLERK'S OFFICE**

Due to a re-organizational structure within the District Clerks office, it is no longer effective to have two Chief Deputy Clerk positions. One of the Chief Deputy Clerk positions is currently functioning as a Deputy Clerk III, therefore the District Clerk would like this position to be re-graded and re-titled to appropriately reflect duties and function. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the re-grade and re-title of the Chief Deputy Clerk, slot 0405-001 grade 110 to a Deputy Clerk III, slot 0453-007 grade 109 in the District Clerk's office. All voting "Aye". MOTION PASSED**

**28391 AUTHORIZE THE RE-TITLE OF TWO EVIDENCE TECHNICIAN POSITIONS IN THE SHERIFF'S OFFICE TO CRIME SCENE/EVIDENCE TECHNICIAN**

The Sheriff's Office currently has two Evidence Technician positions in their organization, however are using Crime Scene/Evidence Technician as functional titles. The Sheriff would like to re-title both positions to appropriately reflect duties and function. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the re-title of two Evidence Technician positions in the Sheriff's office to Crime Scene/Evidence Technician. All voting "Aye". MOTION PASSED**

**28392 AUTHORIZE THE SHERIFF'S OFFICE TO IMPLEMENT A SALARY PROGRESSION PLAN FOR EMERGENCY COMMUNICATION OFFICERS AND AMEND THE BUDGET ACCORDINGLY**

During the FY 2014 budget process the Commissioner's Court set aside funds to address the need to implement a new salary plan for the ECO positions. The Sheriff has drafted a plan which increases the starting salary, with automatic increases on anniversary dates of years 1 and 3. This plan will allow Hays County to be more competitive during the initial hiring process as well as retain employees with incentive increases. The current grade 109 will be maintained, however allowing the Sheriff to hire new positions up to the 8th percentile with a beginning salary of \$31,000. An increase of \$1,000 will be applied at the Sheriff's discretion on the individuals 1 year anniversary date, moving those eligible up to the 15th percentile and again on year 3 anniversary by \$1,500 moving up to the 25th percentile. Funds needed to implement this plan would place existing employees at the new percentile based on years of service, as well as identify the new starting salary for vacant positions. These positions would continue to be eligible for merit increases when budgeted by the Court. Funds totaling \$53,037 for base salary/fringe were budgeted for a new ECO plan. The Sheriff utilized his 4% salary pool to fund the difference of \$1,365. Funds needed have been annualized allowing placement in the plan to begin effective October 1, 2013. Amount required \$54,402 budgeted in FY2014. Increase Base Salary - \$45,506; Increase Fringe - \$8,896; Decrease Co-Wide Salary Adjustments - (\$54,402). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Sheriff's Office to implement a salary progression plan for Emergency Communication Officers and amend the budget accordingly. All voting "Aye". MOTION PASSED**



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- 28393 ACCEPT A DONATION TO THE HAYS COUNTY SHERIFF'S OFFICE, HONOR GUARD TEAM IN THE AMOUNT OF \$970.00 AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office, Honor Guard Team received a donation in the amount of \$970.00. The donation will be utilized to replace supplies and uniforms for the team. Amount required \$970.00; Increase Revenue 001-618-00.4610 Contributions \$970.00; Increase Expense 001-618-00.5206 LE Supplies \$970.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept a donation to the Hays County Sheriff's Office, Honor Guard team in the amount of \$970.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 28394 ACCEPT A DONATION TO THE HAYS COUNTY SHERIFF'S OFFICE IN THE AMOUNT OF \$379.99 FOR SUPPLIES NEEDED FOR ROCKY THE HCSO DRUG DOG AND AMEND THE BUDGET ACCORDINGLY**

Rocky, the Sheriff's Office Drug Dog received two donations totaling in the amount of \$379.99. The donations will be utilized to purchase supplies for Rocky. Amount required \$379.99 line item number 053-618-00.4610; Increase Revenue 053-618-00.4610 Contributions \$379.99; Increase Expense 053-618-00.5391 Miscellaneous \$379.99. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept a donation to the Hays County Sheriff's Office in the amount of \$379.99 for supplies needed for Rocky the HCSO drug dog and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 28395 APPROVE AWARD OF IFB 2014-B01 A/C & HEATING SERVICES COUNTYWIDE TO MADERO AIR & HEATING**

Purchasing received 5 bids with Madero Air & Heating providing the lowest bid. The bids came from Madero Air & Heating, Aire Serv of River Cities, Avatt Service, Inc, Competetion A/C & Heat and Trane. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to Approve award of IFB 2014-B01 A/C & Heating Services Countywide to Madero Air & Heating. All voting "Aye". MOTION PASSED**

- 28396 APPROVE AWARD OF IFB 2014-B02 PLUMBING SERVICES COUNTYWIDE TO TEXAS STATE PLUMBING**

Purchasing received 2 bids with Texas State Plumbing providing the lowest bid. The bids came from Church Services and Texas State Plumbing. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve award of IFB 2014-B02 Plumbing Services Countywide to Texas State Plumbing. All voting "Aye". MOTION PASSED**

- 28397 APPROVE UTILITY PERMITS**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Utility Permit # 898 in the Oak Crest Dr. - Sunset Canyon Subdivision issued to West Travis County, PUA, Utility Permit # 899 in the Canyon View Rd - Sunset Canyon Subdivision issued to West Travis County, PUA, Utility Permit #900 in the Pier Branch Rd - Sunset Canyon Subdivision issued to West Travis County, PUA, Utility Permit # 901 in the Redwood Rd issue to Bluebonnet Electric Cooperative and Utility Permit # 902 in the Mirela Ann Rd. issued to Bluebonnet Electric Cooperative as submitted by the Road Department. All voting "Aye". MOTION PASSED**

- 28398 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ENGAGEMENT LETTER BETWEEN HAYS COUNTY AND ANDREWS KURTH LLP**

Engagement letter is in connection with legal services provided to Hays County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an Engagement Letter between Hays County and Andrews Kurth LLP. All voting "Aye". MOTION PASSED**

- 28399 AUTHORIZE THE SHERIFF'S OFFICE TO ADD A TELEPHONE ALLOWANCE EFFECTIVE NOV. 1, 2013 FOR CRIME ANALYST, SLOT NUMBER 0627-02 AND AMEND THE BUDGET ACCORDINGLY**

A stipend was approved for the Crime Analyst position via the Request/Justification Form for Electronics and Related Equipment/Services. This position will better serve detectives with information after hours during major crimes and/or search warrants by utilizing a smart phone. Amount required \$385.00; 001-618-00.5489 Telephone & Data Lines (\$385.00); 001-618-00.5194 Telephone Allowance \$385.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to add a telephone allowance effective Nov. 1, 2013 for Crime Analyst, Slot number 0627-02 and amend the budget accordingly. All voting "Aye". MOTION PASSED**



**28400            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL CONTRACT WITH HAYS COUNTY SHERIFF'S OFFICE & MID-STATES SERVICES, INC. FOR INMATE COMMISSARY SERVICES**

The Sheriff's Office is requesting to renew the Commissary service contract with Mid-States Inc. The contract will remain in effect until September 2016. It shall thereafter have the option to renew itself for two additional one year periods upon mutual agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a renewal contract with Hays County Sheriff's Office & Mid-States Services, Inc. for inmate commissary services. All voting "Aye".** MOTION PASSED

**28401            AUTHORIZE A TRANSFER OF FUNDS FROM COUNTY-WIDE TO THE DISTRICT ATTORNEY'S EXPERT WITNESS LINE ITEM AND AMEND THE BUDGET ACCORDINGLY**

The District Attorney's office has recused themselves from a high profile case which will require special prosecutors be appointed. This case will be set for a jury trial and the special prosecutors handling the case advised that they will need an expert witness to testify. Anticipated costs for this will be approximately \$10,000. The DA does not have enough funds available in their FY14 budget, therefore request that the Court move funds from County-Wide contingencies to fund this. Amount required \$10,000 line item number 001-607-00.5436. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize a transfer of funds from County-Wide to the District Attorney's expert witness line item and amend the budget accordingly. All voting "Aye".** MOTION PASSED

**28402            ACCEPT AMENDMENT NO. 3 TO LETTER OF CREDIT NO. LC1240 FOR BELTERRA PHASE 2, SECTION 7**

The original letter of credit for street and drainage improvements for Belterra Phase 2, Section 7 was accepted on May 8, 2012. This amendment identifies a new address for the Letter of Credit Unit for Texas Capital Bank. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept Amendment No. 3 to Letter of Credit No. LC1240 for Belterra Phase 2, Section 7. All voting "Aye".** MOTION PASSED

**28403            APPROVE A STANDARD TEN DOLLAR (\$10) FEE FOR THE DELIVERY OF DISCOVERY PACKETS BY THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE AND AUTHORIZE THE DISTRICT ATTORNEY'S OFFICE TO COLLECT SAID FEE**

After surveying the practices of other jurisdictions, the District Attorney's Office believes that a flat-rate fee of \$10 would be the most efficient way to charge for costs associated with criminal discovery under Chapter 39 of the Texas Code of Criminal Procedure, as amended in the 83rd Legislative Session. The D.A.'s Office intends to eventually use the fees associated with Discovery to work toward a "paperless" system of discovery, utilizing scanning equipment and upgraded software and IT hardware that would streamline the discovery process. This approach would work in tandem with other efforts to go paperless, like E-Filing, etc. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve a standard Ten Dollar (\$10) fee for the delivery of Discovery packets by the Hays County Criminal District Attorney's Office and authorize the District Attorney's Office to collect said fee. All voting "Aye".** MOTION PASSED

**28404            ADOPT SECTION 775.0422 OF THE TEXAS HEALTH AND SAFETY CODE WITHIN THE JURISDICTION OF HAYS COUNTY**

775.0422 of the Texas Health and Safety Code, if adopted by resolution of Commissioners Court, authorizes the removal of ESD Commissioners for certain causes. General Counsel advises that the Commissioners Court should adopt this section, if at all, when there are no present issues that could be construed as "causes for removal" under this section. Causes for removal are as follows: (1) incompetency, as defined by Section 87.011, Local Government Code; (2) official misconduct, as defined by Section 87.011, Local Government Code; or (3) misconduct, as defined by Section 178.001, Local Government Code. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to Adopt Section 775.0422 of the Texas Health and Safety Code within the jurisdiction of Hays County. All voting "Aye".** MOTION PASSED



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**28405            AUTHORIZE LEGAL COUNSEL TO APPROVE ADDITIONAL FUNDS FOR SERVICES RELATED TO MATTERS INVOLVING ALTERNATIVE WATER RESOURCES**

On August 6, 2013 the Commissioners Court authorized legal counsel to obtain legal services up to \$10,000 as it relates to alternative water resources within the County. Additional funds are needed for assistance in seeking the Attorney General Opinion cited in the recently-executed Forestar Agreement, and for assistance in related matters. Funds are budgeted within the County-Wide legal budget to cover this request. Not to exceed \$10,000. Line item number 001-645-00.5441. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Legal Counsel to approve additional funds for services related to matters involving alternative water resources. All voting "Aye". MOTION PASSED**

**28406            AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH WENDT CLEANING INC. DBA SPOTLESS CLEANING INC. FOR JANITORIAL SERVICES**

The company performing current janitorial services in the remote Hays County offices has given notice and will no longer be performing the services after the month of October 2013. Spotless Cleaning Inc. was second in scoring in the Janitorial Services RFP and will begin the first Monday in November. Amount required \$67,192.32 **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Agreement with Wendt Cleaning Inc. dba Spotless Cleaning Inc. for janitorial services. All voting "Aye". MOTION PASSED**

**County Clerk's Note:** At this time Judge Cobb left the meeting.

**28407            AUTHORIZE THE COUNTY JUDGE/COMMISSIONER JONES TO EXECUTE A SUPPLEMENTAL AGREEMENT TO THE STANDARD UTILITY AGREEMENT WITH TIME WARNER CABLE FOR WORK ON 1626 NORTH**

The Time Warner Cable Standard Utility Agreement was executed on 01/07/13; the Supplemental Agreement to the Standard Utility Agreement will allow for the following: (1) Incorporation of a 20'x10' bore staging area at various locations (2 )Incorporation of a 10'x10'receiving area at various locations (3) Open trenching to tie in services at a 42" minimum depth (4)Completion of temporary adjustments that relocated existing underground facilities onto temporary aerial facilities via PEC poles (5) Completion of final adjustments that relocated TWC aerial facilities from temporary PEC poles onto permanent PEC pole locations (6) Completion of additional splicing to relocate existing underground facilities onto temporary and then final aerial facilities. The estimated cost of the adjustment, relocation or removal is increased by \$292,320.87. Budgeted road bond fund (already allocated). **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge/Commissioner Jones to execute a Supplemental Agreement to the Standard Utility Agreement with Time Warner Cable for work on 1626 North. All present voting "Aye". MOTION PASSED**

**28408            REPLACE IRREVOCABLE STANDBY LETTER OF CREDIT NO. SBP702327 WITH BOND NO. 76089437 FOR SURETY OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS WITHIN BELTERRA SUBDIVISION, PHASE 4, SECTION 12B**

The developer responsible for this section of Belterra has changed. Action to replace the surety simply transfers the financial responsibility. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to replace Irrevocable Standby Letter of Credit No. SBP702327 with Bond No. 76089437 for surety of the construction of street and drainage improvements within Belterra Subdivision, Phase 4, Section 12B. . All voting "Aye". MOTION PASSED**

**28409            REPLACE IRREVOCABLE STANDBY LETTER OF CREDIT NO. SBP702329 WITH BOND NO. 76089439 FOR SURETY OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS WITHIN BELTERRA SUBDIVISION, PHASE 4, SECTION 19A**

The developer responsible for this section of Belterra has changed. Action to replace the surety simply transfers the financial responsibility. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to replace Irrevocable Standby Letter of Credit No. SBP702329 with Bond No. 76089439 for surety of the construction of street and drainage improvements within Belterra Subdivision, Phase 4, Section 19A. All voting "Aye". MOTION PASSED**

**28410            REPLACE IRREVOCABLE STANDBY LETTER OF CREDIT NO. SBP702329 WITH BOND NO. 76089438 FOR SURETY OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS WITHIN BELTERRA SUBDIVISION, PHASE 4, SECTION 19B**

The developer responsible for this section of Belterra has changed. Action to replace the surety simply transfers the financial responsibility. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to replace Irrevocable Standby Letter of Credit No. SBP702329 with Bond No. 76089438 for surety of the construction of street and drainage improvements within Belterra Subdivision, Phase 4, Section 19B. All voting "Aye". MOTION PASSED**



- 28411 **REPLACE IRREVOCABLE STANDBY LETTER OF CREDIT NO. SBP702257 WITH BOND NO. 76089436 FOR SURETY FOR THE MAINTENANCE OF STREET AND DRAINAGE IMPROVEMENTS WITHIN BELTERRA SUBDIVISION, PHASE 4, SECTION 13**

The developer responsible for this section of Belterra has changed. Action to replace the surety simply transfers the financial responsibility. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to replace Irrevocable Standby Letter of Credit No. SBP702257 with Bond No. 76089436 for surety for the maintenance of street and drainage improvements within Belterra Subdivision, Phase 4, Section 13. All voting "Aye". MOTION PASSED**

- 28412 **RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BUSH RANCH SUBDIVISION, PHASE 2, SECTION 1**

The Transportation Department has inspected and recommends acceptance for maintenance. The road segment is Four Star Boulevard (700 ft.). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to release of the Maintenance Bond and accept for maintenance all road and drainage improvements within County ROW for Bush Ranch subdivision, Phase 2, Section 1. All voting "Aye". MOTION PASSED**

- 28413 **CALL FOR A PUBLIC HEARING ON OCTOBER 29, 2013 TO ESTABLISH TRAFFIC REGULATIONS IN BARTON CREEK RANCH SUBDIVISION**

This is to establish: a stop sign location on Barton Ranch Circle at Barton Ranch Road, on Bartons Pass at Barton Ranch Circle, on Bartons Pass at Barton Creek Drive, and on Barton Creek Circle at Barton Creek Drive. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on October 29, 2013 to establish traffic regulations in Barton Creek Ranch Subdivision. All voting "Aye". MOTION PASSED**

- 28414 **ADOPT THE FY 2014 HOLIDAY CALENDAR**

Due to Texas Independence Day falling the day before the Primary Election, the Court needs to reconsider amending the 2014 Holiday Calendar to include Columbus Day to replace Texas Independence Day. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Hays County Calendar for 2014 to add Texas Independence Day, Friday, February 28, 2013. All voting "Aye". MOTION PASSED**

**An amended motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Hays County Calendar for 2014 add Columbus Day instead of Texas Independence Day. All voting "Aye". MOTION PASSED**

- 28415 **AUTHORIZE A SALARY INCREASE FOR PRECINCT 2 DEPUTY CONSTABLE, SLOT 0885-016 TO THE 28.6TH PERCENTILE OF GRADE 250 AND AMEND THE BUDGET ACCORDINGLY**

Constable James Kohler, Constable Precinct 2 Office spoke and was approved a new deputy constable position during the FY14 budget process. The Constable has re-hired a previous employee with over 11 years deputy constable experience with the County, and has been working as a reserve for the past six months. Based on this past experience, willingness to continue working as an unpaid reserve and the knowledge and experience this individual brings to this position, the Constable is requesting that the salary be placed back to his previous rate at termination effective October 1, 2013 at date of re-hire. As per County Personnel Policy, section 6.05 "A break in continuous service with the county forfeits any vacation accrual benefits. Rehired employees will earn leave as if they were a new hire." Therefore, vacation accruals for this individual will be reset as a new hire. Prior service will be recognized and calculated for longevity payouts, per Personnel Policy, section 4.11. Potential funding source - County Wide contingency savings. Amount required \$5,902.00; Increase Constable Pct 2: Base Salary - \$4,937; FICA - \$ 306; Medicare - \$ 72; Retirement - \$ 587. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize a salary increase for precinct 2 Deputy Constable, slot 0885-016 to the 28.6<sup>th</sup> percentile of Grade 250 and amend the budget accordingly. All voting "Aye". MOTION PASSED**





OCTOBER 15, 2013

**28416 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR CONTRACTUAL OBLIGATIONS AND VOTING EQUIPMENT AND SUPPLIES RECEIVED BETWEEN HAYS COUNTY AND ROCKWALL COUNTY**

Joyce Cowan, Elections Administer spoke. This Agreement outlines the requirements for the transfer and use of property obtained by Rockwall County under a grant with the United States of America, represented by The Defense Human Resources Activity (DHRA). The executed grant number for the grant is H98210-13-BAA-0001. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute an Internal Agreement for Contractual Obligations and Voting Equipment and Supplies received between Hays County and Rockwall County. All voting "Aye". MOTION PASSED**

**28417 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATED TO THE UTILITY RELOCATION AT THE INTERSECTION OF YARRINGTON AND IH35**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an Internal Agreement between Hays County and the City of San Marcos related to the Utility relocation at the intersection of Yarrington and IH35. All voting "Aye". MOTION PASSED

**28418 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN END-USER LICENSE AGREEMENT BETWEEN HAYS COUNTY AND JAGUAR SOFTWARE DEVELOPMENT, INCORPORATED**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute and End-User License Agreement between Hays County and Jaguar Software Development, Incorporated. All 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 PROJECT SHIELD AND PROJECT TRIANGLE**

Court convened in Executive Session at 10:35 a.m. and reconvened in open court at 11:02 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and Mike Kamerlander. No Action Taken

**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, OR COUNTY-LEASED PROPERTIES**

Court convened in Executive Session at 11:03 a.m. and reconvened in open court at 11:20 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 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY**

Court convened in Executive Session at 11:21 a.m. and reconvened in open court at 11:48 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 Office spoke. 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 290 and peak was 297 on October 11<sup>th</sup> for the week of October 6 to October 12, 2013. The maximum female capacity is 56 inmates. Last week's average was 47 and peak was 51 on 10/12/2013. The maximum male capacity is 276 inmates. Last week's average was 243 and peak was 247 on 10/11/2013.

**County Clerk's Note Agenda Item #53 RE: DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION – was pulled**

**County Clerk's Note Agenda Item #54 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**



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

Laura Y.H. Harris, P.E. for HNTB gave a PowerPoint Presentation.

**County Clerk's Note Agenda Item #56 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 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 October 15, 2013.



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

