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AGENDA ITEM REQUEST FORM

Hays County Commissioners Court

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Approve Commissioner Court Minutes of October 1, 2013.

ITEM TYPE

CONSENT

MEETING DATE

October 15, 2013

AMOUNT REQUIRED

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A

AUDITOR REVIEW: N/A

REQUESTED BY

Gonzalez

SPONSOR

COBB

CO-SPONSOR

N/A

SUMMARY

FILED: 10 15 13
HAYS COUNTY COMMISSIONERS' COURT
Resolution # 28378 VOL V PG 256



OCTOBER 1, 2013

VOLUME V PG 249

STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 1ST 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
DEBBIE GONZALES INGALSBE
MARK JONES
WILL CONLEY
RAY O. WHISENANT JR
LIZ Q. GONZALEZ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Gary Smith, Retired Air Force Chaplin 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

Kate Johnson with the Historical Commission invited the Commissioners and the Hays County Employees to come over the Bar-B-Que Luncheon to welcome back Special Counsel Mark Kennedy back to the Courthouse.

28348 ADOPT A PROCLAMATION DECLARING THE MONTH OF OCTOBER, 2013 AS NATIONAL DOMESTIC AND TEEN DATING VIOLENCE AWARENESS MONTH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring the Month of October, 2013 as National Domestic and Teen Dating Violence Awareness Month. All voting "Aye". MOTION PASSED

28349 PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER AS TURKEY'S TACKLING HUNGER MONTH

Jerry Gracy with the Hays County Food Bank spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt a Proclamation recognizing the month of October as Turkey's Tackling Hunger Month. All voting "Aye". MOTION PASSED

PRESENTATION BY REPRESENTATIVES OF THE LONE STAR RAIL DISTRICT'S LSTAR RAIL LINE

Joe Black- Lone Star Rail District spoke and gave a presentation on what the objectives of the Lone Star Rail District. Created by the Legislature to: Improve Public Safety; Improve Mobility; Speed NAFTA Freight Deliveries; Create New Tax Base Possibilities; Offer and Energy-Efficient Transportation Alternative; Provide Predictable Reliable Travel Choice; Maintain Air Quality Status; Create a Seamless Multi-Modal Transportation System; Provide a Catalyst for Exciting Economic Development Opportunities.

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

Regina Henderson, MBA, Director of Clinic Services and Lenore DePagter, D.O. Physician Practice Administrator spoke and gave an presentation of the Central Texas Medical Center and Live Oak Health Partners.

28350 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 \$1,916,733.86 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28351 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 24, 2013

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of September 24, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED



28352 ACCEPT A \$500.00 DONATION TO THE HAYS COUNTY SHERIFF'S OFFICE, COMMUNITY OUTREACH PROGRAM, FOR NATIONAL NIGHT OUT 2013 AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office Community Outreach Program received a donation from Mid-States to be utilized for National Night Out 2013 and request to amend the budget accordingly. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a \$500.00 donation to the Hays County Sheriff's Office, Community Outreach Program, for National Night Out 2013 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28353 ACCEPT AN AWARD FROM THE TARGET PUBLIC SAFETY GRANT PROGRAM OF \$1,500.00 ON BEHALF OF THE HAYS COUNTY SHERIFF'S OFFICE'S PATROL DIVISION FOR THE PURCHASE OF NEW HAND-HELD CAMERAS AND AMEND THE BUDGET ACCORDINGLY

The Hays County Sheriff's Office was awarded a Target Public Safety Grant of \$1,500.00 to procure hand-held cameras for the Patrol Division. This award will be used to purchase new Nikon COOLPIX L28 20MP Digital Cameras. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept an award from the Target Public Safety Grant program of \$1,500.00 on behalf of the Hays County Sheriff's Office's Patrol Division for the purchase of new hand-held cameras and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28354 APPROVE A RESOLUTION CERTIFYING THAT THE COUNTY HAS APPROVED A \$13,000.00 GRANT FOR FY 2014 TO COMBINED COMMUNITY ACTION, AN ORGANIZATION THAT PROVIDES HOME DELIVERED MEALS TO HOMEBOUND PERSONS IN THE COUNTY THAT ARE ELDERLY OR HAVE A DISABILITY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve a resolution certifying that the County has approved a \$13,000.00 grant for FY 2014 to Combined Community Action, an organization that provides home delivered meals to homebound persons in the County that are elderly or have a disability. All voting "Aye". **MOTION PASSED**

28355 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FY2014 PROJECT GRANT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PREVENTIVE MAINTENANCE FUNDING OF \$3000.00 FOR TWO VEHICLES IN THE VETERANS SERVICE OFFICE AND AMEND THE BUDGET ACCORDINGLY

On July 24, 2012 the Commissioners Court authorized a grant application to the Texas Department of Transportation (TxDOT), Section 5310 program for \$3000.00 in funding for preventive maintenance on two vehicles in the Veterans Service Office, previously purchased through this program. On April 16, 2013 the Commissioners Court authorized submission of additional documentation (Certifications and Assurances) to TxDOT for securing these funds. The Project Grant Agreement will formalize acceptance of the funding from TxDOT, in the amount of \$3,000.00. A match of 20% (\$750.00) is required for the total project cost which is already budgeted in the FY14 Veteran's operating budget. Amount required \$3,000.00. Increase Revenue: \$3,000; Increase Vehicle Maintenance: \$3,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a FY2014 Project Grant Agreement with the Texas Department of Transportation for preventive maintenance funding of \$3000.00 for two vehicles in the Veterans Service Office. All voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a FY2014 Project Grant Agreement with the Texas Department of Transportation for preventive maintenance funding of \$3000.00 for two vehicles in the Veterans Service Office and amend the budget accordingly. All voting "Aye". **MOTION PASSED**

28356 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT RENEWAL WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) PROGRAM IN THE AMOUNT OF \$121,300.00

On April 30, 2013 the Commissioners' Court authorized submission of a grant renewal application to the Department of State Health Services in the amount of \$121,300.00 to support the salary and benefits of the Emergency Preparedness Coordinator and SNS Coordinator in the Hays County Local Health Department. The grant has been approved, and the renewal contract between Hays County Personal Health Department and DSHS contract #2014-001268-00 is to fund the PHEP program for FY14. The 10% match will be met by in-kind contributions from the Health Department operating funds. The funding period for this program is September 1, 2013 through August 31, 2014. The renewal contract will be signed and submitted electronically. Amount required \$ 12,130.00 line item number 120-675-058-.4301. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract renewal with the Texas Department of State Health Services (DSHS) for the Public Health Emergency Preparedness (PHEP) program in the amount of \$121,300.00. All voting "Aye". MOTION PASSED**



OCTOBER 1, 2013

VOLUME V PG 251

28357 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT RENEWAL WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE IMMUNIZATION PROGRAM IN THE AMOUNT OF \$192,341.00

On April 2, 2013 the Commissioners Court authorized submission of a grant application to the Department of State Health Services (DSHS) in the amount of \$192,341.00 to provide support of the salary and benefits of the staff involved in this program. Funding has been approved, and this is a renewal contract #2014-001292-00 between Hays County Personal Health Department and DSHS is to fund the Immunization Program for FY14. The funding period for this program is September 1, 2013 through August 31, 2014. The contract renewal will be signed and submitted electronically. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract renewal with the Texas Department of State Health Services (DSHS) for the Immunization Program in the amount of \$192,341.00. All voting "Aye". MOTION PASSED**

28358 AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO INTER-LOCAL CONTRACT RENEWALS WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR \$26,580.00 IN STATE FUNDING AND \$14,468.00 IN FEDERAL FUNDING FOR THE TUBERCULOSIS (TB) PREVENTION AND CONTROL PROGRAM IN THE COUNTY HEALTH DEPARTMENT

On July 2, 2013 the Commissioners Court authorized to submission of two inter-local grant applications to the Texas Department of State Health Services to provide for surveillance, case identification, contact investigation, treatment or preventive therapy, and follow-up for Tuberculosis. The grant awards have been approved and include both State contract #2014-001414-00 (\$26,580) and Federal contract #2014-001423-00 (\$14,468) funds totaling \$41,048, with a 20% match (\$8,210) required of the County for participation in the program. The match is budgeted within the Health Department for Fiscal year 2014 from existing salaries, benefits, and operating expenses. The contract period will be from September 1, 2013 through August 31, 2014. The renewal contract will be signed and submitted electronically. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute two inter-local contract renewals with the Texas Department of State Health Services (DSHS) for \$26,580.00 in State funding and \$14,468.00 in Federal funding for the Tuberculosis (TB) prevention and control program in the County Health Department. All voting "Aye". MOTION PASSED**

28359 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT RENEWAL WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE RLSS/LOCAL PUBLIC HEALTH SYSTEM -PNP PROGRAM IN THE AMOUNT OF \$51,463.00

On April 2, 2013 the Commissioners' Court authorized submission of a grant renewal application to the Department of State Health Services in the amount of \$51,463.00 to provide partial support of the salary and benefits for the Community Health RN. The grant has been approved, and this is a renewal contract #2014-001304-00 between Hays County Personal Health Department and DSHS to fund the RLSS/Local Public Health System-PnP program for FY14. The program is to improve, monitor and evaluate the essential public health activities within our county. The funding period for this program is September 1, 2013 through August 31, 2014. The renewal contract will be signed and submitted electronically. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract renewal with the Texas Department of State Health Services (DSHS) for the RLSS/Local Public Health System -PNP program in the amount of \$51,463.00. All voting "Aye". MOTION PASSED**

28360 AMEND VARIOUS DEPARTMENTAL BUDGETS IN PREPARATION FOR THE COUNTY'S FY2013 YEAR-END PROCESS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend various departmental budgets in preparation for the County's FY2013 year-end process. All voting "Aye". MOTION PASSED

28361 AUTHORIZE THE RE-GRADE AND RE-TITLE OF THE SR. CASE MANAGER POSITION, SLOT 9020-001 GRADE 110 AT THE JUVENILE DETENTION CENTER TO A LICENSED MENTAL HEALTH COUNSELOR GRADE 111 EFFECTIVE IMMEDIATELY

During the FY 2014 budget process, the Commissioner's Court authorized two additional positions for mental health services (one Sr. Licensed Mental Health Counselor, grade 114 & one Licensed Mental Health Counselor grade 111) that will be funded through grant revenue. The Juvenile Detention Center currently has one Sr. Case Manager that is licensed and will have the same duties as the newly created Licensed Mental Health Counselor. The Sr. Case Manager Position needs to be re-graded and re-titled as their licensure and duties will be the same. It is anticipated that the JDC will have salary savings due to attrition to fund this request. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the re-grade and re-title of the Sr. Case Manager position, slot 9020-001 grade 110 at the Juvenile Detention Center to a Licensed Mental Health Counselor grade 111 effective immediately. All voting "Aye". MOTION PASSED**



28362 APPROVE THE SHERIFF'S OFFICE TRAINING ACADEMY TO ACCEPT REVENUE BY HOSTING TRAINING COURSES CONDUCTED BY THE NATIONAL RIFLE ASSOCIATION

In 2011, the Sheriff's Office with Commissioner's Court approval was authorized to accept revenue for continuing education courses. The Sheriff's Office is hosting four training courses instructed by the National Rifle Association. The training courses are Handgun-Shotgun, Patrol Rifle, Tactical Shooting and Tactical Shotgun. These are week long courses designed to train and prepare law enforcement officers to be firearm instructors. Tuition and registration is handled by NRA. As the hosting agency, the Hays County Sheriff's Office has the option of charging a range fee that will help replenish cardboard, staples, coffee, snacks or other out of pocket expenses. Monies collected will go into revenue line item 001-618-00.4408/Training Academy using Course Code number 2013 – NRA Course. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the Sheriff's Office Training Academy to accept revenue by hosting training courses conducted by the National Rifle Association. All voting "Aye". MOTION PASSED**

28363 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 3870 FM 967, BUDA, TX

Selina and Jaime Mireles are proposing an OSSF to serve a tutoring center at 3870 FM 967 in Precinct 2. This property is 3.215 acres. Water will be supplied by private water well. The system designer, Jon Maass, R.S., has designed a treatment system consisting of a pretreatment and equalization tank pumping 300 gallons per day to an aerobic treatment unit which doses to a drip irrigation dispersal field. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 3870 FM 967, Buda, TX. All voting "Aye". MOTION PASSED**

County Clerk's Note Agenda Item # 19 RE: AUTHORIZE THE TEMPORARY TRANSFER OF ONE POSITION, FROM THE SHERIFF'S OFFICE TO DEVELOPMENT SERVICES FROM 10/1/2013 TO 12/31/13 AND AMEND THE BUDGET ACCORDINGLY – was pulled

28364 AUTHORIZE THE RE-GRADE OF THE DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES FROM A GRADE 118 TO A GRADE 119 AND AUTHORIZE A SALARY AT THE 57TH PERCENTILE OF THE NEW GRADE AND AMEND THE BUDGET ACCORDINGLY

During FY 2013 the Director of Community and Development Services assumed the responsibilities formerly associated with the Personal Health Director. No additional compensation was given at that time for the expanded duties. The operation of the Hays County Local Health Department along with the Live Oak Health Partners Community Health Clinic has been finalized and now is the prudent time to consider compensation for the additional responsibilities. Savings in Co-Wide contingencies can be used to fund this re-grade. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the re-grade of the director of Development and Community Services from a grade 118 to a grade 119 and authorize a salary at the 57th percentile of the new grade effective immediately and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28365 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH AULICK AND ASSOCIATES, LLC FOR PROFESSIONAL PLANNING SERVICES IN FY 2014

Special Counsel Mark Kennedy spoke. Funds have been approved in the FY14 Budget. Aulick and Associates, LLC, has been providing professional services for Hays County Transportation Plan implementation, transportation planning, and project management, seeking additional funding for transportation projects, review and analysis of CAMPO issues, including the Hays County portion of the upcoming CAMPO 2040 Plan, and representing Hays County on the CAMPO Technical Advisory Committee. To continue the necessary and essential services of Aulick and Associates, LLC for FY 2014, it is necessary to execute a new contract. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Professional Services Agreement with Aulick and Associates, LLC for Professional Planning Services in FY 2014. All voting "Aye". MOTION PASSED**

28366 HOLD PUBLIC HEARING AND APPROVE FINAL PLAT OF SUB-122 REPLAT OF LOT 13 ROLLING OAKS, SECTION 2 (2 LOTS)

Judge opened Public Hearing. No public input. Judge Cobb closed Public Hearing. Roxie McInnis Development Services Manager spoke and gave staff recommendation. Rolling Oaks is a recorded subdivision located off of FM 3237 in Precinct 3. The proposed re-plat will divide the 12.74 acre lot into two lots. Water service will be provided by private wells and wastewater service will be accomplished by individual on-site sewage facilities. Lot 13A is currently served by an advanced OSSF and an existing private well. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final plat of Sub-122 Replat of Lt 13 Rolling Oaks, Section 2 (2 Lots). All voting "Aye". MOTION PASSED**



OCTOBER 1, 2013

VOLUME V PG 253

28367 SUB-113 O-BAR RANCH (15 LOTS) APPROVE PRELIMINARY PLAN; GRANT A VARIANCE TO SECTIONS 715.3.05, 721.4.01, AND 721.6.01 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS

Roxie McInnis Development Services Manager, Mark Key former member of the Hays Trinity Groundwater Conservation District and a Dripping Springs resident, James McCann P.E., Senior Project Manager of Pape-Dawson Engineers, Inc., Erin Banks representing Wastewater Design, Inc. and Clint Garza Director of Development and Community Services spoke. O-Bar Ranch is a proposed 15 lot subdivision encompassing 1,558 acres located off of FM 976 in Precincts 2 and 4. The property is encumbered by a Conservation Easement held by the City of Austin which is intended to protect natural recharge features and the local watersheds. The development will be served by private wells, individual advanced on-site sewage facilities, and a privately maintained roadway. Section 715.3.05 of the Hays County Development Regulations establishes criteria for water availability demonstrations for developments utilizing private water wells. This section requires that a professional engineer or geoscientist perform hydrological testing, geophysical well logging, and aquifer pump testing of monitor and testing wells located on the property. The developer has provided a limited scope water availability analysis which utilizes data obtained from local aquifer studies rather than a full scope water availability study utilizing data from the required test and monitor wells. The rationale for this and all other variances requested is provided in backup. Section 721.4.01 of the Hays County Development Regulations requires that all private roadways be designed and constructed in accordance with the standards for public roadways set forth in Chapter 721. This chapter requires 18 feet of travel way for a road classified as a Country Lane. The developer is requesting a four foot reduction in width for the private Country Lane which will serve the development. Section 721.6.01 of the Hays County Development Regulations requires the dedication of right of way in accordance with the Hays County Transportation Plan. The currently adopted transportation plan requires right of way for the proposed roadway, NF13, however this preliminary plan shows no such dedication. The limitations set forth in the Conservation Easement are the basis for the requested variance and are discussed in greater detail in backup. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Sub - 113 O-Bar Ranch (15 Lots) approve preliminary plan; grant a variance to sections 715.3.05, 721.4.01 and 721.6.01 of the Hays County Development Regulations. All voting "Aye". MOTION PASSED**

28368 ADOPT THE FY 2014 HOLIDAY CALENDAR

In order to schedule court dockets, we have been requested to consider approving our FY 2014 County Holiday Calendar. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt the Holiday Schedule for 2014 with the change of deleting Columbus Day and adding Texas Independence Day, March 3rd which falls on a Monday. All voting "Aye". MOTION PASSED**

28369 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND REUNION RANCH WATER CONTROL AND IMPROVEMENT DISTRICT

The parties to this contract wish to consolidate the assessment and collection of property taxes into one entity, Hays County, under the provisions of V.T.C.A., Tax Code, Section 6.24. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Cooperation Agreement between Hays County and Reunion Ranch Water Control and Improvement District. All voting "Aye". MOTION PASSED**

28370 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT DOCUMENTS FOR ACCEPTANCE OF A GRANT OF \$100,000 FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT, RECREATION GRANTS BRANCH FOR THE JACOB'S WELL NATURAL AREA

On July 31, 2012 the Commissioners Court authorized submission of a park grant application to the Texas Parks and Wildlife Department, Recreation Grants Branch for development of the Jacob's Well Natural Area. Elements included in the application for potential funding consisted of an outdoor classroom, environmental play scape, trails, interpretive signs, bird blinds, interpretive signs, picnic tables, benches, a rainwater collection system, bike racks, and native plant restoration. The application was approved for funding of the maximum \$100,000 by the Texas Parks and Wildlife Commission on January 24, 2013. The required match of \$100,000 has been met through the value of the land acquired for the Natural Area. Land value will be determined by a required appraisal, and both cultural resource (archeological) and wildlife (endangered species) surveys will be necessary to meet requirements of the granting agency. Limited plans and specifications will also be prepared. A portion of these costs have been budgeted in the grant, and additional funding for these activities is available through Park Bond monies dedicated to the Jacob's Well Natural Area project. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute contract documents for acceptance of a grant of \$100,000 from the Texas Parks and Wildlife Department, Recreation Grants Branch for the Jacob's Well Natural Area. All voting "Aye". MOTION PASSED**



28371

AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MODIFIED AGREEMENT BETWEEN HAYS COUNTY AND FORESTAR REAL ESTATE GROUP (USA), INC. (AND ACCOMPANYING ESCROW AGREEMENT) WHICH PROVIDES FOR ESCROW OF THE BASE RATE FOR YEAR 1 OF THE INITIAL CONTRACT TERM

After the Court's consideration of the Water Reservation and Supply Agreement on September 24th, 2013, Forestar requested that the Court reconsider including provisions for escrow of the Year 1 Base Rate payment. On that date, legal counsels for Hays County indicated that either "non-payment" or "escrow" of the Year 1 Base Rate would be acceptable and contractually binding during the period in which the Parties await an A.G. Opinion. Thus, the modified Agreement that provides for escrow (see backup) contains, in the opinions of counsels, sufficient safeguards for the County, if executed by the Parties. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Modified Agreement between Hays County and Forestar Real Estate Group (USA), Inc. (and accompanying Escrow Agreement) which provides for escrow of the Base Rate for year 1 of the Initial Contract Term. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION RELATED TO LEASES WITHIN THE HAYS COUNTY GOVERNMENT CENTER LOCATED AT 712 SOUTH STAGECOACH TRAIL, SAN MARCOS, TEXAS, 78666

Court convened into Executive Session at 11:00 a.m. and reconvened into opened court at 11:15 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and Tony Corbett. No Action Taken.

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

Lt. Julie Villalpando with 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 293 and peak was 300 on 9/23/13 for the week of September 22-28, 2013. The maximum female capacity is 56 inmates. Last week's average was 42 and peak was 46 on 9/27/2013. The maximum male capacity is 276 inmates. Last week's average was 251 and peak was 257 on 9/23/2013.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain lifted for another week. Judge Cobb asked the public to burn safely and to follow the outdoor burning rules.

County Clerk's Note Agenda Item #31 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**

County Clerk's Note Agenda Item #32 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, - **was pulled**

County Clerk's Note Agenda Item # 33 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 Whisenant 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 October 1, 2013.



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