



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 23<sup>RD</sup> DAY OF APRIL 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
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE BEING ABSENT 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**

Dick Blue – Dripping Springs resident and James Meeks – Dripping Springs resident made public comments.

**28955 ADOPT A PROCLAMATION DECLARING THE WEEK OF APRIL 21-27, 2013 AS NATIONAL CRIME VICTIMS' RIGHTS WEEK**

Allison Jordan Crime Victims Advocate Coordinator from the District Attorney's office spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to Adopt a Proclamation declaring the Week of April 21-27, 2013 as National Crime Victims' Rights Week. All present voting "Aye". MOTION PASSED

**28956 ADOPT A PROCLAMATION DECLARING THE WEEK OF APRIL 21-27, 2013 AS NATIONAL INFANT IMMUNIZATION WEEK**

Amelia Flores of the Hays County Health Department spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to Adopt a Proclamation declaring the Week of April 21-27, 2013 as National Infant Immunization Week. All present voting "Aye". MOTION PASSED

**28957 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$476,252.17 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**28958 APPROVE COMMISSIONER COURT MINUTES OF APRIL 16, 2013**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioner Court Minutes of April 16, 2013 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

**28959 APPROVE THE ALLOCATION OF ADDITIONAL FUNDS FOR POSTAGE EXPENSES TO THE DISTRICT CLERK'S OFFICE FROM COUNTY-WIDE CONTINGENCIES AND AMEND THE BUDGET ACCORDINGLY**

Since the 2013 budget process, there has been an increase of expunction cases filed, citations by certified mail in foreclosure cases and child support orders to employers filed compared to past years. Without prior knowledge of this trend I was unable to submit an exact amount of funds needed for postage. Expunctions require notices to mailed by certified mail to (on average) 14 agencies when the petition is filed and then again when the expunction is granted. This is the bulk of certified mail pieces that are generated from my department. Amount Required \$7,000.00; Increase District Clerk Postage: 001-609-00.5212 \$7,000; Decrease County Wide Contingency: 001-645-00.5399 (\$7,000). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the allocation of additional funds for postage expenses to the District Clerk's Office from County-Wide contingencies and amend the budget accordingly. All present voting "Aye". MOTION PASSED



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**28960 APPROVE THE JANUARY AND FEBRUARY 2013 TREASURER'S REPORT AND INVESTMENT REPORT**

Approve the January 2013 and February 2013 Treasurer's Report and Investment Report. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the January and February 2013 Treasurer's Report and Investment Report. All present voting "Aye". MOTION PASSED

**28961 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 3210 FM 2001, BUDA, TX**

Jaime Pena is proposing an OSSF to serve a 4 unit office building at 3210 FM 2001 in Precinct 2. This property is .47 acres. Water will be supplied by public water system. The system designer, Clifford J. Connor, R.S. has designed a treatment system which consists of standard treatment and equalization tank to equalize the effluent dispersal to a low pressure dosed drainfield at a daily usage rate of 300 gallons. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit at 3210 FM 2001, Buda, TX. All present voting "Aye". MOTION PASSED

**28962 AUTHORIZE INSTITUTIONAL OSSF PERMIT #2013-96 AT 320 FISCHER STORE ROAD, WIMBERLEY, TX**

J&S Real Estate Investments LP is proposing a modification to an ON-SITE SEWAGE FACILITY to convert an existing residential on-site sewage facility to an institutional ON-SITE SEWAGE FACILITY that will service the Right Step Treatment Center. The system is designed for 600 gallons per day and the property is 5.81 acres. Water will be supplied by Public Water Supply. This OSSF will consist of a 1469 gallon pretreatment tank, 1850 gallon equalization tank, (2) 500 gpd aerobic treatment units with pump chambers that will dose drip irrigation dispersal fields. The system designer is Kyle Dehart, R.S. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit #2013-96 at 320 Fischer Store Road, Wimberley, Tx. All present voting "Aye". MOTION PASSED

**28963 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH AULICK AND ASSOCIATES, LLC TO INCREASE THE TOTAL COMPENSATION FEE FROM \$100,000 TO \$150,000 AND EXTEND THE COMPLETION DATE TO SEPTEMBER 30, 2013**

On July 31, 2012 the County signed a Professional Services Agreement with Aulick and Associates, LLC, for transportation planning, project management, seeking additional funding for transportation projects, review and analysis of CAMPO issues and representing Hays County on the CAMPO Technical Advisory Committee. An increase in the NTE amount and an extension of the contract completion date from June 30, 2013 to September 30, 2013 is necessary to compensate Aulick and Associates, LLC for services through the balance of the fiscal year. Amount required \$50,000.00 from 5021(staff salaries) as needed after 5448-008 consultant contracts are closed out. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute an amendment to the Professional Services Agreement with Aulick and Associates, LLC to increase the total compensation fee from \$100,000 to \$150,000 and extend the completion date to September 30, 2013. All present voting "Aye". MOTION PASSED

**28964 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MCGREGOR LANE AND MARTIN ROAD**

Judge Cobb opened public hearing. Commissioner Whisenant spoke of reducing speed limit and a possible stop sign. Mark Kennedy Special Counsel spoke of a 3-way stop and traffic study done. J. Frank Blagg – Dripping Springs resident spoke in opposition of stop signs. Stan Rech – Dripping Springs resident spoke in opposition of stop signs. Richard Santamaria – Dripping Springs resident spoke in opposition of stop signs. James Meeks – Dripping Springs resident spoke in opposition of stop signs. Jerry Borcherding Hays County Transportation Director spoke of placing of proper signage and speed bumps are not an option. Commissioner Whisenant spoke of possibly placing day/night time warnings, rumble strips and chevrons. Judge Cobb closed public hearing. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to establish traffic regulations at the intersection of McGregor Lane and Martin Road which includes a 3-way stop sign and a 30 MPH Speed through that zone also coordinate and upgrade the speed limits on McGregor North and South bound to 45 mph and install safety reflected Chevrons at the Intersection providing advance notice or as early notice as possible for the unworried driver on Martin Road that are coming to a T intersection along this signage and installed rumble strips on the approach this speed zone and appoint that the rumble strips draw the attention to the warning signs for this Intersection. All present voting "Aye". MOTION PASSED



**28965 RESUBDIVISION OF LOT 6 OF THE REVISION OF LOTS 5 AND 6, TRAILS END RANCH SUBDIVISION [12-3-41--2 LOTS] APPROVE FINAL PLAT**

Roxie McInnis Development Services Manager spoke. A similar plat was approved by the Commissioners Court in November 2012. Due to a request by the City of Wimberley, the configuration of the lots have changed, therefore requiring re-approval. Trails End Ranch is a platted subdivision located off RM 32 in Precinct 3. The owner of Lot 6 is proposing to divide his 50.43 acre lot into two lots. Lot 6A is currently served by a private well and on-site sewage facility and lot 6B will be served by a well and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final Plat of Resubdivision of Lot 6 of the Revision of Lots 5 and 6, Trails End Ranch Subdivision. Commissioner Jones, Commissioner Whisenant, and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

**28966 PROVIDE ADDITIONAL FUNDING IN THE AMOUNT OF \$1,800,000.00 FOR IMPROVEMENTS TO DRIPPING SPRING RANCH PARK IN PRECINCT 4**

This item is a follow-up to the Commissioner Court's agenda discussions on April 16, 2013. Court convened into Executive Session at 10:20 am and reconvened into opened court at 11:15 am. In Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and County Auditor Bill Herzog. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to commit \$1,800,000.00 in current funds for improvements to Dripping Spring Ranch Park in Precinct 4 contingent upon the execution of a contract with the City of Dripping Springs and Hays County that is satisfactory to this court. Instruct Counsel to negotiate a contract and bring it back for consideration on May 14<sup>th</sup> with input from the County Auditor on the specific budget amendments needed to fund the contract. Commissioner Conley, Commissioner Whisenant, and Judge Cobb voting "Aye". Commissioner Jones voting "No". MOTION PASSED**

**28967 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LICENSE AGREEMENT WITH THE CITY OF SAN MARCOS FOR USE OF THE RECORDS BUILDING PARKING LOT BY THE GENERAL PUBLIC DURING CERTAIN WEEKLY HOURS**

This License Agreement is an adaptation of Hays County's standard agreements for use of Courthouse Grounds. The City has expressed a desire to provide more available parking for patrons of its Central Business District during evening and weekend hours. This License Agreement accomplishes that and obligates the City to provide services for keeping the Licensed Area free of trash and debris. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a License Agreement with the City of San Marcos for use of the Records Building Parking lot by the general public during certain weekly hours. All present voting "Aye". MOTION PASSED**

**28968 AWARD ANNUAL JANITORIAL SERVICES BID TO ISS FACILITY SERVICES FOR JANITORIAL SERVICES IN REMOTE COUNTY OFFICES; AUTHORIZE COUNSEL TO NEGOTIATE AND/OR FINALIZE CONTRACT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE ONCE COMPLETE**

On February 26, 2013 Hays County Commissioners Court approved specification for RFP 2013-P03 for Janitorial Services at remote Hays County Offices. A selection committee scored the respondents based on the criteria in the specifications in the RFP. A total of 10 responses to the RFP were submitted. The annual amount required is \$45,096. Amount required \$15,033.00; 001-695-00.5456. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to award annual janitorial services bid to ISS Facility Services for janitorial services in remote county offices; authorize counsel to negotiate and/or finalize contract and authorize the County Judge to execute once complete. All present voting "Aye". MOTION PASSED**

**28969 AUTHORIZE COMPASS RECYCLING TO PROVIDE ONE-TIME SHREDDING SERVICES FOR ALL COUNTY OFFICES**

Clint Garza Director of Development and Community Services spoke. The shred day will be on May 2<sup>nd</sup>. The Hays County Records Management Officer has identified about 1200 boxes that can be shredded and destroyed per State of Texas retention guidelines and adopted County retention schedules. The per pound shred price from Compass is \$.08 per pound, to be weighed on site. Amount required \$3,200.00; 001-645-00.5399. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Compass Recycling to provide one-time shredding services for all County Offices. All present voting "Aye". MOTION PASSED**



**28970 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR DEMOLITION SERVICES WITH HOGAN DEMOLITION FOR WORK RELATED TO THE JACOBS WELL NATURAL AREA**

Clint Garza Director of Development and Community Services spoke. Hogan Demolition was selected for demolition services related to restoration of the Jacobs Well Natural Area. Their efforts will be coordinated with Natural Resources staff and Burcham Environmental Services. Amount required \$44,800.00; 150-813-97-407.5741. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge to execute a contract for demolition services with Hogan Demolition for work related to the Jacobs Well Natural Area. All present voting "Aye". MOTION PASSED**

**28971 APPROVE THE TEMPORARY APPOINTMENT OF CLEMENTE VERASTEGUI, DEPUTY CONSTABLE, PRECINCT 2 FOR A PERIOD NOT TO EXCEED 8 WEEKS AND CONVERT TO UNPAID DEPUTY CONSTABLE FOR REMAINDER OF FY13 AND AMEND THE BUDGET ACCORDINGLY**

Commissioner Mark Jones Pct 2 spoke of Constable James Kohler of the Constable Precinct 2 will be out of the office for a period of 6 to 8 weeks and is need of a temporary Deputy Constable position to ensure the current workload is handled. Funding from County Wide contingencies could be used to fund the temporary appointment. Amount required \$7,077 (8 Weeks) line item 001-636-00.5021 - Salary \$6,573; 001-636-00.5101\_100 - Fica 408; 001-636-00.5101\_200 - Medicare 96. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the temporary appointment of Clemente Verastegui, Deputy Constable, Precinct 2 for a period not to exceed 8 weeks and convert to unpaid Deputy Constable for remainder of FY13 and amend the budget accordingly. Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES**

Court convened into Executive Session at 11:38 a.m. and reconvened into opened court at 11:40 a.m. In Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No Action Taken.

**County Clerk's Note Agenda Item # 19 RE: 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 RELATED TO RIGHT OF WAY ACQUISITION ON FM150 - was pulled**

**28972 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 RELATED TO RIGHT OF WAY ACQUISITION ON FM 1626**

Court convened into Executive Session at 11:34 a.m. and reconvened into opened court at 11:38 a.m. In Executive Session were Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase Agreement between Hays County and Hays Hills Baptist Church, for the acquisition of 1.09 acres of Right of Way along FM 1626, as presented by Counsel in Executive Session. Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

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

The Burn Ban will remain abated. The County Judge spoke with the County Fire Marshal and was informed that the Heat Index is currently at 463 and the humidity is at 83%. We are expecting rain this evening.

**County Clerk's Note Agenda Item # 22 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 #23 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR - was pulled**



**County Clerk's Note Agenda Item #24 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.

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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 APRIL 23, 2013.



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

