



APRIL 30, 2013

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 30TH 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
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
ROSE ROBINSON	DEPUTY 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.

28973 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 \$ 825,795.25 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28974 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 23, 2013

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of April 23, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28975 ACCEPT A DONATION OF \$500.00 TO 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 of \$500.00 from Mid-States Services and request to deposit into 052-618-00.5222. The donation will benefit National Night Out 2013. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a donation of \$500.00 to Hays County Sheriff's Office Community Outreach Program for National Night Out 2013 and amend the budget accordingly. All voting "Aye". MOTION PASSED

28976 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR FY2013 FUNDING UNDER THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)

This is a grant that the County has been receiving for a number of years to recover some Jail operations expenses associated with incarceration of undocumented criminal aliens. The FY2012 amount received was \$64,768.00 and the FY2013 award will be determined based on the inmate data submitted with the application. The application is submitted electronically and is due on or before May 13, 2013. Justice Benefits, Inc. has been retained by the County to compile inmate records and other materials for submission with the application and will be transmitting this information shortly. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to submit a grant application to the U.S. Department of Justice, Bureau of Justice Assistance for FY2013 funding under the State Criminal Alien Assistance Program (SCAAP). All voting "Aye". MOTION PASSED

28977 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) PROGRAM IN THE AMOUNT OF \$121,300.00

The Grant Application is to the Texas Department of State Health Services, Public Health Emergency Preparedness (PHEP) program for funding to support the salary and benefits of the Emergency Preparedness Coordinator and SNS Coordinator in the Hays County Local Health Department. This grant requires a 10% match, with the match met through in-kind contributions from the Health Department operating funds. Upon award, the term for this grant will be September 1, 2013 through August 31, 2014. The amount available in the FY2014 grant is set by the DSHS and reflects a decrease of \$11,332 from the FY2013 award. The application is



due by May 2, 2013. Amount required \$12,130.00 (Most of this grant relates to the FY14 Budget and the match will be budgeted at that time). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to submit a Grant Application to the Texas Department of State Health Services (DSHS), Public Health Emergency Preparedness (PHEP) program in the amount of \$121,300.00. All voting "Aye". MOTION PASSED**

28978 MOVE FUNDS FROM COUNTY WIDE CONTINGENCIES TO VARIOUS DEPARTMENTS FOR THE XEROX POOLED PRINTER PLAN PROGRAM

In September 2012, Hays County implemented a program for County printers through Xerox Corporation. Departments with participating printers pay a \$5 flat rate fee per printer plus charges for black & white or color prints to that machine. These fees cover all print cartridge and maintenance costs associated with the printer. It is anticipated that this program will decrease the amount of funds spent individually by departments on supplies and maintenance for printers. As this program was being rolled out during the adopted budget process, funds were not identified or budgeted during the FY13 budget process. It is anticipated that office supply line items can be reduced during the FY 2014 budget process to offset these program costs. Amount required is \$24,000; 5412-Budget. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to move funds from County Wide Contingencies to various departments for the Xerox Pooled Printer Plan program. All voting "Aye". MOTION PASSED**

28979 AMEND INFORMATION TECHNOLOGY AND RECORDS ARCHIVE BUDGETS FOR EXPENSES RELATED TO THE GRANICUS SYSTEM

A new Commissioner's Court video system was approved during the FY13 budget process. Funds need to be moved into the appropriate g/l account to capture these expenses. No additional funds are needed. Increase IT Computer Eqpt: 001-680-00.5712_700 \$24,662; Decrease IT Software: 001-680-00.5718_700 (8,000) Decrease IT Software Maint: 001-680-00.5429 (16,662); Increase Records Archive Computer Eqpt: 101-617-11.5712_700 \$11,485; Decrease Records Archive Contract Svcs: 101-617-11.5448 (11,485). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend Information Technology and Records Archive Budgets for expenses related to the Granicus System. All voting "Aye". MOTION PASSED**

28980 APPROVE APPOINTMENTS OF MEMBERS TO THE HAYS COUNTY CIVIC CENTER ADVISORY BOARD

This group will advise the Commissioners' Court new Civic Center along with a technical committee comprised of County staff. Show Board – At Large – Mike Huckaby, Buda/Kyle – Rex Lyons, San Marcos – Alfredo Nino, Wimberley – Judy Walker, Dripping Springs – Terry Polk. Technical Committee – Chief of Staff – Lon Shell, Development and Community Services – Clint Garza, Civil District Attorney – Mark Kennedy, Agrilife Extension – Richard Parrish. 4-H and Rodeo – Jeff Latham and Charlie Sasser. Commissioners Court Appointees – Pct. 1 – Carla Caskey Sisk, Pct. 2 – Donald Wallace, Judge Cobb – Dick Scott, Pct. 4 – Theo Krenek. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve appointments of members to the Hays County Civic Center Advisory Board. All voting "Aye". MOTION PASSED**

28981 AMENDED PLAT OF LOTS 4 AND 5, THE PRESERVE AT LA VENTANA, PHASE TWO [13-4-14--1 LOT] APPROVE FINAL PLAT

Roxie McInnis Development Services Manager spoke and gave staff recommendation. The proposed amended plat of lots 4 and 5, The Preserve at La Ventana, Phase Two, will combine the two lots into one 3.388 acre lot. The new lot will be served by an on-site sewage facility and La Ventana Water Company connection at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final Amended Plat of Lots 4 and 5, The Preserve at La Ventana, Phase Two. All voting "Aye". MOTION PASSED**

28982 HIGHPOINTE PHASE II, SECTION TWO-A, REPLAT OF LOT 7, BLOCK C. [13-4-17--1 LOT] WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT

Clint Garza, Director of Development and Community Services spoke. Section 2A of Phase II of Highpointe Subdivision was platted in 2006 through Hays County and the City of Dripping Springs. In 2008, after construction of the home and fence on the west property line of Lot 7, the builder submitted a replat to the City of Dripping Springs. The minor lot revision was approved by the City but never went through the County process. The division will be served by existing connections to public water from a surface source and public wastewater. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to waive Preliminary plan and approve final plat of Highpointe Phase II, Section Two-A, Replat of Lot 7, Blk C and make the final approval as administrative approval by staff on completion of all required items. All voting "Aye". MOTION PASSED**



28983 REPLACE EXISTING T1 DATA CIRCUITS WITH GRANDE COMMUNICATIONS FIBER CIRCUITS FOR THE FOLLOWING PRECINCT OFFICES; WIMBERLEY, KYLE, BUDA, DRIPPING SPRINGS

Jeff McGill Information Technology Director spoke. With the added requirements for technology in the Precinct offices, the Information Technology Department has determined that the bandwidth has become insufficient for adequate functionality of existing and future systems. The current monthly cost of existing 1.54M T1 circuits is \$2,825. The monthly cost to add 10MB fiber circuits would be \$3,975, which is an additional \$287.50 a month per Precinct. Project savings in overall telephone & data line expense line items will fund this increase. Amount required \$3,450.00 Precinct Telephone & Data Line Expenses #5489. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to replace existing T1 data circuits with Grande Communications Fiber circuits for the following Precinct offices; Wimberley, Kyle, Buda, Dripping Springs in the amount of \$3,450 to be divided by those offices. All voting "Aye". MOTION PASSED**

28984 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TRAFFIC ENFORCEMENT AGREEMENT BETWEEN THE HAYS COUNTY SHERIFF'S OFFICE AND THE RUBY RANCH SUBDIVISION

Sheriff Gary Cutler and Captain Mark Davenport spoke with the Hays County Sheriff's Office spoke. The Subdivision desires assistance from the Sheriff's Office in the area of traffic regulation in order to enhance public safety for its citizens. The Sheriff hereby agrees to provide law enforcement services within the Subdivision. The Sheriff's Office will not enforce Subdivision rules of ordinances unrelated to traffic regulation. The parties hereby acknowledge that the Sheriff's Office has limited resources and equipment with which to regulate state and laws within the Subdivision. The Sheriff agrees to patrol, investigate, file complaints, assist in prosecution, and do all things normally and customarily done in their normal law enforcement work. Traffic citations issued by the Sheriff shall be filed and adjudicated in the Precinct 4 Justice of the Peace Court and any fine collected shall be deposited with the County. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Traffic Enforcement Agreement between the Hays County Sheriff's Office and the Ruby Ranch Subdivision. All voting "Aye". MOTION PASSED**

28985 CALL FOR A PUBLIC HEARING ON MAY 28, 2013 TO HEAR AND FINALIZE CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS AND TCEQ-APPROVED HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES; DISCUSSION WITH STAFF REGARDING PROPOSED CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS

Roxie McInnis Development Services Manager and Clint Garza Director of Development and Community Services spoke. Upon implementation of the Hays County Rules for On-Site Sewage Facilities, it became evident that changes were needed in order to make the work of the Development Services Division more efficient and effective. The Texas Commission on Environmental Quality has approved amendments to these rules. The approved changes are provided in backup. Additionally, amendments to the Hays County Development Regulations are being proposed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to call for a public hearing on May 28, 2013 to hear and finalize changes to the Hays County Development Regulations and TCEQ-approved Hays County Rules for On-Site Sewage Facilities; discussion with staff regarding proposed changes to the Hays County Development Regulations. All voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to change the date to call for a public hearing to June 4, 2013 to hear and finalize changes to the Hays County Development Regulations and TCEQ-approved Hays County Rules for On-Site Sewage Facilities; discussion with staff regarding proposed changes to the Hays County Development Regulations. All voting "Aye". **MOTION PASSED**

28986 AMEND THE PERSONAL HEALTH DEPARTMENT BUDGET TO REFLECT ACTUAL EXPENSES AND PROJECTIONS THROUGH SEPTEMBER 30, 2013

Clint Garza Director of Development and Community Services spoke. Funds need to be moved within the Health Departments Operating and Grant budgets due to recent reorganization, reclassification of existing staff, vacation accrual payouts and restructuring the flow of expense classifications. No additional funds are required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Personal Health Department budget to reflect actual expenses and projections through September 30, 2013. All voting "Aye". MOTION PASSED**



- 28987 AUTHORIZE PAYMENT 2 FOR FY 2013 INTERGOVERNMENTAL TRANSFER (IGT) IN THE REVISED AMOUNT OF \$850,000 TO THE STATE OF TEXAS THROUGH THE TEXNET ELECTRONIC PAYMENT SYSTEM FOR SUPPLEMENTAL PAYMENTS TO CENTRAL TEXAS MEDICAL CENTER AS PART OF THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM PURSUANT TO 355.8201 OF THE TEXAS ADMINISTRATIVE CODE**

Lon Shell Chief of Staff spoke. On 4/2/13 the Commissioners Court approved an IGT of up to \$725,000 for a transfer window of 3/27-4/12. DSHS has released an updated schedule. The next IGT for an uncompensated care funding will now be 5/13/13. This may be the last UC transfer date for FY 2013. It is recommended that \$850,000.00 be transferred. This will leave \$100,000.00 of potential IGT funds depending on operations through the remainder of FY 2013. Amount required \$850,000.00 (budgeted) line item 120-675-00.5801. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize payment 2 for FY 2013 Intergovernmental Transfer (IGT) in the revised amount of \$850,000 to the State of Texas through the TexNet Electronic Payment System for Supplemental Payments to Central Texas Medical Center as part of the Texas Healthcare Transformation and Quality Improvement Program pursuant to 355.8201 of the Texas Administrative Code. All voting "Aye". MOTION PASSED**

- 28988 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ARCHITECTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING ENGINEERING SERVICES WITH ALPACA ENERGY SOLUTIONS, INC. FOR IMPROVEMENTS AT COUNTY FACILITIES LOCATED AT 401-A BROADWAY IN SAN MARCOS AND AMEND THE BUDGET ACCORDINGLY**

Clint Garza Director of Development and Community Services spoke. During the FY 13 Budget process the court discussed future improvements to the Health Department building located at 401-A Broadway in San Marcos, TX. These changes will increase the number of patient rooms, combine administrative work areas, and contribute to the efforts Hays County is making to better serve the public through the Health Clinic and the partnership with Live Oak Health Partners. Amount required \$6,000.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a contract for architectural, mechanical, electrical, and plumbing engineering services with Alpaca Energy Solutions, Inc. for improvements at County facilities located at 401-A Broadway in San Marcos and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 28989 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ENGAGEMENT LETTER BETWEEN HAYS COUNTY AND SHEETS & CROSSFIELD, P.C**

Engagement letter is related to legal services provided to Hays County. Special Counsel Mark Kennedy will help coordinate on behalf of the Court with this firm and any other additional firm the Court will use to add in the future and have them generally operating on specific projects and not the same project unless it is a large one and will communicate a work authorization. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Engagement Letter between Hays County and Sheets & Crossfield, P.C. All voting "Aye". MOTION PASSED**

- 28990 AUTHORIZE THE COUNTY JUDGE TO APPROVE THE OPTION AGREEMENT AND PARTICIPATION AGREEMENT TO BE UTILIZED DURING PRELIMINARY STAGES OF RIGHT OF WAY ACQUISITIONS ON SELECT PROJECTS**

Mike Weaver with Prime Strategies spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the approval of the Option Agreement and Participation Agreement forms to be utilized during preliminary stages of Right of Way acquisitions on select projects also to authorize this process to be used on the FM 110 project in San Marcos. All voting "Aye". MOTION PASSED**

- 28991 AUTHORIZE COUNTY JUDGE TO EXECUTE AN INTERLOCAL FUNDING AGREEMENT BETWEEN HAYS COUNTY AND CITY OF DRIPPING SPRINGS RELATED TO IMPROVEMENTS TO BE MADE TO DRIPPING SPRINGS RANCH PARK AND AMEND THE BUDGET ACCORDINGLY**

Commissioner Whisenant and Special Counsel Mark Kennedy spoke of a 12- year term agreement. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize County Judge to execute an Interlocal Funding Agreement between Hays County and City of Dripping Springs related to improvements to be made to Dripping Springs Ranch Park and amend the budget accordingly. All voting "Aye". MOTION PASSED**



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An amended motion was made by Commissioner Whisenant, seconded by Commissioner Conley to include a statement on item 11.1 and third parties contemplated in this Agreement as well as the fact this Agreement covers the initial payment of \$1 Million through the budget amendment. All voting "Aye". MOTION PASSED

28992 APPOINT MICHELLE SCHLOTTER TO THE HAYS COUNTY CHILD PROTECTIVE BOARD

Michelle Schlotter will be appointed to a vacant position on the board. She is recommended unanimously by the entire board and will be a great asset. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the appointment of Michelle Schlotter to the Hays County Child Protective Board. All voting "Aye". 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 10:37 a.m. and reconvened into opened court at 11:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No Action Taken.

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 BOOST

Court convened into Executive Session at 11:00 a.m. and reconvened into opened court at 11:25 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb spoke with the Fire Chief and the burn ban will remain lifted.

County Clerk's Note Agenda Item #24 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 #25 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 #26 RE: DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY - was pulled

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adjourn court.

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on April 30, 2013.



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