



MAY 21, 2013

VOLUME V PG 159

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 21ST DAY OF MAY A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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|---------------------|----------------------|
| ALBERT H. COBB JR | COUNTY JUDGE |
| MARK JONES | COMMISSIONER, PCT. 2 |
| RAY O. WHISENANT JR | COMMISSIONER, PCT. 4 |
| ROSE ROBINSON | DEPUTY COUNTY CLERK |

WITH DEBBIE GONZALES INGALSBE COMMISSIONER, PCT. 1 AND WILL CONLEY COMMISSIONER, PCT. 3 BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Hays County Sheriff Gary Cutler introduce Robert J. Hicks the Hays County Jail Chaplain 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.

29018 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of County Invoices in the amount of \$503,353.14 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

29019 APPROVE COMMISSIONER COURT MINUTES OF MAY 14, 2013

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of May 14, 2013 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

29020 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR ON-LINE BIDDING BETWEEN THE CITY OF SAN MARCOS, THE SAN MARCOS INDEPENDENT SCHOOL DISTRICT AND HAYS COUNTY FOR THE PURPOSE OF SHARING A COMMON VENDOR DATABASE AND COMMON LOCATION FOR VENDORS TO FIND PROCUREMENT OPPORTUNITIES INCLUDING, INVITATIONS FOR BIDS, PROPOSALS, QUOTES, ETC. ELECTRONICALLY

The parties listed agree to form an On-line Bidding System User Group which is able to register interested bidders, distribute solicitations for bid and proposal documents electronically, notify vendors automatically, and receive bids/proposals using the Advanced Encryption Standard (AES) to ensure that the electronic bids/proposals remain effectively unopened until the advertised time, tabulate, publish and post bid results, and post notices of award. This is being offered at no cost to Hays County and the SMISD by the City of San Marcos. The City of San Marcos will be responsible for hosting and maintaining the on-line bidding system. This is a great endeavor for the three entities because of the shared posting of invitation for bids, requests for proposals and other purchasing activities. It will be beneficial to the taxpayers of the governments through the efficiencies and potential savings realized. It is also a great opportunity for our vendors to find all of our projects in one location. The software is web based. The City of San Marcos will provide Hays County the link and training. (no cost). A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to executed and Interlocal Agreement for on-line bidding between the City of San Marcos, the San Marcos Independent School District and Hays County for the purpose of sharing a common vendor database and common location for vendors to find procurement opportunities including, invitations for Bids, Proposals, Quotes, Etc. Electronically. All present voting "Aye". MOTION PASSED

29021 ACCEPT A DONATION FROM THE BURDINE JOHNSON FOUNDATION FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received a donation for the Historical Jail Restoration Project from The Burdine Johnson Foundation. These funds will be used for Phase II of the project. Amount required \$35,000.00. Increase Revenue 144-676-00.4610 Contributions \$35,000.00; Increase Expense 144-676-00.5741 Miscellaneous Capital Improvements \$35,000.00. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept a donation from the Burdine Johnson Foundation for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. All present voting "Aye". MOTION PASSED



29022 AUTHORIZE INSTITUTIONAL OSSF PERMIT #2012-825 AT 410 WEST MCCARTY LANE, SAN MARCOS, TX

Scot Courtney is proposing a new ON-SITE SEWAGE FACILITY to service a new law office in Precinct 3. The system is designed for 64 gallons per day and the property is .628 acres. Water will be supplied by Public Water Supply. This OSSF will consist of a pretreatment tank, equalization tank, a 500gpd aerobic treatment unit with a pump chamber that will dose to a drip irrigation dispersal field. The system designer is Doug Dowlearn, R.S. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit #2012-825 at 410 West McCarty Lane, San Marcos, TX. All present voting "Aye". MOTION PASSED

29023 ACCEPT THE DONATION OF A MOBILE COMMAND VEHICLE FROM WIMBERLEY FIRE DEPARTMENT TO HAYS COUNTY EMERGENCY MANAGEMENT FOR USE THROUGHOUT THE COUNTY AS A SUPPORT ASSET IN EMERGENCY RESPONSE AND AMEND THE BUDGET ACCORDINGLY

The 2000 Ford E450 was originally donated to Wimberley Fire Dept but after discussions with Chief Czichos it was determined to be more useful as a county wide asset. The vehicle currently has 116,763 miles and is outfitted with the follow: 3 complete consoles with computers, Mobile weather station, 1 VHF radio, 50" TV, mounted in back of unit, Mobile wifi, 24' tele mast on board generator. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the donation of a mobile command vehicle from Wimberley Fire Department to Hays County Emergency Management for use throughout the county as a support asset in emergency response and amend the budget accordingly. All present voting "Aye". MOTION PASSED

29024 APPROVE BUDGET AMENDMENT FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT TO USE SALARY SAVINGS FOR SOFTWARE MAINTENANCE AND LICENSING

The PHEP grant has salary savings due to temporary vacancies in FY13. This budget amendment would allow these savings to be used towards renewed Amatra software licenses. Amatra is an internal emergency notification system with the ability to integrate social media sites. It also has direct access to FEMA's Integrated Public Alert & Warning System (IPAWS) in order to send out emergency alerts to the public. Hays County is currently under contract with Amatra and this renewal includes an increase in user rights. Amount required \$9,205.00. Decrease Expense 120-675-99-058.5021 Staff Salaries (\$9,205.00). Increase Expense 120-675-99-058.5429 Software Maintenance and Licensing \$9,205.00. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to approve budget amendment for the Public Health Emergency Preparedness grant to use salary savings for software maintenance and licensing. All present voting "Aye". MOTION PASSED

29025 ACCEPT THE DONATION OF A PIQUA CARDBOARD COMPACTER FROM JKP RADHA MADHAV DHAM TO HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICES FOR USE AT THE TRANSFER AND CITIZENS COLLECTION STATIONS AND AMEND THE BUDGET ACCORDINGLY

Radha Madhav Dham reached out to Natural Resources Personnel to offer a used cardboard baler for utilization within the Hays County recycling program. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the donation of a PIQUA Cardboard Compacter from JKP Radha Madhav Dham to Hays County Development and Community Services for use at the transfer and Citizens Collection Stations and amend the budget accordingly. All present voting "Aye". MOTION PASSED

29026 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND KLOTZ AND ASSOCIATES, RELATED TO THE FM 2439 LEFT TURN LANE AND SHOULDER PROJECT BETWEEN POSEY ROAD AND CENTERPOINT ROAD

The Advance Funding Agreement with TxDOT dated May 1, 2012 provides up to \$450,000 in Proposition 12 funding to reimburse Hays County for PS&E services on the FM 2439 project. The current PSA with Klotz Associates is for an amount NTE \$437,967. This recommended amendment would increase the NTE to \$449,843.84. The supplemental work includes the addition of a 10-foot shoulder for right turns and associated revisions to the project design, cross section, quantities and construction cost estimate. Amount required \$11,876.84. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Letter Amendment to the Professional Services Agreement between Hays County and Klotz and Associates, related to the FM 2439 left turn lane and shoulder project between Posey Road and Centerpoint Road. All present voting "Aye". MOTION PASSED



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29027 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND C.B. RICHARD ELLIS (CBRE), RELATED TO THE SALE OF HAYS COUNTY PROPERTIES

This amendment proposes to add the Hays County Civic Center and contiguous properties to the listing agreements between CBRE and Hays County. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Third Amendment to the Professional Services Agreement between Hays County and C.B. Richard Ellis(CBRE), related to the sale of Hays County properties. All present voting "Aye". MOTION PASSED**

29028 RATIFY SIGNATURE BY THE COUNTY JUDGE IN SUBMISSION OF A LETTER OF INTENT TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICE FOR PARTICIPATION IN THE TB FUNDING PROGRAM

The Letter of Intent is to express interest in applying for funding under the Tuberculosis Prevention program administered by the Texas Department of State Health Services (DSHS). This funding supports a portion of the salary/benefits of our TB Nurse. The program requires that the County provide a 20% match for this program and follow guidelines of the Centers for Disease Control (we currently do both). The Letter of Intent was due - on short notice - by Monday, May 20, 2013. **A motion was made by Commissioner Jones seconded by Commissioner Whisenant to ratify signature by the County Judge in submission of a Letter of Intent to the Texas Department of State Health Service for participation in the TB funding program. All present voting "Aye". MOTION PASSED**

29029 ESTABLISH TRAFFIC RULES AND ENFORCEMENT IN THE KIRBY SPRINGS RANCH SUBDIVISION IN PRECINCT 4, AS AUTHORIZED BY SECTION 542.007 OF THE TEXAS TRANSPORTATION CODE

Commissioner Whisenant, Special Counsel Mark Kennedy and Hays County Sheriff Gary Cutler spoke. After consulting with the Sheriff's Office, it has been determined that enforcement can be picked up within the subdivision without significant fiscal impact on Law Enforcement Patrol of the area for these purposes may commence any time after passage of the Commissioners Court's Resolution. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to enforce the following traffic rules in the Kirby Springs Ranch subdivision in Precinct 4, as authorized by Section 542.007 of the Texas Transportation Code: 1) Speeding (with recommendation for speed limits to be provided by the Hays County Transportation Department), 2) Reckless Driving, and 3) Parking (but only instances in which the illegally-parked vehicle presents a safety hazard for traffic on the roadway, as determined by the Hays County Sheriff's Office). All present voting "Aye". MOTION PASSED**

29030 AUTHORIZE THE DEVELOPMENT SERVICES DIVISION TO FILL THE ENVIRONMENTAL HEALTH SPECIALIST I POSITION ABOVE THE MINIMUM OF THE GRADE

Roxie McInnis Development Services Manager spoke. Current policy requires that the Commissioners Court give approval prior to hiring above the minimum of the grade. The Development Services Division would like to hire an individual at 26.391 % above the minimum for the vacant Environmental Health Specialist I Position. Salary savings for the current fiscal year cover the difference between the minimum of the grade and the requested salary. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Development Services Division to hire an individual at the 26.391 percentile in the range. 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 9:32 a.m. and reconvened into opened court at 10:32 a.m. In Executive Session were Commissioner Jones, Commissioner Whisenant, Judge Cobb, 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 into Executive Session at 10:32 a.m. and reconvened into opened court at 11:30 a.m. In Executive Session were Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell.



ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain lifted.

County Clerk's Note Agenda Item #17 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 #18 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 #19 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 Jones 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 May 21, 2013.



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