



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 25<sup>TH</sup> DAY OF JUNE 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:

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.

**29092 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 \$1,452,960.61 as submitted the County Auditor. All voting "Aye". MOTION PASSED

**29093 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 18, 2013**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of June 18, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**29094 AUTHORIZE THE DEVELOPMENT AND COMMUNITY SERVICES DEPARTMENT TO ADD A TELEPHONE ALLOWANCE EFFECTIVE JUNE 16, 2013 FOR ENVIRONMENTAL HEALTH SPECIALIST I, SLOT NUMBER 0235-004**

The Environmental Health Specialist position requires the use of a smart phone in order to conduct daily activities. The newly hired EHS will use his own smart phone in lieu of a county issued phone. Funds for the allowance are already budgeted, this action simply authorizes payment. Amount required \$123.00; 001-657-00.5194. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Development and Community Services Department to add a telephone allowance effective June 16, 2013 for Environmental Health Specialist I, slot number 0235-004. All voting "Aye". MOTION PASSED

**29095 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SUPREME COURT OF TEXAS FOR SUPPORT OF CONTINUITY OF COURT OPERATIONS IN THE EVENT OF AN EMERGENCY AND INCORPORATE THE TERMS AND CONDITIONS OF THE INTERIM PLAN INTO THE HAYS COUNTY EMERGENCY MANAGEMENT PLAN**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Memorandum of Understanding (MOU) with the Supreme Court of Texas for support of continuity of court operations in the event of an emergency and incorporate the terms and conditions of the interim plan into the Hays County Emergency Management Plan. All voting "Aye". MOTION PASSED

**29096 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Utility Permit #890 on Williamson Road issued on Goforth SUD, Permit #891 to High Road issued to County Line SUD, Permit #892 on Old Bastrop Hwy issued to Centurylink Telephone as submitted by the Road Department. All voting "Aye". MOTION PASSED



**29097            AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS FOR THE DISPARATE ALLOCATION OF U.S. DEPARTMENT OF JUSTICE, JUSTICE ASSISTANCE GRANT (JAG) FUNDING**

The 2013 Federal JAG allocations to local jurisdictions have been announced, and Hays County did not qualify for a direct award. However, Hays County is in a disparate funding group with the City of San Marcos, who has been awarded \$12,485, and the disparate funding category allows the County to potentially share in this award. Given that the award is fairly small, and considering grant reporting requirements, fiscal and audit administration, and the limited scope of the project(s) involved should the award be divided, it is probably prudent to allow the City of San Marcos full use of the funds. The U.S. Department of Justice requires that a formal agreement between the disparate parties be executed to determine utilization of the funding. The Interlocal Agreement proposed allocates the funding to the City of San Marcos, and waives the County's interest in funding through this award. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement with the City of San Marcos for the disparate allocation of U.S. Department of Justice, Justice Assistance Grant (JAG) funding. All voting "Aye". MOTION PASSED**

**29098            ACCEPT REVENUE FROM THE HIGH INTENSITY DRUG TRAFFICKING AREA TASK FORCE AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office has received reimbursement from HIDTA for overtime and training expenses. Amount required \$1,947.00; Increase Revenue 001-618-99-074.4301 Intergovernmental Revenues \$1,947.00; Increase Expense 001-618-99-074.5031 Overtime Compensation 702.00; Increase Expense 001-618-99-074.5101\_100 FICA 44.00; Increase Expense 001-618-99-074.5101\_200 Medicare 11.00; Increase Expense 001-618-99-074.5551 Continuing Education 1,190.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept revenue from the High Intensity Drug Trafficking Area task force and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**29099            AMEND THE VICTIM'S COORDINATOR GRANT BUDGET TO INCREASE CONTINUING EDUCATION**

The Office of the Attorney General has approved the use of surplus budget for continuing education with no match required. Amount required \$699.00; Decrease Expense 001-618-99-068.5211 Office and Computer Supplies (\$699.00); Increase Expense 001-618-99-068.5551 Continuing Education 699.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to amend the Victim's Coordinator grant budget to increase continuing education. All voting "Aye". MOTION PASSED**

**29100            APPROVE SPECIFICATIONS FOR RFP 2013-P07 FOR GROUP MEDICAL AND DENTAL BENEFITS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Specifications for RFP 2013-P07 for Group Medical and Dental Benefits and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED**

**29101            APPROVE SPECIFICATIONS FOR IFB 2013-B04 ROAD BUILDING MATERIALS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve specifications for IFB 2013-B04 Road Building Materials and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED**

**29102            AMEND THE PERSONAL HEALTH DEPARTMENT BUDGET TO INCREASE CONTRACT SERVICES IN THE TUBERCULOSIS PROGRAM**

Contract services budget is needed for continued chest x-ray expenses in the TB program. Amount required \$3,000.00; Decrease Expense Contingencies 120-675-00.5399 (\$3,000); Increase Expense Contract Services 120-675-99-022.5448 \$3,000. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Personal Health Department budget to increase contract services in the Tuberculosis Program. All voting "Aye". MOTION PASSED**





**29103            AUTHORIZE USE OF THE SHERIFF'S OFFICE DRUG FORFEITURE FUNDS FOR SUPPLEMENTAL PAY AND AMEND THE BUDGET ACCORDINGLY**

Supplemental pay is needed for a six week period. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize use of the Sheriff's Office Drug Forfeiture Funds for supplemental pay and amend the budget accordingly. All voting "Aye". MOTION PASSED

**29104            AMEND THE HAYS COUNTY TRANSPORTATION PLAN (HCTP) FOR FM 110, KYLE LOOP, NF 17, SH 21 EXTENSION, AND PLAN MAP CORRECTION FOR NEW FACILITIES; TO ACCEPT THE FINAL HCTP REPORT FROM PARSONS BRINCKERHOFF; AND TO MUTUALLY TERMINATE HAYS COUNTY'S CONTRACT WITH PARSONS BRINCKERHOFF**

Michael Aulick with Aulick and Associates spoke and gave a presentation for the Hays County Transportation Plan. Parsons Brinckerhoff has completed the final report for the Hays County Transportation Plan which the Court adopted on January 22, 2013 and amended on March 5, 2013. Since March 5 the need for four corrections/ modifications has arisen. As shown on the attached table (bold and underlined) and map backup, they are (1) to correct the recommended cross section of FM 110 to match the project currently being designed, (2) to increase the right-of-way requirement to 150 feet for the portion of the Kyle Loop and NF 17 south of FM 150 within the Edwards Aquifer Contributing Zone, (3) to correct the name and southern limit (to IH 35 @ Posey Rd.) of the SH 21 Extension and increase the right-of-way from 200 to 210 feet, and 4) to correct the HCTP Plan Map to change "Possible Connection" to "New Facilities" to be consistent with the wording in the adopted Thoroughfare Plan Roadway Matrix. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend the Hays County Transportation Plan (HCTP) for FM 110, Kyle Loop, NF 17, SH 21 Extension, and Plan Map correction for New Facilities and to accept the final HCTP Report from Parsons Brinckerhoff; and to mutually terminate Hays County's contract with Parsons Brinckerhoff. All voting "Aye". MOTION PASSED

**29105            AVANA PHASE 3 [12-2-39--22 LOTS] APPROVE PRELIMINARY PLAN AND GRANT A VARIANCE TO SECTION 721.4.02 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS**

Roxie McInnis Development Services Manager, Commissioner Jones, John Clark with LJA Engineering and Surveying and Transportation Director Jerry Borcharding spoke. The Avana Phase 3 Subdivision consists of 36.94 acres (21.96 of which are located in Hays County) along the Hays/Travis border in northern Precinct 2. The proposed division will consist of 22 lots (20 single family residential lots and 2 open space lots). Water and wastewater services will be provided by Mid-Tex Utilities, Inc. Section 721.4.02 of the Hays County Development Regulations establishes criteria for determining private roadway status. This section states that only developments which have an average lot size of five or more acres or for which the Commissioners Court has entered into a development agreement for a master-planned community of 50 or more lots shall be permitted to utilize private roadways. The developer is requesting that the proposed roadway for this section of the development be privately maintained, however, the average size of the 22 lots equals only 1.67 acres. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Preliminary Plan of Avana Phase 3 and grant a variance to Section 721.4.02 of the Hays County Development Regulations contingent upon a plat note appearing on the Final Plat stating Hays County will not maintain the roadway. All voting "Aye". MOTION PASSED

**29106            RESUBDIVISION OF LOT 6 OF THE REVISION OF LOTS 5 AND 6, TRAILS END RANCH SUBDIVISION [12-3-41--2 LOTS] APPROVE FINAL PLAT AND GRANT A VARIANCE TO SECTION 721.5.07 (C) OF THE HAYS COUNTY DEVELOPMENT REGULATIONS**

Roxie McInnis Development Services Manager spoke. Variations of this plat were approved by the Commissioners Court in November 2012 and April 2013. Due to requests by the City of Wimberley, the configuration of the lots has 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. The Hays County Development Regulations allow for the use of Shared Access Driveways (to serve a maximum of five lots) in order to preserve the rural character of the land and to avoid excessive infrastructure costs. Section 721.5.07 (C) states that Shared Access Driveways shall not exceed 0.25 miles in length, however, the proposed drive will extend approximately 0.3 miles to reach Lot 6B. A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve Final Plat of the Resubdivision of Lot 6 of the Revision of Lot 5 and 6, Trails End Ranch Subdivision and grant a variance to Section 721.5.07 (C) of the Hays County Development Regulations. All voting "Aye". MOTION PASSED



- 29107 APPROVE THE TEMPORARY APPOINTMENT OF CLEMENTE VERASTEGUI, DEPUTY CONSTABLE, PRECINCT 2 FOR AN ADDITIONAL PERIOD NOT TO EXCEED 2 WEEKS AND CONVERT THE POSITION TO A FULL-TIME UNPAID POSITION FOR THE REMAINDER OF FY 2013 AND AMEND THE BUDGET ACCORDINGLY**

Commissioner Jones spoke of Constable James Kohler Precinct 2 will be out of the office for an additional period of 2 weeks and continues to need a temporary Deputy Constable position to ensure the current workload is handled. Amount required \$1,784.00 line item number 001-636-00.5021 Staff Salaries. Co-Wide Contingencies to fund additional hours. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the Temporary Appointment of Clemente Verastegui, Deputy Constable, Precinct 2 for an additional period not to exceed 2 weeks and convert the position to a full-time unpaid position for the remainder of FY 2013 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 29108 APPROVE THE MOVEMENT OF ADMINISTRATIVE ASSISTANT, SLOT #8 FROM JAIL OPERATIONS TO SHERIFF'S OFFICE OPERATING, EFFECTIVE JULY 1 AND AMEND THE BUDGET ACCORDINGLY**

Hays County Sheriff Gary Cutler and Yvette Johnson spoke. The Sheriff's Office is requesting to move the Administrative Assistant, slot #8 from Jail Operations to Sheriff's Office operating budget. This slot was being utilized in the Jail as an Administrative Assistant in the Infirmary. Due to privatization of medical, this administrative position will now be used by doing Sheriff's Office work. No additional funds are needed for this movement. Amount required \$8,317.00 line item number 001-618-00.5021; Budget Amendment from Jail to SO: \$6,989 – Salary; \$434 – FICA; \$102 – Medicare; \$792 – Retirement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the movement of Administrative Assistant, Slot #8 from Jail Operations to Sheriff's Office Operating, effective July 1 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 29109 ACTION RELATED TO HAYS COUNTY REPRESENTATION ON THE REGION K, LOWER COLORADO REGIONAL WATER PLANNING GROUP**

Hays County is currently not represented on the Region K Regional Water Planning Group. Commissioner Whisenant and Commissioner Conley spoke. **A motion was made by Commissioner Conley seconded by Commissioner Whisenant to authorize the County Judge on behalf of the Hays County Commissioners Court to send a Recommendation Letter that Commissioner Ray Whisenant to be consider and be appointed to the Lower Colorado Regional Water Planning Group. 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 10:10 a.m. reconvened into opened court at 10:45 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 SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING**

Court convened into Executive Session at 10:45 a.m. 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.

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION RELATED TO PROJECT FERN**

Court convened into Executive Session at 11:25 a.m. reconvened into opened court at 11:39 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 OF THE TEXAS GOVERNMENT CODE:  
CONSULTATION WITH COUNSEL REGARDING HAYS COUNTY'S INVOLVEMENT IN REGIONAL  
WATER PLANNING**

Court convened into Executive Session at 11:39 a.m. reconvened into opened court at 12:30 p.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**

Hays County Fire Marshall Mark Chambers spoke. The Drought Index is currently at 466. The burn ban will remain lifted for at least two more weeks. As of today there will be no action and will review again next week. The Fire Marshalls will be inspecting all Fireworks Stands to make sure they are in compliance.

**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 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 June 25, 2013.



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

