



JULY 2, 2013

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STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 2<sup>ND</sup> DAY OF JULY 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
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

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

Ben Nelson of St. Mark's Episcopal Church 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**

Steve Wertz – San Marcos resident spoke.

**29110 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of \$2,349,187.40 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**29111 APPROVE COMMISSIONER COURT MINUTES OF JUNE 25, 2013**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of June 25, 2013 as present by the County Clerk. All present voting "Aye". MOTION PASSED

**29112 APPROVE SPECIFICATIONS FOR BID #2013-B05 SELF CONTAINED BREATHING APPARATUS (SCBA) UNITS FOR HAYS COUNTY SHERIFF'S OFFICE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve specifications for Bid #2013-B05 Self Contained Breathing Apparatus (SCBA) units for Hays County Sheriff's Office and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

**29113 ACCEPT A DONATION FROM THE NATIONAL RIFLE ASSOCIATION FOUNDATION ON BEHALF OF THE HAYS COUNTY SHERIFF'S OFFICE'S TRAINING DIVISION FOR \$5,651.03 IN AMMUNITION AND AMEND THE BUDGET ACCORDINGLY**

The Hays County Sheriff's Office has been awarded \$5,651.03 worth of ammunition by the National Rifle Association Foundation to be used for Deputy training. The Hays County Sheriff's Office will receive: 240 boxes of Winchester 40S&W 180 grain bullets; 30 boxes of Winchester 9mm Luger 115 grain bullets; 30 boxes of Winchester 45ACP 230 grain bullets; and 20 boxes of Winchester 223REM 55 grain bullets. Amount required \$5,652.00 line item 001-618-00.5206. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a donation from the National Rifle Association Foundation on behalf of the Hays County Sheriff's Office's Training Division for \$5,651.03 in Ammunition and amend the budget accordingly. All present voting "Aye". MOTION PASSED

**29114 APPROVE THE MARCH AND APRIL 2013 TREASURER'S REPORT AND INVESTMENT REPORT**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the March and April 2013 Treasurer's Report and Investment Report. All present voting "Aye". MOTION PASSED



**29115 ACCEPT A \$50 DONATION TO THE SHERIFF'S OFFICE, COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office received a donation in the amount of \$50.00 for the 2013 Jr. Deputy Program and request to deposit into g/l 052-618-00.5222. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a \$50 donation to the Sheriff's Office, Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED

**29116 APPROVE THE PURCHASE OF A SURFACE TABLET FOR THE JUVENILE PROBATION GRANT M SPECIAL NEEDS PROGRAM FOR \$1,280.00 AND AMEND THE BUDGET ACCORDINGLY**

Amount \$1,280.00 line item number 001-686-99-026.5712\_400. Increase Expense 001-686-99-026.5712\_400 Computer Equipment Operating \$1,280.00; Decrease Expense 001-686-99-026.5551 Continuing Education (\$357.00); Decrease Expense 001-686-99-026.5501 Travel (\$923.00). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the purchase of a Surface Tablet for the Juvenile Probation Grant M Special Needs Program for \$1,280.00 and amend the budget accordingly. All present voting "Aye". MOTION PASSED

**29117 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 12306 TRAIL DRIVER AUSTIN, TX**

Micro Layer Energy is proposing an OSSF to serve a manufacturing and research business at 12306 Trail Driver in Precinct 4. This property is 1 acre. Water will be supplied by public water supply. The system designer, Steve Wenzel, R.S./P.E. has designed a system which consists of standard treatment with equalization tank and dispersal to a low pressure dosed dispersal field at a daily usage rate of 140 gallons. Any water used for manufacturing will not enter the on-site sewage facility and will be recycled and removed according to Texas Commission on Environmental Quality requirements. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 12306 Trail Driver Austin, TX. All present voting "Aye". MOTION PASSED

**29118 APPROVE THE APPOINTMENT OF JOHN H. ELLEN AS DEPUTY CONSTABLE IN PRECINCT 4**

Constable Ron Hood introduced Deputy John Ellen to the court. Deputy Constable John Ellen will fill the recently vacated position in Constable Hood's office. In compliance with Texas Local Government Code - Section 86.11 the Commissioners Court is asked to approve this appointment as a necessary position to properly handle the business of the Constable's office. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the Appointment of John H. Ellen as Deputy Constable in Precinct 4. All present voting "Aye". MOTION PASSED

**29119 AUTHORIZE THE COUNTY JUDGE TO SUBMIT TWO INTER-LOCAL CONTRACT (GRANT) APPLICATIONS TO THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR \$26,580 IN STATE FUNDING AND \$14,468 IN FEDERAL FUNDING FOR THE TUBERCULOSIS PROGRAM IN THE COUNTY HEALTH DEPARTMENT**

The Department of State Health Services provides funding to local health departments for the identification and treatment of those persons with, or exposed to, tuberculosis (TB). The Hays County Local Health Department has participated in this program for over 10 years, providing services to those affected by this disease. Current available funding includes both State (\$26,580) and Federal (\$14,468) funds totaling \$41,048, with a 20% match (\$8,210) required of the County for participation in the program. The match will be 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 to August 31, 2014. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to submit two Inter-local Contract (Grant) Applications to the Department of State Health Services (DSHS) for \$26,580 in State funding and \$14,468 in Federal funding for the tuberculosis program in the County Health Department. All present voting "Aye". MOTION PASSED

**29120 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE THE CONSTRUCTION BOND, AND THE ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR MUSTANG VALLEY SUBDIVISION, SECTION VI**

Jerry Borcharding Transportation Director gave staff recommendation. Staff recommends acceptance of construction of roads and drainage improvements within the County ROW. The Transportation Department has inspected and approved the improvements. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to consider the acceptance of road construction and drainage improvements, release the Construction Bond, and the acceptance of the Maintenance Bond for two years for Mustang Valley subdivision, Section VI. All present voting "Aye". MOTION PASSED





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**29121        AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL AGREEMENT #1 WITH HDR ENGINEERING, INC. FOR PROJECT MANAGEMENT ON THE COUNTY PRIORITY ROAD BOND PROJECT**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute Supplemental Agreement #1 with HDR Engineering, Inc. for project management on the County Priority Road Bond project. All present voting "Aye". MOTION PASSED

**29122        AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND DRIPPING SPRINGS ISD ("DSISD") FOR THE PROVISION OF A SCHOOL RESOURCE OFFICER ("SRO")**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Agreement between Hays County and Dripping Springs ISD ("DSISD") for the provision of a School Resource Officer ("SRO"). All present voting "Aye". MOTION PASSED

**29123        APPROVE A RESOLUTION TO CREATE AN EMERGENCY COMMUNICATIONS DISTRICT AS AUTHORIZED BY SENATE BILL 628**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a Resolution to Create an Emergency Communications District as authorized by Senate Bill 628. All present voting "Aye". MOTION PASSED

**29124        AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO PROVIDE DRIVER RECORDS INDIVIDUALLY AND IN BULK FOR COUNTY EMPLOYEES WHO DRIVE COUNTY VEHICLES OR OPERATE COUNTY EQUIPMENT**

Dee Dee Baen Human Resources Director spoke. For safety and risk management purposes, Texas Association of Counties (TAC) provided the service of obtaining and reporting to us the driving record of employees at time of hire as well as at annual renewal. As of June of this year, this service is no longer provided by TAC and Hays County will utilize the service from Texas Department of Public Safety. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract between Hays County and the Texas Department of Public Safety to provide Driver Records individually and in bulk for County Employees who drive county vehicles or operate county equipment. All present 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 10:00 a.m. reconvened into opened court at 10:02 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, 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 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS FOR THE CIVIL DIVISION OF THE HAYS COUNTY DISTRICT ATTORNEY'S OFFICE. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT. COBB**

Court convened into Executive Session at 10:02 a.m. reconvened into opened court at 10:18 a.m. In Executive Session were Commissioner Ingalsbe, 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 10:18 a.m. reconvened into opened court at 10:25 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No action taken.



**BURN BAN AND/OR DISASTER DECLARATION**

Mark Chambers spoke of the Drought Index and it currently stands at 541. He recommends the Burn Ban remain in effect for at least one more week. He also explained that the Drought Index has to be at 575 by June 15<sup>th</sup> in order to ban sticks and fins fireworks.

**County Clerk's Agenda Item #20 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 Agenda Item #21 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 Agenda Item #22 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 July 2, 2013.



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

