



AUGUST 13, 2013

VOLUME V PG 211

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF AUGUST A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:
CALL TO ORDER ROLL CALL

ALBERT H. COBB JR
DEBBIE GONZALES INGALSBE
MARK JONES
WILL CONLEY
RAY O. WHISENANT JR
LIZ Q. GONZALEZ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

INVOCATION – Retired Air Force Chaplain Gary Smith gave the Invocation. **PLEDGE OF ALLEGIANCE** - Pledge of Allegiance to the American Flag & Pledge of Allegiance to the Texas Flag – Judge Cobb led the Court in the Pledge of Allegiance to the United States and Texas Flags.

1. **HAYS COUNTY LEADERSHIP ADVISORY BOARD WOULD LIKE TO RECOGNIZE OUR 4-H PROGRAM**

Richard Parrish Extension Agent introduced Laura Petty Extension Agent. Laura Petty gave some highlights on the 4-H Program and would like to recognize some of the Award Recipients. 50 plus local 4-H members participated in various district 4-H contests and activities. 32 4-H recordbooks were submitted this year, 22 which qualified for district, and Eamon Decker and Madison Hawkins' book's advanced to state judging where they placed 7th and 8th, respectively. Mikayla Wenzel served as an officer on the 2012-13 District 4-H Council. Texas 4-H Roundup: Mikayla Wenzel received a \$1,000 Texas 4-H Foundation Scholarship. Madison Hawkins and Makenna Hawkins participated in the Invitational Ag Product ID contest in which Madison tied for 1st in the senior division. Madison Hawkins placed 1st in the Promote 4-H category of Educational Presentations. Brittany Krenek and Kaitlyn Eben earned several awards for photos competing in the Texas 4-H Photo Contest. Mrs. Lois LaCaze was honored with the Texas 4-H Leader Legacy Award, one of only two that are presented annually to 4-H volunteers with more than 20 years of service. Arielle Wortham was selected and sang the national Anthem during the Tuesday evening assembly. Texas 4-H Horse Show – Katherine Daniel, Kaitlyn Eben, Ella Gohlke, Kate McCallick, Taya Schiening, Cassandra Twining and Olivia Twining, Kaitlyn, Ella, Taya, and Cassandra all placed within the top 15. Texas 4-H Shooting Sports Games – Cole Bangs, Kordell Drake, and Cole Ritchie – Cole had three top 10 placings. Texas 4-H Dog Show – Rebekah McDaniel brought home two top 10 awards. National 4-H Conference – Mikayla Wenzel was selected and participated in this outstanding youth leadership and citizenship seminar.

2. **28211 ADOPT AND PRESENT A RESOLUTION IN SUPPORT OF DEDICATING THE HAYS COUNTY PRECINCT 2 JUSTICE OF THE PEACE COURTROOM TO FORMER JUSTICE OF THE PEACE JAMES A. HOLT, SR**

Commissioner Jones, Justice of the Peace Pct. 2 Beth Smith, Sylvia Flores, and Sylvia Gonzales spoke fondly of Judge Holt. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the Resolution dedicating and naming the JP Pct. 2 Courtroom as James A. Holt, Sr. Courtroom. All voting "Aye". **MOTION PASSED**

PUBLIC COMMENTS

Steve Werth – San Marcos resident spoke.

3. **28212 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 \$171,909.88 as submitted by the County Auditor. All voting "Aye". **MOTION PASSED**

4. **28213 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 6, 2013**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of August 6, 2013 as presented by the County Clerk All voting "Aye". **MOTION PASSED**



5. 28214 APPROVE THE PURCHASE OF 10 LAPTOPS AT \$549.99 EACH FOR JUVENILE PROBATION'S GRANT A GED PROGRAM USING SAVINGS IN OVERTIME COMPENSATION AND AMEND THE BUDGET

Participants in the GED program study for and take tests on laptops. This budget amendment will allow Juvenile Probation to spend the remainder of Grant A by the end of the FY 2013 grant period without a county match. Budget Amendment: Decrease Expense 001-686-99-027.5031 Overtime Compensation (\$4,588.00), Decrease Expense 001-686-99-027.5489 Telephone and Data Lines (\$912.00), Increase Expense 001-686-99-027.5712_400 Computer Equipment Operating \$5,500.00. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the purchase of 10 laptops at \$545.99 each for Juvenile Probation's Grant A GED Program using savings in overtime compensation and amend the budget. All voting "Aye". MOTION PASSED

6. 28215 APPROVE SPECIFICATIONS FOR RFP 2013-P08 SUBSTANCE ABUSE TREATMENT SERVICES FOR THE HAYS COUNTY JUVENILE CENTER AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve specifications for RFP 2013-P08 Substance Abuse Treatment Services for the Hays County Juvenile Center and authorize Purchasing to solicit for Proposal and advertise. All voting "Aye". MOTION PASSED

7. 28216 AUTHORIZE MOVING FUNDS WITHIN THE DA DRUG FORFEITURE FUND TO PURCHASE 2 SCANNERS AND ADOBE PROFESSIONAL AND PINNACLE SOFTWARE

Budget Amendment: Decrease Office Supplies: 081-607-00.5211 (\$3,850), Increase Software License: 081-607-00.5429 \$722, Increase Computer Eqpt: 081-607-00.5712_400 \$3,128. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize moving funds within the DA Drug Forfeiture fund to purchase 2 scanners and Adobe Professional and Pinnacle Software. All voting "Aye". MOTION PASSED

8. 28217 AMEND THE JUSTICE OF THE PEACE, PRECINCT 5 BUDGET FOR ADDITIONAL CONTINUING EDUCATION FOR JP CONFERENCE

Budget Amendment: Decrease Books & Periodicals - 001-630-00.5213 (\$361), Increase Continuing Education - 001-630-00.5551 \$361. A motion was made by Commissioner Jones, seconded by Commissioner Conley to amend the Justice of the Peace, Precinct 5 budget for additional continuing education for JP Conference. All voting "Aye". MOTION PASSED

9. 28218 AUTHORIZE THE SHERIFF, JAIL DIVISION TO PURCHASE A REPLACEMENT AIR CONDITIONER AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office is in need of purchasing a replacement air conditioner at building 1303. The current A.C. is leaking freon and is more cost effective to replace rather than repair. No additional funds are needed; funds have been identified in the Jail budget. Budget Amendment 001-618-03.5361 Contract Detention (\$1,945.00), 001-618-03.5719_400 Misc. Equipment \$1,945.00. A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the Sheriff, Jail Division to purchase a replacement air conditioner and amend the budget accordingly. All voting "Aye". MOTION PASSED

10. 28219 APPROVE MOVING FUNDS WITHIN THE JUSTICE COURT TECHNOLOGY FUND TO PURCHASE 4 SCANNERS FOR VIDEO MAGISTRATION CAPABILITIES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to pull this item until next week. All voting "Aye". MOTION PASSED

11. 28220 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A POSSESSION AND USE AGREEMENT ("PUA") FOR TRANSPORTATION PURPOSES BETWEEN HAYS COUNTY AND YARRINGTON PARTNERS, LTD., ACTING BY AND THROUGH 501 W. 15TH, INC. AND TEXAS REALTY PARTNERS, INC

This PUA provides Hays County an irrevocable right of possession and use for parcels 2 & 4 of the property for the purpose of constructing a portion of IH-35 at Yarrington Road. A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute a Possession and Use Agreement (PUA) for transportation purposes between Hays County and Yarrington Partners, Ltd., acting by and through 501 W. 15th, Inc. and Texas Realty Partners, Inc. All voting "Aye". MOTION PASSED



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12. 28221 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH WAUKESHA-PEARCE INDUSTRIES, INC FOR GENERATOR MAINTENANCE AT 401A BROADWAY IN PRECINCT 1

This is a renewal of a previous contract for generator maintenance at the Local Health Department facility. A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to execute an Agreement with Waukesha-Pearce Industries, Inc. for generator maintenance at 401A Broadway in Precinct 1. All voting "Aye". MOTION PASSED

13. 28222 APPROVE A VARIANCE FOR CONSTRUCTING A NEW DRIVEWAY ON FITZHUGH RD

Texas Gas Service is requesting to install a new driveway on Fitzhugh Rd, just west of Bonham Ranch Rd, to access an easement that will contain a meter for regular monitoring. The new driveway is only 34 linear feet away from an existing driveway, and the Hays County Development Regulations, Chapter 721, Subchapter 5 states that the minimum distance should be 50 linear feet. Jerry Borcharding Transportation Director spoke of this being no cost to the County. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve a variance for constructing a new driveway on Fitzhugh Rd. All voting "Aye". MOTION PASSED

14. 28223 SELECT BROADDUS AND ASSOCIATES FOR THE RFQ 2013-P06 REGARDING CONSULTING & PROGRAM MANAGEMENT SERVICES FOR CAPITAL IMPROVEMENTS AND AUTHORIZE LEGAL COUNSEL TO NEGOTIATE CONTRACT

After review, staff has reached a consensus on the recommendation for the RFQ 2013-P06. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to select Broaddus and Associates for the RFQ 2013-P06 regarding Consulting & Program Management Services for Capital Improvements and authorize Legal Counsel to negotiate contract. All voting "Aye". MOTION PASSED

15. 28224 APPROVE THE TEMPORARY APPOINTMENT OF CLEMENTE VERASTEGUI, DEPUTY CONSTABLE, PRECINCT 2 FOR AN ADDITIONAL PERIOD NOT TO EXCEED 60 HOURS AND CONVERT THE POSITION TO A FULL-TIME UNPAID POSITION FOR THE REMAINDER OF FY 2013 AND AMEND THE BUDGET ACCORDINGLY

Due to miscommunication regarding the previous periods of work requested, (budget impact calculated on a 5 day work week, not including weekends) the temporary Deputy Constable has worked an additional 60 hours over the amount that was budgeted for. Additional funds are needed in order to pay final timesheet on August 15th. TBD - potential Co-Wide contingencies to fund additional hours. To date a total of \$9,879 has been funded from contingencies for this temporary position. A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the temporary appointment of Clemente Verastegui, Deputy Constable, Precinct 2 for an additional period not to exceed 60 hours 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

16. 28225 ALLOW THE HR GENERALIST POSITION TO BE DOUBLE FILLED FOR AN ADDITIONAL THREE (3) WORKDAYS

The last day of employment for our current HR Generalist, slot 0744-001 is Friday, August 30. Current policy allows for the double filling of a position for up to two weeks, which in this case would be 8/19-8/30. Requesting the new HR Generalist be allowed to begin employment on Wednesday 8/14 to allow additional training time. These three additional days plus fica/mc/retirement total \$441. Salary savings within budgeted position will fund this request. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to allow the HR Generalist position to be double filled for an additional three (3) workdays. All voting "Aye". MOTION PASSED

17. 28226 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH TINA MARI HARRIS-TORRES, PHARM D TO PROVIDE PHARMACY SERVICES TO THE HAYS COUNTY LOCAL HEALTH DEPARTMENT

The Hays County Local Health Department's status as a Class D Pharmacy requires the County to retain a professional Pharmacist-in-Charge (P.I.C.) to perform monthly audits of the program. The Texas State Board of Pharmacy requires a monthly inspection and an annual in-service. The contract will be renewable annually. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract with Tina Mari Harris-Torres, Pharm D to provide pharmacy services to the Hays County Local Health Department. All voting "Aye". MOTION PASSED



18. **County Clerk's Note Agenda Item #18 RE:** *Discussion with possible action to adopt the Election Day Polling sites and consolidation of precincts for the November 5, 2013, Constitutional Amendment Election – was pulled*

19. **County Clerk's Note Agenda Item #19 RE:** *Discussion and possible action to adopt the Early Voting Schedule (Dates & times) for the November 5, 2013, Constitutional Election – was pulled*

20. 28227 **BUDGET WORKSHOP REGARDING THE FY 14 HAYS COUNTY BUDGET**

This is the second of two Budget Workshops. Britney Richey Assistant Treasurer gave a brief update on the benefits offered to all County employees, the different ways one can qualify for retirement and spoke of the strong retirement system Hays County has in place. She also asked the Court to consider the Retiree Committee's recommendation of 2% COLA increase for all retiree's. The last time the retiree's received an increase was on January 1, 2011. At this time there's no change to policy or insurance.

Kharley Smith Emergency Management Coordinator spoke of radios needed for the Hays San Marcos EMS.

Justice of the Peace Pct. 1 Pl. 2 Margie Hernandez is amending her request of a full-time Admin who is currently working 30 hours per week be increased to 40 hours per week and get another part-time Admin at 20 hours per week. This will have a total budget impact of \$22,000. She currently has 3 full-time and 1 part-time positions in her office. She is also requesting a salary increase. The same request made by JP Pct. 2 and JP Pct. 3 and would all the JP's be paid the same.

San Marcos Hays EMS Chief, Christopher W. Alexander, is requesting \$75,000. The City of San Marcos has proposed a compromise of \$75,000 this year conceptual approval \$75,000 for next year, for a total 2-year commitment of \$150,000, and renewed commitment to pursue the 1115 Waiver which would help make up the difference.

Hays County Child Protective Board Chair, Karen Brown and Treasurer, Mary Cauble gave a powerpoint presentation. There board is made up of volunteers. They currently have 12 members and are in need of 1 more member. They are requesting an additional \$7,000 funding.

Lisa Spencer Scheib Board of Director Chairman spoke of request. Scheib is requesting an additional \$10,000 for a total amount of \$40,000. The Judge's proposed budget recommended \$30,000.

Justice of the Peace Pct. 1 Pl. 1 rescinded the request for a full-time employee. She is requesting her part-time person go from 20 hours up to 29 1/2 hours per week. Currently, she has 2 full-time and 1 part-time positions. There are instances when one of the full-time employee's is out on vacation and the other full-timer gets sick.

Constable Pct. 5 Matt Mancillas will be receiving a replacement vehicle with one from the Sheriff's office and he's requesting a mobile radio for this vehicle. Total budget impact \$3,116.

Clerk's Note – Commissioner Whisenant and Judge Cobb left the meeting.

A motion was made by Commissioner Conley, seconded by Commissioner Jones to take \$11,351 out of Reserves to pay for the one-time expense of shutting down the Civic Center in October and the Revenue will go in to the General Fund. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Conley to add the itemized IT request to the Judge's Proposed Budget for a total of \$6,735. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Jones for \$772 for the District Attorney's office. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Conley to remove the used computer request from HR budget with \$500 going back into the M&O. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve \$4,000 for shred day out of contingencies. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Jones to increase \$5,000 for Contract Services from M&O for mowing at the Government Center. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve 1515 Preservation Fund no impact on General Fund. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Jones to rollover Transportation Funds no budget impact. All present voting "Aye". MOTION PASSED



A motion was made by Commissioner Conley, seconded by Commissioner Jones for \$15,870 to add part-time Collections Specialist to the Treasurer's Office. All present voting "Aye". MOTION PASSED

21. 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 10:24 a.m. and reconvened into open court at 11:20 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.

22. EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING REQUEST FOR QUALIFICATIONS ("RFQ'S") FOR WHOLESALE WATER

Court convened into Executive Session at 11:20 a.m. and reconvened into open court at 12:15 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.

23. 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 12:15 p.m. and reconvened into open court at 12:47 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.

24. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into Executive Session at 12:47 p.m. and reconvened into open court at 1:00 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.

25. DISCUSSION OF ISSUES RELATED TO INMATE POPULATION AT THE HAYS COUNTY JAIL

Lt. Mark Cumberland gave an update of the Jail Population. Today's population is currently at 285 inmates and 79% capacity.

26. DISCUSSION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb noted that the Burn Ban will remain in place on advice of the Hays County Fire Marshall.

27. County Clerk's Note Agenda Item #27 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

28. DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR

Laura Harris of HNTB on behalf of Prime Strategies and Pass Through Financing Team gave monthly update and powerpoint presentation.

29. County Clerk's Note Agenda Item #29 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 Conley to adjourn.



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 August 13, 2013.



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

