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## AGENDA ITEM REQUEST FORM

### Hays County Commissioners Court

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

#### AGENDA ITEM

Approve Commissioner Court Minutes of July 30, 2013.

#### ITEM TYPE

CONSENT

#### MEETING DATE

August 6, 2013

#### AMOUNT REQUIRED

#### LINE ITEM NUMBER

#### AUDITOR USE ONLY

#### AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A

AUDITOR REVIEW: N/A

#### REQUESTED BY

Gonzalez

#### SPONSOR

COBB

#### CO-SPONSOR

N/A

#### SUMMARY

08 06 13

FILED: HAYS COUNTY COMMISSIONERS' COURT  
Resolution # 28190 VOL V PG 205



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 30<sup>TH</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
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.

**28173 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 628,476.90 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**28174 APPROVE COMMISSIONERS COURT MINUTES OF JULY 23, 2013**

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

**28175 ACCEPT A DONATION FROM THE NATIONAL TACTICAL OFFICERS ASSOCIATION ON BEHALF OF THE HAYS COUNTY SHERIFF'S OFFICE'S SWAT TEAM OF ONE TASER X2 AND AMEND THE BUDGET ACCORDINGLY**

The Hays County Sheriff's Office's SWAT Team has been awarded one Taser X2 from the National Tactical Officers Association. This award is a result of a grant application submitted to National Tactical Officers Association in June 2013. Taser valued at \$978.00. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a donation from the National Tactical Officers Association on behalf of the Hays County Sheriff's Office's SWAT Team of one Taser X2 and amend the budget accordingly. All voting "Aye". MOTION PASSED

**28176 APPROVE AWARD OF IFB 2013-B05 SELF CONTAINED BREATHING APPARATUS (SCBA) UNITS FOR THE SHERIFF'S OFFICE TO MES AND AMEND THE BUDGET ACCORDINGLY**

MES bid was \$69,215.92 and Grainger's bid was \$91,720.06. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve award of IFB 2013-B05 Self Contained Breathing Apparatus (SCBA) units for the Sheriff's Office to MES. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve award of IFB 2013-B05 Self Contained Breathing Apparatus (SCBA) units for the Sheriff's Office to MES and amend the budget accordingly. All voting "Aye". MOTION PASSED

**28177 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 5221 INDUSTRIAL WAY, BUDA, TX**

Commodore Holdings LTD is proposing an OSSF to serve an office/warehouse building at 5221 Industrial Way in Precinct 2. This property is 1.003 acres. Water will be supplied by public water system. The system designer, Clifford J. Connor, R.S. has designed a treatment system which consists of standard treatment and equalization tank to equalize the effluent dispersal to a low pressure dosed drainfield at a daily usage rate of 75 gallons. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 5221 Industrial Way, Buda, TX. All voting "Aye". MOTION PASSED



JULY 30, 2013

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**28178      APPROVE BUDGET AMENDMENTS IN THE SHERIFF'S OFFICE, JAIL DIVISION BUDGET FOR EMPLOYEE TESTING AND UNIFORMS AND AMEND THE BUDGET ACCORDINGLY**

The Jail Division needs to amend the budget for employment testing and uniforms in order to operate for the remainder of the fiscal year. Funds have been identified in the jail capital equipment series; all equipment has been ordered and the funds are no longer needed. Amount required \$4,234.00; 001-618-03.5712\_400 Computer Equipment Operating (\$ 279.00); 001-618-03.5719\_400 Miscellaneous Equipment Operating Expense (\$ 272.00); 001-618-03.5719\_700 Miscellaneous Equipment Capital Outlay (\$3,683.00) To 001-618-03.5335 Employment Testing \$3,034.00; 001-618-03.5474 Uniforms \$1,200.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve budget amendments in the Sheriff's Office, Jail Division budget for employee testing and uniforms and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28179      ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE SHERIFF'S FEDERAL DISCRETIONARY FUND AND TREASURER'S OFFICE**

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's Office performed an Internal Examination of the Hays County Sheriff's Office Federal Discretionary Account for the period of October 1, 2011 to September 30, 2012. The Internal Examination consisted of reviewing disbursements, receipts, deposits, fixed assets, and other supporting documentation. Based on the internal examination except for the following finding and recommendation, cash receipts and disbursements appear to be adequately accounted for the related records appear to be accurately maintained in accordance with statutory requirements under Subsection 112.001 of the Texas Local Government Code. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Reports for the Sheriff's Federal Discretionary Fund and Treasurer's Office. All voting "Aye". MOTION PASSED**

**28180      AUTHORIZE THE SHERIFF'S OFFICE TO TRANSFER AN ARMORED VEHICLE IN THEIR CURRENT SWAT FLEET TO THE CITY OF SAN MARCOS AND EXECUTE ALL DOCUMENTS NECESSARY FOR RELEASE AND TRANSFER**

In October 2001 the Texas Department of Public Safety donated a 1978 Dodge Armored Personnel Carrier, Serial Number 50527 to the Hays County Sheriff's Office. The Sheriff's Office has utilized this vehicle as part of their SWAT Fleet; however it is currently in need of repairs and no longer a benefit to the SWAT operations. The City of San Marcos has expressed a need for the armored vehicle and has the resources to make the necessary repairs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to transfer an armored vehicle in their current SWAT fleet to the City of San Marcos and execute all documents necessary for release and transfer. All voting "Aye". MOTION PASSED**

**28181      APPROVE THE RENEWAL OF THE FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE GREATER SAN MARCOS PARTNERSHIP**

Adriana Cruz, President of the Greater San Marcos Economic Development Council spoke. The contract terminates on Sept 30, 2013 and requires renewal at this time. Amount required \$150,000.00; line item number 001-645-00.5302. Payment not due until FY 2014. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the renewal of the Funding Agreement between Hays County and the Greater San Marcos Partnership. All voting "Aye". MOTION PASSED**

**28182      ACTION REGARDING THE FY 2014 BUDGET INCLUDING A PRESENTATION OF THE JUDGE'S PROPOSED BUDGET AND THE SELECTION OF DATES FOR BUDGET WORKSHOPS**

Judge Cobb presented a Balanced Budget and spoke of the Hays County FY2014 Recommended Budget. Balanced budget with No Tax Rate increase. The proposed tax rate is - .4690. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to set the budget workshops for August 6<sup>th</sup> and 13<sup>th</sup>, 2013. All voting "Aye". MOTION PASSED**

**28183      APPROVE THE APPOINTMENT OF MARK TRESSELT AS RESERVE DEPUTY CONSTABLE IN PRECINCT 3 TO FILL THE RECENTLY APPROVED RESERVE DEPUTY CONSTABLE POSITION**

Constable Precinct 3 Darrell Ayres spoke. This is a non-paid position of Reserve Deputy Constable. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve the appointment of Mark Tresselt as Reserve Deputy Constable in Precinct 3 to fill the recently approved Reserve Deputy Constable position. All voting "Aye". MOTION PASSED**



**28184 WAIVE THE DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY'S CONSTRUCTION OF THEIR NEXT HOME AT 83 PERSIMMON DRIVE, LOT #234 WOODCREEK**

Wimberley Habitat for Humanity is a non-profit community assistance organization that utilizes volunteers to build houses for low income families. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to waive the development fees for the Wimberley Valley Habitat for Humanity's construction of their next home at 83 Persimmon Drive, lot #234 Woodcreek. All voting "Aye". MOTION PASSED

**28185 AUTHORIZE INSTITUTIONAL OSSF PERMIT AND GRANT A VARIANCE TO SECTION 10-Q(7) OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 4660 HWY 123, SAN MARCOS, TX**

Roxie McInnis, Development Services Manager spoke. Mark Smith dba 4660 SH 123 LTD is proposing to repair his OSSF to serve his building at 4660 SH 123 in Precinct 1. This property is 2 acres. Water is supplied by Public Water Supply. This OSSF is an existing aerobic treatment system in which the effluent is disinfected and spray irrigated. The existing pretreatment and aerobic treatment tanks have cracked and need replacement. This permit will authorize replacement of these tanks, the addition of an equalization tank and grant a variance for the system to utilize surface irrigation. The system designer, Andy Grubbs, R.S., P.G. is requesting a variance to Section 10-Q (7) of the Hays County rules for on-site sewage facilities, which does not allow surface irrigation for nonresidential use. His justification for the variance is: The fitness business averages less than 200 gallons per day, the system has worked well until construction workers drove over and damaged the tanks, a standard system will not be allowed due to the high clay soil, poor drainage, and seasonal groundwater within 18 inches of the surface. Equal protection to public health and safety will be achieved by using flow equalization to evenly dose the residential strength wastewater to the treatment system. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Institutional OSSF Permit and grant a variance to Section 10-Q(7) of the Hays County Rules for On-Site Sewage Facilities at 4660 Hwy 123, San Marcos, TX. All voting "Aye". MOTION PASSED

**28186 SET COUNTY CLERK ARCHIVE FEE AT \$10**

Sec 118.025 each document filed \$10.00 (b) the commissioners court of a county may adopt a records archive fee under Section 118.011(f) as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process. The fee for "Records Archive" under Section 118.011(f) is for the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive. (d) The fee shall be deposited in a separate records archive account in the general fund of the county. (e) The funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the county clerk's records archive. (g) the county clerk shall prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive. All expenditures from the records archive account shall comply with Subchapter C, Chapter 262. Effective September 1, 2013 (expires 9/1/2019) increased the fee from \$5 to \$10 then in 2019 will revert back to \$5. Line item number 101-617-11.4401\_617 Archive Fees of the Office County Clerk. A motion was made by Commissioner Conley, seconded by Commissioner Jones to set County Clerk Archive Fee at \$10. All voting "Aye". MOTION PASSED

**28187 SET COUNTY CLERK RECORDS MANAGEMENT FEE AT \$10**

Sec. 118.0216 RECORDS MANAGEMENT AND PRESERVATION. Each document Filed \$10.00 (a) The fee for "Records Management and Preservation" under Section 118.011 is for the records management and preservation services performed by the county clerk after the filing and recording of a document in the records of the office of the clerk. (d) The fee shall be deposited in a separate records archive account in the general fund of the county. Any interest accrued remains with the account. (e) All expenditures from the records management and preservation account shall comply with Subchapter C, Chapter 262. Effective September 1, 2013 (expires 9/1/2019) Increased the fee from \$5 to \$10 then in 2019 will revert back to \$5. Line Item number 101-617-10.4401\_617-Records Management Fees of Office County Clerk. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to set County Clerk Records Management Fee at \$10. All voting "Aye". MOTION PASSED

**28188 APPROVE MEMBERS OF THE AD-HOC ARTS COMMITTEE AND PROVIDE DIRECTION FOR THEIR EFFORTS**

Kate Johnson of the Hays County Historical Commission spoke. An Ad-Hoc Arts Committee organized by the County Judge has begun meeting with a focus on the display of art in the Hays County Government Center. Judge Cobb would like to have the Commissioners Court approve members for the committee and provide direction for the efforts. Current members are: Chair-Kate Johnson, Linda Coker, Richard Kidd, Ashley Nussbaum, Lila McCall, Lucy Johnson and Marian McCollam. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve members of the ad-hoc Arts Committee and provide direction for their efforts. All voting "Aye". MOTION PASSED



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

Court convened into Executive Session at 10:00 a.m. and reconvened into open court at 10:37 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 9:45 a.m. and reconvened into open court at 10:00 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 551.087 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 11:27 a.m. and reconvened into open court at 12:05 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell.

**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 12:25 p.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.

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

Lt. Eric Batch of the Hays County Sheriff's Office spoke. Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers the jail recommendations to 311. The jail's daily average was 323 and peak was 328 for the week of July 21-27, 2013. The maximum female capacity is 56 inmates. Last week's average was 46 and peak was 49 on 07/25/2013. The maximum male capacity is 276 inmates. Last week's average was 276 and peak was 280 on July 26, 2013.

**ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

Judge Cobb spoke of consulting with the Fire Marshall and on his advice the Burn Ban will remain lifted.

**County Clerk's Note Agenda Item #23 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 #24 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 #25 RE:** DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY - **was pulled**

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe 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 30, 2013.



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

