

HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTEMBER 3, 2013

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VOLUME V PG 223

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 3<sup>RD</sup> DAY OF SEPTEMBER 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  
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:

Darrell. W. Ayres – Preacher at Blanco Cowboy Church in Blanco and Constable, Precinct # 3 Hays County 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.

**28249            ADOPT AND PRESENT A RESOLUTION IN SUPPORT OF RECOGNIZING ROSE BROOKS ON HER 80TH BIRTHDAY AND HER ACCOMPLISHMENTS IN HAYS COUNTY**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a Resolution in support of recognizing Rose Brooks on her 80<sup>th</sup> Birthday and her accomplishments in Hays County. All voting "Aye". MOTION PASSED

**28250            ADOPT A RESOLUTION RECOGNIZING THE 40TH ANNIVERSARY OF THE BURKE CENTER FOR YOUTH**

Charles A. Campise – Founder of San Marcos spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Resolution recognizing the 40<sup>th</sup> Anniversary of the Burke Center for Youth. All voting "Aye". MOTION PASSED

**28251            ADOPT A PROCLAMATION DECLARING THE MONTH OF SEPTEMBER 2013 AS NATIONAL PREPAREDNESS MONTH**

Kharley Smith and Mike Jones Emergency Coordinator of Hays County spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring the month of September 2013 as National Preparedness Month. All voting "Aye". MOTION PASSED

**PRESENTATION BY HALFF ASSOCIATES, INC., IN CONJUNCTION WITH THE U.S. ARMY CORPS OF ENGINEERS, ON THE RESULTS OF THE FLOOD PROTECTION PLANNING/DRAINAGE BASIN STUDY FOR NORTHERN HAYS COUNTY**

Jeff Hauff, Hays County Grants Administrator spoke. Halff and Associates gave a presentation of the Hays County Drainage Master Plan.

**28252            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 \$251,146.31 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**28253            APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 20, 2013**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of August 20, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

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**28254                    AUTHORIZE THE SHERIFF'S OFFICE TO TRANSFER FUNDS TO INFORMATION TECHNOLOGY FOR THE COBAN IMPLEMENTATION SOFTWARE LICENSE AND SERVER CONFIGURATION AND AMEND THE BUDGET ACCORDINGLY**

Additional server configuration and licenses were identified by Coban during the initial configuration of the substations. Funds within the Sheriff's Office budget have been identified to cover this amendment. Amount required \$6,000; 001-618-00.5206 - SO - LE Supplies (\$6,000.00); 001-680-00.5718\_400 - IT - Software\_Op \$6,000.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to transfer funds to Information Technology for the Coban implementation software license and server configuration and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28255                    AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 2400 FM 150 EAST, KYLE, TX**

BMonte Del Olivar Christian Center is proposing an OSSF to serve a church building at 2400 FM 150 East in Precinct 1. This property is 15 acres in size. Water will be supplied by public water system. The system designer, Clifford J. Connor, R.S. has designed a system which consists of standard treatment and an equalization tank to equalize the effluent dispersal to a low pressure dosed drainfield at a daily usage rate of 300 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit at 2400 FM 150 East, Kyle, TX. All voting "Aye". MOTION PASSED**

**28256                    AUTHORIZE INSTITUTIONAL OSSF PERMIT 798 HIGH RD, KYLE, TX**

Nabi LLC is proposing an OSSF to serve a 12000 square foot commercial building which includes a meat market, convenience store, fast food restaurant, and offices at 798 High Rd in Precinct 1. This property is 18.17 acres. Water will be supplied by Public Water Supply. This OSSF is a non-standard treatment system in which the effluent will be pumped to low pressure dosed dispersal fields. The system is designed for a maximum of 3000 gpd. The system designer, Stan Burrier, P.E. has designed a treatment system which consists of a 6000 gallon grease trap, 2000 gallon pretreatment tank, 6000 gallon equalization tank, and 8 1000 gallon/day aerobic treatment units. This permit was approved in October, 2012 but it expired before the owner could start on it. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit 798 High Rd, Kyle, TX. All voting "Aye". MOTION PASSED**

**28257                    AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 7220 CREEK ROAD, DRIPPING SPRINGS, TX**

April Roush is proposing an OSSF to serve a residence that will also be used as an event center at 7220 Creek Road in Precinct 4. This property is 15 acres. Water will be supplied by private water well and events will be held once per week. The system designer Brandon Couch, R.S. has designed a treatment system that is designed to hold 1200 gallons on peak days and will equalize the flow over a 7 day period to an aerobic treatment unit at 812 gallons per day. The treated effluent will be dosed to a drip irrigation dispersal field. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit at 7220 Creek Road, Dripping Springs, TX. All voting "Aye". MOTION PASSED**

**28258                    AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 275 FROG POND, DRIPPING SPRINGS, TX**

Chris Nygard is proposing an OSSF to serve a 2600 square foot office/warehouse building in Precinct 4. This property is 1.55 acres and is lot 8 in the Frog Pond Subdivision. Water will be supplied by rainwater collection. The system designer, Don Perry, R.S. has designed a treatment system which consists of an equalization tank, aerobic treatment unit, and dispersal to a drip irrigation dispersal field at a daily usage rate of 140 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit at 275 Frog Pond, Dripping Springs, TX. All voting "Aye". MOTION PASSED**

**28259                    AUTHORIZE THE DISTRICT ATTORNEY'S OFFICE TO TRANSFER FUNDS TO INFORMATION TECHNOLOGY FOR THE PURCHASE OF 7 ADOBE PROFESSIONAL SOFTWARE LICENSES AND AMEND THE BUDGET ACCORDINGLY**

The Adobe Professional software allows editing for data entry and also facilitates the conversion of Adobe formats into common Microsoft Office applications. Funding is available through savings in the office supplies line item of the DA's budget. Amount required \$1,862.00; 001-607-00.5211 - DA - Office Supplies (\$1,862.00); 001-680-00.5429 - IT - Software License \$1,862.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the District Attorney's Office to transfer funds to Information Technology for the purchase of 7 Adobe Professional software licenses and amend the budget accordingly. All voting "Aye". MOTION PASSE**



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**28260 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Utility Permit # 894 for Trautwein Road issue to Pedernales Electric as submitted by the Road Dept. All voting "Aye". MOTION PASSED

**28261 RATIFY THE EXECUTION OF A MAINTENANCE GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL (OAG) FOR THE STATEWIDE AUTOMATED VICTIM NOTIFICATION SERVICE (SAVNS) IN THE AMOUNT OF \$27,715.32**

The Contract is for the Statewide Crime Victim Notification Service (SAVNS) grant program to maintain Texas counties in a system that provides relevant offender release information and notification on relevant court proceedings to promote public safety and support the right of victims of crime. Hays County has participated in this program for a number of years and this is a renewal for the service. The Office of the Attorney General will pay the Certified Vendor (Appriss) directly. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify the execution of a Maintenance Grant Contract with the Office of the Attorney General (OAG) for the Statewide Automated Victim Notification Service (SAVNS) in the amount of \$27,715.32. All voting "Aye". MOTION PASSED

**28262 RATIFY EXECUTION OF A SERVICE AGREEMENT RENEWAL NOTICE WITH APPRISS FOR AUTOMATED VICTIM NOTIFICATION SERVICES RELATED TO THE STATEWIDE AUTOMATED VICTIMS NOTIFICATION SERVICES (SAVNS) GRANT FROM THE OFFICE OF THE ATTORNEY GENERAL (OAG)**

The R-10 Service Agreement Renewal Notice with Appriss in the amount of \$27,715.32 is the amount the Office of the Attorney General (OAG) agrees to cover for this service. The Statewide Automated Victims Notification Service (SAVNS) program is administered by the OAG under the Crime Victim Services Division. This program is a free, anonymous, 24 hour computer based telephone service for victims of crime. This is a service that provides easy access to offender information and to an offender's custody status change. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify execution of a Service Agreement Renewal Notice with Appriss for Automated Victim Notification Services related to the Statewide Automated Victims Notification Services (SAVNS) grant from the Office of the Attorney General (OAG). All voting "Aye". MOTION PASSED

**28263 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE TEXAS DEPARTMENT OF PUBLIC SAFETY INTERLOCAL COOPERATION CONTRACT FOR SUPPLIES NEEDED TO USE IN THE BREATH TESTING AND LABORATORY ALCOHOL AND DRUG TESTING PROGRAM**

Interlocal Cooperation Contract is in need to purchase DWI Supplies. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute The Texas Department of Public Safety Interlocal Cooperation Contract for supplies needed to use in the Breath Testing and Laboratory Alcohol and Drug Testing Program. All voting "Aye". MOTION PASSED

**28264 AUTHORIZE THE SHERIFF'S OFFICE TO EXTEND THE VICTIM'S ASSISTANT ADVOCATE, SLOT 0505-004 POSITION TO 9/30/13**

This position is currently funded with grant funds through the Office of the Attorney General which ends on 8/31/13. The Sheriff's Office has made a request to the Court to add this position to the General Fund budget for FY 2014, which will be discussed and determined during the final budget hearing. In order to keep fluidity within the Victim's Advocacy Group and Outreach team, we request that the Court extend this positions end date through 9/30 and until it can be determined if the position will be added to the budget. This position's salary is currently budgeted for the entire year, therefore will not require a budget amendment. Due to the one month differential in Granting Agency and County budget year the impact will be in the lack of revenue received. Amount required \$3,755.00 line item number 001-618-99-068]. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to extend the Victim's Assistant Advocate, Slot 0505-004 position to 9/30/13. All voting "Aye". MOTION PASSED

**28265 AUTHORIZE THE TREASURER'S OFFICE TO TRANSFER FUNDS TO INFORMATION TECHNOLOGY FOR THE PURCHASE OF ONE COMPUTER AND MONITOR AND AMEND THE BUDGET ACCORDINGLY**

The Treasurer's Office has been approved a part-time Collection Specialist in the FY14 budget. In an effort to reduce the impact on next year's budget, the Treasurer has identified savings within their operating budget to purchase a computer and monitor for the newly created position. Amount required \$1,109.00; 001-620-00.5461  
- Treasurer - Printing (\$1,109.00); 001-680-00.5202 - IT - Data Supplies \$298.00; 001-680-00.5712\_400 - IT - Software License \$811.00. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Treasurer's Office to transfer funds to Information Technology for the purchase of one computer and monitor and amend the budget accordingly. All voting "Aye". MOTION PASSED

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**28266                    AUTHORIZE PURCHASE OF THREE STORAGE CABINETS FOR THE TRANSPORTATION DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY**

Due to safety concerns, we would like to purchase the following cabinets for the mechanic area: flammable cabinet, paint and ink cabinet, and acid corrosive cabinet. Amount required \$3557.81 from line item number 020-710-00.5713\_700 to 020-710-00.5719\_400. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize purchase of three storage cabinets for the Transportation Department and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28267                    AUTHORIZE THE SHERIFF'S OFFICE TO USE FUNDS FROM OVERTIME COMPENSATION TO BE UTILIZED IN SHERIFF'S OFFICE, VEHICLE MAINTENANCE AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office is requesting to use funds from overtime to be utilized in Sheriff's Office, Vehicle Maintenance general ledger for the use of maintenance and repair to patrol vehicles for the remainder of FY13. Amount required \$6,050.00; 001-618-00.5036 Overtime Compensation (\$6,050.00); 001-618-00.5413 Vehicle Mtc. & Repair \$6,050.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to use funds from overtime compensation to be utilized in Sheriff's Office, Vehicle Maintenance and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28268                    AMEND THE NATIONAL SCHOOL LUNCH PROGRAM BUDGET TO INCREASE GRANT REVENUE AND FOOD SUPPLIES, AND MOVE BUDGET FROM THE JUVENILE DETENTION CENTER'S OPERATING BUDGET TO NSLP**

This budget amendment is necessary to cover NSLP food supplies for the month of September. Amount required \$21,700.00. Increase Revenue 070-685-99-017.4301 Intergovernmental Revenues \$4,600.00; Decrease Expense 070-686-99-017.5201 General Supplies (\$300.00); Decrease Expense 070-685-99-017.5208 Janitorial Supplies (\$750.00); Decrease Expense 070-685-99-017.5391 Miscellaneous (\$1,300.00); Decrease Expense 070-685-00.5160\_400 Medical Insurance (\$14,750.00); Increase Expense 070-685-99-017.5232 Food Supplies \$21,700.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the National School Lunch Program Budget to increase grant revenue and food supplies, and move budget from the Juvenile Detention Center's operating budget to NSLP. All voting "Aye". MOTION PASSED**

**28269                    AUTHORIZE THE DISTRICT ATTORNEY'S OFFICE TO INCREASE ONE TEMPORARY INTERN POSITION FROM 20 TO 40 HOURS PER WEEK FOR THE MONTH OF SEPTEMBER**

The D.A.'s Office is currently budgeted for 20 hours per week for this intern position. Due to a drastic increase of recent appeals that has come into the office, additional hours are needed to address this workload. Salary savings have been identified to fund this request. Amount required \$861.00 line item number 011-607-]. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the District Attorney's Office to increase one Temporary Intern position from 20 to 40 hours per week for the month of September. All voting "Aye". MOTION PASSED**

**28270                    AUTHORIZE THE COUNTY JUDGE TO SIGN A MAINTENANCE CONTRACT WITH BAN-KOE COMPANIES FOR FULL PRINTER, SOFTWARE AND PHONE SUPPORT AND AMEND THE BUDGET ACCORDINGLY**

This hardware and software prints Hays County ID badges for employees, interns, attorneys and visitors. The contract is for 13 months beginning September 3, 2013 if approved. Funds will be moved to the IT budget for consistency as all other maintenance agreements that are hardware/software related are budgeted here. Amount required \$1,095.00; FY13 Budget Amendment: Decrease - HR Printer Plan Maint/Supplies - 001-677-00.5412 (85); Increase - IT - Software Maintenance - 001-680-00.5429 85; FY14 Budget: Add \$1,010 to IT Software Maintenance budget. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to sign a maintenance contract with Ban-Koe Companies for full printer, software and phone support and amend the budget accordingly. All voting "Aye". MOTION PASSED**



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- 28271            AUTHORIZE THE CHAIRMAN OF THE HAYS COUNTY JUVENILE BOARD TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN REFERENCE TO RFP 2013-P08 SUBSTANCE ABUSE TREATMENT SERVICES FOR THE HAYS COUNTY JUVENILE CENTER**

Brett Littlejohn, Juvenile Detention Director spoke. Amount required \$247,930.00 line item number 070-685-00.5448 Contract Services. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Chairman of the Hays County Juvenile Board to execute a Professional Services Agreement in reference to RFP 2013-P08 Substance Abuse Treatment Services for the Hays County Juvenile Center. All voting "Aye". MOTION PASSED

- 28272            AUTHORIZE THE LOCAL HEALTH DEPARTMENT TO PURCHASE PROMOTIONAL ITEMS IN THE AMOUNT OF \$4,096.20 WHICH WERE OBTAINED WITHOUT A PURCHASE ORDER AND ALLOW THE DSHS PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT PROGRAM TO INCUR THESE EXPENDITURES WITHOUT REIMBURSEMENT FROM DSHS. AUTHORIZE UP TO \$5,000 FOR PRINTED MATERIALS AT ONLY 50% REIMBURSEMENT**

The purchase of items by the PHEP program was in promotion of the County hosted website HaysInformed.com. This site is used to provide citizens with real time emergency information by allowing emergency responders, school districts, public works, health services and additional local, regional, and state partners to post information pertaining to emergency events. Budget is available in the PHEP cost center, the fiscal impact will be in the lack of revenue received. Amount required \$6,596.20 line item number 120-675-99-058.5461 Printing Services. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Local Health Department to purchase promotional items in the amount of \$4,096.20 which were obtained without a purchase order and allow the DSHS Public Health Emergency Preparedness grant program to incur these expenditures without reimbursement from DSHS. Authorize up to \$5,000 for printed materials at only 50% reimbursement. All voting "Aye". MOTION PASSED

- 28273            APPROVE HERITAGE TREE CARE LLC., FOR COURTHOUSE GROUNDS TREE SERVICES AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT**

3 Bids for services were received in the Purchasing Dept. for Tree Service. After reviewing the bids have decided on the lowest priced vendor. Amount required \$2620.00 line item number 001-695-00-5448. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Heritage Tree Care LLC., for Courthouse grounds tree services and authorize the County Judge to execute a contract. All voting "Aye". MOTION PASSED

- 28274            APPROVAL TO RENEW EXISTING BID #2010-B19 "REGULATORY, WARNING AND OTHER ROAD SIGNS FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID**

All terms and conditions remain unchanged and in full force and effect as provided in the original Bid. There are no price increases. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve renewal of existing Bid #2010-B19 "Regulatory, Warning and Other Road Signs for one (1) additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

- 28275            AMEND THE DISTRICT COURT FAMILY LAW BUDGET FOR ADDITIONAL CONTINUING EDUCATION FOR ADVANCED FAMILY LAW TRAINING**

Savings within the District Court operating budget will be used. No additional funds are needed. Amount required \$ 758.00. Budget Amendment: Decrease -758.00 - District Court -Apptd Attorneys-No Charges Filed - 22nd District Court - 001-608-00.5440\_522. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the District Court Family Law budget for additional continuing education for Advanced Family Law training. All voting "Aye". MOTION PASSED

- 28276            AWARD A DAM MAINTENANCE CONTRACT TO JOHNSON LAKE MANAGEMENT SERVICES IN THE AMOUNT OF \$29,250 AND AMEND THE BUDGET ACCORDINGLY**

This contract provides for a one-time maintenance/brush clearing project on the Upper San Marcos Watershed Reclamation & Flood Control District dams for site #3 and site #5. Amount required \$29,250.00; Decrease Continuing Education - 020-710-00.5551 (\$3,004); Decrease Software Capital - 020-710-00.5718\_700 (\$1,070); Decrease Heavy Equipment Capital - 020-710-00.5714\_700 (\$15,176); Increase Maintenance & Repair - 020-710-00.5453 \$19,250. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to award a dam maintenance contract to Johnson Lake Management Services in the amount of \$29,250 and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED



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**28277      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) REGARDING THE DEDICATION OF ROADWAYS AND RIGHT OF WAY IN THE DEERFIELD ESTATES II SUBDIVISION**

Commissioner Whisenant, Jerry Borchering Transportation Director and Special Counsel Mark Kennedy spoke. Deerfield Estates wishes to dedicate and convey to Hays County certain roadways and ROW that it owns, and/or possesses and maintains for requisite repair and improvements to the roadways. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Memorandum of Understanding (MOU) regarding the dedication of roadways and Right of Way in the Deerfield Estates II Subdivision. All voting "Aye". MOTION PASSED

**28278      CALL FOR A PUBLIC HEARING ON SEPTEMBER 17, 2013 TO REMOVE A "NO PARKING" ZONE TRAFFIC REGULATION ON CANTERBURY DRIVE IN THE BELTERRA SUBDIVISION**

Road Department recommends removing a "No Parking" zone (a total of 3 signs with curb markings) on Canterbury Drive in the Belterra Subdivision. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to call for a public hearing on September 17, 2013 to remove a "No Parking" zone traffic regulation on Canterbury Drive in the Belterra subdivision. All voting "Aye". MOTION PASSED

**28279      CALL FOR A PUBLIC HEARING ON SEPTEMBER 17, 2013 TO ESTABLISH AN "EMERGENCY ZONE" AT THE END OF ABBEY DRIVE IN THE BELTERRA SUBDIVISION**

This action will be to establish an "Emergency Zone" at the end of Abbey Drive in the Belterra subdivision. There is an existing swing gate to keep non-emergency vehicles from taking the "cut-through" road over to Belterra Drive and to prevent usage of the area as a parking lot. Signs and curb markings will read "Emergency Zone" from in front of the gate back to the ADA ramps on both sides of Abbey Drive. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to call for a public hearing on September 17, 2013 to establish an "Emergency Zone" at the end of Abbey Drive in the Belterra Subdivision. All voting "Aye". MOTION PASSED

**28280      CALL FOR A PUBLIC HEARING ON PROPOSED TRANSPORTATION REINVESTMENT ZONE (TRZ) NUMBER ONE FOR SEPTEMBER 17, 2013**

This action will approve calling a Public Hearing on proposed TRZ Number One for September 17, 2013. The Court conducted a workshop on Hays County TRZ's Phase One Analyses on March 19, 2013. Since that time, the County's consultants have refined the analyses and the County has conducted continued coordination with the City of San Marcos on the creation of both a Hays County TRZ and a San Marcos County TRZ. Revenues realized from the proposed TRZ's would be dedicated to repaying a State Infrastructure Bank (SIB) loan. Proceeds from the SIB loan would be used to fund construction of the FM 110 project under development by the County from SH 123 to Yarrington Road at Interstate 35. The SIB loan application submitted by the County is under review by TxDOT. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to call for a public hearing on proposed Transportation Reinvestment Zone (TRZ) Number One for September 17, 2013. All voting "Aye". MOTION PASSED

**28281      AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT BETWEEN HAYS COUNTY AND AUSTIN TRAFFIC SIGNAL CO, INC. RELATED TO THE FM 110 (MCCARTY LANE TO SH 123) PROJECT**

The Contractor shall reimburse and/or make advance payment to Hays County for AT&T services utilized to service traffic counters on the FM 110 (McCarty Lane to SH 123) Project, on which contractor has performed services, during the Contract Period. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute the Contract between Hays County and Austin Traffic Signal Co, Inc. related to the FM 110 (McCarty Lane to SH 123) Project. All voting "Aye". MOTION PASSED

**28282      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A UTILITY AGREEMENT WITH BLUEBONNET ELECTRIC FOR THE RELOCATION OF THREE PHASE ELECTRIC POWER LINES ALONG CR266**

The CR 266 project was identified as a key project in Precinct 1 as part of the 2008 Priority Road Bond Program. The project design is complete and construction began in April of 2013. Bluebonnet Electric has provided documentation to the County that a portion of their three phase electric power lines to be relocated along CR 266 lies within a private easement and is thereby a reimbursable relocation. Amount required \$8,700.00. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Utility Agreement with Bluebonnet Electric for the relocation of three phase electric power lines along CR266. All voting "Aye". MOTION PASSED



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- 28283            AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN HAYS COUNTY AND BROADDUS & ASSOCIATES, INC. FOR CONSULTING AND PROJECT MANAGEMENT SERVICES FOR CAPITAL IMPROVEMENT PROJECTS ON AS AS-NEEDED-BASIS RELATED TO RFQ: 2013-P06**

Special Counsel Mark Kennedy spoke. Pursuant to the Courts resolution on August 13, 2013, Legal Counsel has negotiated the contract and recommends for approval. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Agreement between Hays County and Broaddus & Associates, Inc. for consulting and project management services for capital improvement projects on as as-needed-basis related to RFQ: 2013-P06. All voting "Aye". MOTION PASSED

- 28284            AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE TRI-PARTY AGREEMENT PROVIDING FOR REGULATION OF SUBDIVISION AND APPROVAL OF CAMINO REAL BETWEEN HAYS COUNTY ("COUNTY") , CITY OF NIEDERWALD ("CITY") AND WALTON TEXAS, LP ON BEHALF OF WALTON CAMINO REAL 1, LP A DELAWARE LIMITED PARTNERSHIP ("OWNER")**

Special Counsel Mark Kennedy and Clint Garza Director of Development and Community Services spoke. Owner plans to develop Camino Real as a master-planned mixed use community in accordance with this Agreement between Owner, County and City. City will handle primary review, while the County maintains authority to review OSSF's, inspect roadways, and provide 911 addressing. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Tri-Party Agreement Providing For Regulation Of Subdivision and Approval Of Camino Real between Hays County, City of Niederwald and Walton Texas, LP on behalf of Walton Camino Real 1, LP a Delaware limited partnership ("Owner"). All voting "Aye". MOTION PASSED

- 28285            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER AMENDMENT TO THE AGREEMENT REGARDING PROVISION OF WATER AND WASTEWATER SERVICE BETWEEN HAYS COUNTY AND LOWER COLORADO RIVER AUTHORITY ("LCRA") EXECUTED ON SEPTEMBER 5, 2000**

Commissioner Whisenant and Special Counsel Mark Kennedy spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Letter Amendment to the Agreement Regarding Provision of Water and Wastewater Service between Hays County and Lower Colorado River Authority executed on September 5, 2000. All voting "Aye". MOTION PASSED

- 28286            AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION IN THE AMOUNT OF \$28,780.00**

On February 26, 2013 the Commissioners Court authorized the submission of a grant application to the Office of the Governor, Criminal Justice Division for the acquisition of an automated palm and fingerprint identification system for the Sheriff's Office. The amount of the grant request was \$28,780.00. Notification has been received that this grant has been approved for the full amount requested. Funding is provided through the federal Edward

Byrne Memorial Justice Assistance Grant - Local Program. No matching funds are required for this grant, and acceptance is done electronically. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to accept a grant award from the Office of the Governor, Criminal Justice Division in the amount of \$28,780.00. All voting "Aye". MOTION PASSED

- 28287            APPROVE A TEMPORARY INCREASE FOR CONSTABLE PRECINCT 3 PART-TIME DEPUTY CONSTABLE, SLOT 0885-017, TO FULL-TIME FOR A PERIOD NOT TO EXCEED 12 WEEKS (480 HOURS) AND AMEND THE BUDGET ACCORDINGLY**

Full-time Deputy Constable, slot 0885-008 will be on leave for an extended period. The part-time deputy constable is available to work full-time during this period to help fill the gap during his absence. Due to accrued leave that will be paid out, funds are not available within the department. Possible funding source for FY13 County Wide contingencies. Amount required \$6,610.00. Address additional expense for FY14 during 9/17 budget hearing. FY13 - \$2,203; FY14 - \$4,407. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve a temporary increase for Constable Precinct 3 part-time Deputy Constable, slot 0885-017, to full-time for a period not to exceed 12 weeks (480 hours) and amend the budget accordingly. All voting "Aye". MOTION PASSED



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28288

## **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL AGREEMENT WITH SHI GOVERNMENT SOLUTIONS FOR THE MICROSOFT LICENSING AGREEMENT**

Jeff McGill, Director of Information Technology spoke. The County's 3 year agreement with Dell for Microsoft Licensing expired on 8/31/2013. SHI Government Solutions has recently received the bid for this and will be taking over this agreement. In order to line up with the County's fiscal year, SHI will invoice the County for the one month period of September and renew our contract effective October 1, 2013 for a 3 year period at \$128,677 per year. The Microsoft Enterprise Agreement (EA) covers all of our Microsoft Software Products and Licenses. This includes all CALs (Client Access License) for Desktop Operating Systems, Office Products, and our Data Center Servers. With the EA Software Assurance, we can upgrade and stay current with all of the Microsoft Products throughout the contract period. An additional \$3,677 will need to be budgeted in FY14 to cover this agreement due to an increase in Microsoft's pricing. Amount required \$128,677.00 line item number 001-680-00.5429. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Renewal Agreement with SHI Government Solutions for the Microsoft Licensing agreement. All voting "Aye". MOTION PASSED**

### **1:30 P.M. PUBLIC HEARING ON THE FY 2014 TAX RATE INCREASE**

Judge Cobb opened Public Hearing. No public input received. Judge Cobb closed Public Hearing. The total tax revenue proposed to be raised last year at last year's rate of \$0.4690 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$54,842.203. The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.4690 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$56,736.037. The next public meeting to be held on September 10, 2013 at 1:30 p.m.

### **1:00 P.M. - WORKSHOP RELATED TO THE PROPOSED WATER AGREEMENT BETWEEN HAYS COUNTY AND FORESTAR REAL ESTATE (USA) GROUP, INC. (REF. RFP: 2013-P05)**

Stephen Box –Bastrop Resident and Executive Director of Environmental Stewardship, Michele Gangnes – Lexington Resident, Bruce Turbow – Dripping Springs Resident, Linda Kaye Rogers – Wimberley Resident, Jim McMeans – Wimberley Resident, Jon Cobb – Dripping Springs Resident, Jimmy Skipton – Dripping Springs Resident, Peggy Jones – San Marcos Resident. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Judge Cobb, Commissioner Whisenant, legal counsels, and Pix Howell (as consultant to Hays County) to meet and negotiate with Forestar, and to have them bring a contract back for Court consideration. All voting "Aye". MOTION PASSED**

### **2:00 P.M. DISCUSSION REGARDING THE FY 2014 BUDGET**

Sheriff's Victims Assistant – take the money that was to be given for an Administrative Assistant and use it for the Victims Assistant. This was originally funded through a grant, which they no longer fund. The total amount to fund this position is \$42,000 including fringe. Collective Bargaining – money issues have been tentatively agreed on and that figure is about \$1.5 Million. The County chose not to hire outside legal counsel and saved \$89,000 in the process. The HCSO salary increases will be effective January 1, 2014.

### **EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COMMISSIONERS COURT POLICIES AND PROCEDURES**

Court convened into Executive Session at 10:40 a.m. and reconvened into opened court at 10:50 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 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE HAYS COUNTY CIVIC CENTER AND CONTIGUOUS PROPERTIES LOCATED IN PRECINCT 1**

Court convened into Executive Session at 10:50 a.m. and reconvened into opened court at 11:15 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 RFP 2013-P05**

Court convened into Executive Session at 11:15 a.m. and reconvened into opened court at 11:50 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.



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**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING CAUSE NUMBER 15236-C INVOLVING EMINENT DOMAIN PROCEEDINGS FOR RIGHT OF WAY ACQUISITION ALONG FM 1626**

Court convened into Executive Session at 11:50 a.m. and reconvened into opened court at 12:23 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.

**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 12:23 p.m. and reconvened into opened court at 12:50 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.

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

Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our recommendation to 311. The jail's daily average was 293 and peak was 300 for the week of August 25-31, 2013. The maximum female capacity is 56 inmates. Last week's average was 38 and peak was 42 on 8/28/2013. The maximum male capacity is 276 inmates. Last week's average was 255 and peak was 265 on 8/30/2013.

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

Burn Ban will remain effect per Hays County Fire Marshal.

**County Clerk's Note Agenda Item #52 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 #53 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 #54 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 September 3, 2013.



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