



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 22ND DAY OF JULY A.D., 2014, 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
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

WITH COMMISSIONER MARK JONES, PCT.2 ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Reverend Carl W. Clark, Chaplin gave the invocation. 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

Sara Lee Underwood – San Marcos resident made public comment.

PRESENTATION OF THE TEXAS HISTORICAL COMMISSION'S DISTINGUISHED SERVICE AWARD CERTIFICATE TO THE HAYS COUNTY HISTORICAL COMMISSION

Kate Johnson President of the Hays County Historical Commission spoke. She spoke of how hard the Commission had worked this past year. She mentioned that very few of these awards are handed out yearly but Hays County Historical Commission is proud to receive this Distinguished Service Award.

29963 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 \$2,316,572.02 submitted by the County Auditor. All present voting "Aye". MOTION PASSED

29964 APPROVE COMMISSIONERS COURT MINUTES OF JULY 15, 2014

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of July 15, 2014 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

29965 APPROVE THE RE-APPOINTMENT OF ANDREW CABLE, SCOTT BROWN AND JOHN ANDERSON TO THE EMERGENCY SERVICE DISTRICT #7 BOARD FOR TWO YEAR TERMS EXPIRING DECEMBER 31, 2015

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the re-appointment of Andrew Cable, Scott Brown and John Anderson to the Emergency Service District #7 board for two year terms expiring December 31, 2015. All present voting "Aye". MOTION PASSED

29966 AUTHORIZE THE SHERIFF'S OFFICE TO ADD A TELEPHONE ALLOWANCE EFFECTIVE AUGUST 1, 2014 FOR FLEET SUPERVISOR, SLOT NUMBER 1040-002 AND AMEND THE BUDGET ACCORDINGLY

This position is required to be available after hours and on weekends as well as having access to County email at all times for fleet services and emergency situations. A county issued phone was turned in; therefore, savings within the telephone expense line item are available to fund this request. Budget Amendment: Decrease 001-618-00.5489 Telephone & Data Lines (\$70.00) Increase 001-618-00.5194 Telephone Allowance \$70.00. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to add a telephone allowance effective August 1, 2014 for Fleet Supervisor, Slot number 1040-002 and amend the budget accordingly. All present voting "Aye". MOTION PASSED

**29967 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve utility permit # 925 on Hillview Trail issued to PEC; permit # 926 on Fitzhugh Road issued to PEC; and permit #927 on Opal Lane issued to City of Kyle as presented by the County Road Department. All present voting "Aye". MOTION PASSED

29968 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE SALARY SAVINGS TO PURCHASE REPLACEMENT BULLETPROOF VESTS AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office needs to purchase 13 replacement bulletproof vests for newly hired deputies. Currently, these deputies have been issued a bulletproof vest that has reached expiration. Budget Amendment: 001-618-00.5021/Staff Salaries (\$10,985) 001-618-99-001.5717_400/Law Enforcement Equipment \$10,985. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to utilize salary savings to purchase replacement bulletproof vests and amend the budget accordingly. All present voting "Aye". MOTION PASSED

29969 AUTHORIZE GENERAL COUNSEL, WITH INPUT FROM COMMISSIONER - PRECINCT 1 AND WITH ASSISTANCE FROM COUNTY CONSULTANTS, TO CORRESPOND WITH THE U.S. DEPARTMENT OF LABOR FOR THE PURPOSES OF NEGOTIATING RIGHT OF WAY (ROW) ACQUISITION AT THE GARY JOB CORPS SITE, WHICH IS NEEDED FOR THE FM110 PROJECT

Counsel has prepared a letter to U.S. Dept. of Labor describing the County's need for ROW and requesting to negotiate terms in that regard. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize General Counsel, with input from Commissioner - Precinct 1 and with assistance from County consultants, to correspond with the U.S. Department of Labor for the purposes of negotiating Right of Way (ROW) acquisition at the Gary Job Corps site, which is needed for the FM110 project. All present voting "Aye". MOTION PASSED

29970 RATIFY THE EXECUTION OF A MUTUAL TERMINATION LETTER BY GENERAL COUNSEL BETWEEN HAYS COUNTY AND ASD CONSULTANTS, INC., RELATED TO IFB 2014-B05

Since IFB 2014-B05 was reposted with additional specifications, it is most appropriate to mutually terminate the newly executed Agreement between Hays County and ASD Consultants. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to ratify the execution of a Mutual Termination Letter by General Counsel between Hays County and ASD Consultants, Inc., related to IFB 2014-B05. All present voting "Aye". MOTION PASSED

29971 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH AULICK AND ASSOCIATES, LLC TO INCREASE THE TOTAL COMPENSATION FEE FROM \$75,000.00 TO \$90,000.00 FOR FY 2014

On October 1, 2013 the County signed a Professional Services Agreement with Aulick and Associates, LLC, for services including transportation planning, project management, seeking additional funding for transportation projects, review and analysis of CAMPO issues, including the CAMPO 2040 Plan, and representing Hays County on the CAMPO Technical Advisory Committee. Because of additional work done by Mr. Aulick through June, 2014 an increase in the NTE amount is necessary to compensate Aulick and Associates, LLC for necessary services through the balance of the fiscal year, through September 30, 2014. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an Amendment to the Professional Services Agreement with Aulick and Associates, LLC to increase the total compensation fee from \$75,000.00 to \$90,000.00 for FY 2014. All present voting "Aye". MOTION PASSED

29972 AMEND THE HAYS COUNTY TRANSPORTATION PLAN (HCTP) TO SHOW NF 16 (EXTENSION OF HILLIARD ROAD) AS A "BUBBLE" OR UNDETERMINED ROUTE

After further thought and evaluation, we believe the true intentions of the Court regarding NF16 were for the County to look at ways in which we can improve emergency access in this area. Since this was the first time we have ever designed such an "emergency" category, we simply drew a dotted line identifying this need. The Court has no understanding at this time of what would be the best route the extension would take; therefore, a bubble, indicating an undetermined route in this area, is much more appropriate than a dashed line. This will clearly indicate our desire to study this general area for emergency access and would best reflect the intentions



of the Commissioners and the Court as a whole. Any future route proposal will be fully vetted through all citizens who have a potential to be affected. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to amend the Hays County Transportation Plan (HCTP) to show NF 16 (extension of Hilliard road) as a "bubble" or undetermined route. All present voting "Aye". MOTION PASSED**

29973 HOLD A PUBLIC HEARING; SUB-230 REPLAT OF LOT 17, SUNSET CANYON SECTION 1-C (2 LOTS) GRANT A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND APPROVE FINAL PLAT

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Roxie McInnis Development Services Manager spoke. The owner of Lot 17 has proposed to divide the 3.599 acres into 2 lots. The proposed Lot 17-A, which is currently served by rainwater collection and an on-site sewage facility, will be 0.978 acres. The proposed Lot 17-B, which utilizes surface water supplied by the West Travis County Public Utility Agency and wastewater treatment provided by an OSSF, will be 2.621 acres. Lot 17-A is 0.022 acres below the 1.00 acre Hays County minimum lot size. A variance from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities has been requested. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat Sub-230 Replat of Lot 17, Sunset Canyon Section 1-C (2 Lots) grant a variance from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities. All present voting "Aye". MOTION PASSED**

29974 SUB 199 - LIBERTY RIDGE (8 LOTS) GRANT A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND APPROVE PRELIMINARY PLAN

Clint Garza, Director of Development and Community Services spoke. Liberty Ridge is a proposed eight-lot subdivision of 47.175 acres located off of Pursley Road in Precinct 4. All lots in this subdivision will be served by private wells and individual on-site sewage facilities. A plat note will require the installation of a 2500 gallon rainwater collection system on each lot. Lots range in size from 3.33 to 10.80 acres with an average size of 5.896. Lot size averaging provisions are being utilized in this development, however the average is 0.103 acres less than the minimum and a variance from minimum lot size requirements is being requested. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat Sub 199-Liberty Ridge (8 Lots) approve Preliminary Plan and grant a variance from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities. All present voting "Aye". MOTION PASSED**

29975 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH ABC STUDIOS FOR THE USE OF THE GOVERNMENT CENTER LOCATED 712 S. STAGECOACH TRAIL

Lt. Ronnie Strain of the Sheriff's Office and Michael Judge of ABC Studios spoke. ABC Studios has selected the Government Center after an extensive search of various county courthouses for the filming of a new ABC television series titled "American Crime" written/directed by John Ridley Academy Award winner for best adapted screenplay -12 Years a Slave. ABC wants to use Courtroom 3 and 4, detention, holding area and conference rooms on various dates from July 28- November 5th. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an Agreement with ABC Studios for the use of the Government Center located 712 S. Stagecoach Trail after negotiations with General Counsel Mark Kennedy, Chief of Staff Lon Shell and Commissioner Ingalsbe. All present voting "Aye". MOTION PASSED**

WORKSHOP TO UPDATE THE COURT ON A PROPOSED COUNTY FIRE CODE

Hays County Fire Marshal Mark Chambers gave a Powerpoint presentation on adopting a Fire Code. Kyle Fire Chief Taylor, South Hays Fire Chief Smith, and Wimberley Fire Chief Czichos spoke. Hays County is among those counties that are experiencing explosive population growth and rapid development. According to the Texas State Data Center, Hays County has grown rapidly and is projected to continue to grow rapidly according to several different, major population projections. The once rural landscape is being replaced by homes, apartment complexes, businesses, schools and retail centers. Hays County has the authority under current state law to enact and enforce a Fire code to improve the level of fire protection in the county. The intent of the code is to ensure the installation and maintenance of fire protection features to ensure safety and security of persons and property. Texas Local Government Code (LGC) authorizes counties to adopt a fire code and the regulations necessary to administer and enforce it. Counties with a population of 250,000 or greater have the authority to adopt and enforce a fire code and in 1997 in the Legislature amended the bill to allow suburban counties to adopt fire codes if they are adjacent to a county with a population of 250,000 or more. Hays County, being located adjacent to Travis County, is one of the counties allowed to adopt and enforce a County Fire Code. Professionals in building trades (i.e., architects, contractors, engineers, builders, etc.) expect the county to have building and fire codes. Builders from the other areas of Texas, and the nation, regularly contact the Fire Marshal's Office for information on local codes. Many are surprised to learn that the unincorporated areas are not formally regulated. The Fire Marshal's Office staff routinely meets with architects, engineers, and contractors who ask for guidance and assistance with construction projects.



The Fire Marshal's Office has reviewed plans for schools, apartment complexes and business buildings across the county. There are surrounding counties that have taken advantage of Chapter 233 (LGC) and have adopted fire codes. They include: Travis, Comal, Bexar and Guadalupe County's. It is the recommendation of the Hays County fire Marshal that the Commissioners Court adopt the International Fire Code 2012 Edition as the Hays County Fire Code. The adoption of the IFC would provide a uniform level of fire code enforcement across the county. The adoption of this Code shall apply to: New Construction of – commercial buildings, public buildings, and multi-family residential structures of 4 or more units. Existing buildings that are renovated more than 50% in value as determined by current tax appraisals. Non-compliant existing buildings – mean of egress compliance only.

10:00 AM PRESENTATION AND WORKSHOP BY AND WITH THE HAYS CALDWELL PUBLIC UTILITY AGENCY (HCPUA)

Graham Moore Agency Manager gave a Powerpoint presentation. Mr. Moore introduced the Board Members that showed up for today's meeting. Agency Sponsors created under Ch.572 of LGC: San Marcos, Kyle, Buda, Canyon Regional Water Authority, represents- Crystal Clear SUD, County Line SUD, Maxwell WSC, Martindale WSC, 8 other water entities. All Sponsors are not-for-profit cities or water companies. Water Supply Agreement: Binds the Sponsors together beyond the simple governance and bylaws, Includes provisions for debt issuances; extreme flexibility including Sponsor issuances, Agency issuances in bulk and/or Agency issuances with separate series/terms for each Sponsor. Project Beginnings: Kyle & Canyon Regional Water Authority commissioned a study to determine alternative water supplies. Others jumped in quickly. Other participants in initial study, other that Sponsors: Wimberley WSC, Lockhart, Monarch Water Co. Goforth WSC, Creedmoor-Maha WSC, Polonia WSC. State Water Plan: State divided into 16 regions based on river basins, Sponsors and Project are (mostly) in Region L, Important to be in plan for permitting and financing, HCPUA in Regional & State Plan since 2007 for 35,000 acre-feet per year, Top-ranked project for SWIFT funding in Region L that has not been built. Groundwater Management: Production & Transport permits are issued by groundwater districts, Districts jointly plan for aquifers through "Groundwater Management Areas", Process essentially determines the amount of water that may be produced from aquifers over 50 years. Project Planning: to properly plan a project must know; how much is needed, when is the water required; important to continually monitor and update the information-growth projections are a moving target. Water Rights Leasing: Leased 17, 385 acres of water rights, Generally leased on a 50-yr renewable term, Leases are split between two groundwater districts, 80+Landowners, Partnership forged with landowners-became very helpful during permitting. Existing Permit: permit for 10,300 acre-feet per year to Gonzales District in March 2010, includes 15 production wells, permit was approved on November 13, 2012, Production permits issued on 5-year terms, Transportation permit issued on a 3/30-year term. Permitting in Plum Creek District: Process: Get permits for test hole and test well drilling; Produce hydrogeologic report on condition of aquifer; Submit report and permits for production and transportation of water; Hearing on permits before the PCCD Board; Currently conducting test well drilling EXPENDITURES TO DATE: Through May 2014 spent approximately \$9.1 million; 65% on Leasing & Directly to Landowners; 12% on Staff and Engineering Services; 11% on General and Special Legal Counsel; 13% on Other (Hydrogeologists, lobbyists, public_relations, auditors, etc.); ON-GOING ACTIVITIES: Continually participating in the following activities: Region L Planning (critical for groundwater permitting, funding, etc.) GMA 13 – ultimately sets amount of groundwater available; Groundwater Districts – monitor rules changes & other projects that affect our interests; Legislature – mixture of defense & offense; Evaluate partnership opportunities.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE AND VALUE OF A 2.275 ACRE LOT OWNED BY HAYS COUNTY LOCATED ALONG GOFORTH ROAD IN PRECINCT 2

Court convened into Executive Session at 1:20 p.m. and reconvened into opened court at 1:50 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy and Chief of Staff Lon Shell. No Action Taken.

Clerk's Note Agenda Item #18 RE: *DISCUSSION OF ISSUES RELATED TO INMATE POPULATION AT THE HAYS COUNTY JAIL – was pulled*

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Mark Chambers, Hays County Fire Marshal said the current Drought Index is at 412, humidity is at 83%. It is his recommendation to leave the Burn Ban lifted at this time.

County Clerk's Note Agenda Item #20 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR – was pulled*



County Clerk's Note Agenda Item #21 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 Ingalsbe 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 July 22, 2014.



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

