

HAYS COUNTY COMMISSIONERS' COURT MINUTES



VOLUME V PG 746

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NOVEMBER 24, 2015

STATE OF TEXAS \*
COUNTY OF HAYS \*

ON THIS THE 24TH DAY OF NOVEMBER A.D., 2015, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

- ALBERT H. COBB JR COUNTY JUDGE
DEBBIE GONZALES INGALSBE COMMISSIONER, PCT. 1
MARK JONES COMMISSIONER, PCT. 2
RAY O. WHISENANT JR COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ COUNTY CLERK

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

Judge Cobb 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

Dan Lyon – San Marcos resident spoke.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Shari Miller of the Human Resources Department presented the Hays County Services Awards. 5 Years – Extension Office. Sheriff’s Office – Gary Cutler and Jamie Page. JP Pct. 2 – Leticia Chapa. 10 Years – Sheriff’s Office – Michael Hipolito, Shane Smith and Matt Wasko. 15 Years – Sheriff’s Office – Pete Chaney. 20 Years – Sheriff’s Office – David Burns. Building Maintenance – Daniel Villegas. 25 Years – Sheriff’s Office – Steve Cunningham and Jennifer Courtney. 30 Years – Elections – Joyce Cowan. Transportation – Ruben Picasio. Retirement Honoree – 30 Years – Sheriff’s Office – Dale Haney.

31125 APPROVE PAYMENTS OF INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoices in the amount of \$1,266,654.82 by County Auditor. All present voting “Aye”. MOTION PASSED

31126 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 17, 2015

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court minutes of November 17, 2015. All present voting “Aye”. MOTION PASSED

31127 APPROVE RESOLUTION TO OPEN AN ACCOUNT WITH TEXPOOL

In order to more efficiently handle the large mortgage company payments we need to have a direct deposit account with TexPool. We will then be able to move the money received to the appropriate taxing entity. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve resolution to open an account with Texpool. All present voting “Aye”. MOTION PASSED

31128 AUTHORIZE COMMERCIAL OSSF PERMIT AT 24700 RANCH ROAD 12, DRIPPING SPRINGS, TX.

Bruce Bebee is proposing an Office/Warehouse building in Precinct 4. The on-site sewage facility was designed by Kyle DeHart, R.S. for a daily flow rate of 180 gallons. The property is 18.3 acres in size. This on-site sewage facility is composed of pretreatment tank, equalization tank, and a 600 gallon per day aerobic treatment unit. A pump tank will dose the metered flow to a surface irrigation dispersal field. The water supply will be private water well. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Commercial OSSF permit at 24700 Ranch Road 12, Dripping Springs, TX. All present voting “Aye”. MOTION PASSED

31129 ACCEPT A DONATION OF \$480 FROM HOLLY & BRUCE COLLIE TO HAYS COUNTY SHERIFF'S OFFICE COMMUNITY OUTREACH DIVISION AND AMEND THE BUDGET ACCORDINGLY

The Community Outreach Division received a donation of \$480.00 from Holly & Bruce Collie to be used for the youth programs held by the division. The donation will provide supplies for the many youth programs held throughout the year. Budget amendment increase 052-618-00.4610. Contributions \$480.00 Increase 052-618 00.5222. Special Projects \$480.00. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a donation of \$480 from Holly & Bruce Collie to Hays County Sheriff’s office Community outreach division and amend the budget accordingly. All present voting “Aye”. MOTION PASSED

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**31130      RATIFY ACCEPTANCE OF DONATED ITEMS RECEIVED PRIOR TO SEPTEMBER 30TH TO THE SHERIFF'S OFFICE CONSISTING OF RIFLE SUPPLIES VALUED AT \$19,779 AND AMEND THE FISCAL YEAR 2015 BUDGET ACCORDINGLY**

In August and September of 2015 the Sheriff's Office received an offer from Magpul to have several rifle supplies and accessories to be donated. The items consist of mounts, rails, forends, gun stocks, grips etc. all to be used with the current AR-15's assigned to Deputy's. All items were received during the month of September 2015. FY15 Budget Amendment: Increase 001-618-00.5206 LE Supplies. Increase 001-618-00.4610 Contributions. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify acceptance of donated items received prior to September 30<sup>th</sup> to the Sheriff's office consisting of rifle supplies valued at \$19,779 and amend the fiscal year 2015 budget accordingly. All present voting "Aye". MOTION PASSED**

**31131      APPROVE AND EXECUTE THE SHERIFF'S OFFICE EQUITABLE SHARING AND AGREEMENT CERTIFICATION IN ACCORDANCE WITH THE STATUTES AND GUIDELINES THAT GOVERN THE FEDERAL EQUITABLE SHARING PROGRAM**

**A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve and execute the sheriff's office equitable sharing and agreement certification in accordance with the statutes and guidelines that govern the federal equitable sharing program. All present voting "Aye". MOTION PASSED**

**31132      AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO ACCEPT A DONATION FROM KATE AND BILL JOHNSON FOR COURTHOUSE CHRISTMAS DECOR AND AMEND THE BUDGET ACCORDINGLY**

The Johnson's have generously donated funds to be used for the purchase of Christmas decorations for the downtown Courthouse located at 111 E. San Antonio Street. Budget Amendment: Increase Contributions .4610. Increase General Supplies .5201. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the building maintenance department to accept a donation from Kate and Bill Johnson for courthouse Christmas décor and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**31133      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN IMAGE MANAGEMENT PLUS AMENDMENT, RELATED TO USE OF THE RICOH COPIER IN THE OFFICE OF GENERAL COUNSEL**

This Amendment will prevent excessive surcharges for color images printed from the Ricoh copier. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an image management plus amendment, related to use of the Ricoh copier in the office of General Counsel. All present voting "Aye". MOTION PASSED**

**31134      AUTHORIZE THE COUNTY JUDGE'S OFFICE TO DISTRIBUTE ONE-TIME SALARY ADJUSTMENT FUNDS BUDGETED DURING THE FY 2016 BUDGET PROCESS**

Funds were budgeted during the FY 2016 budget process for one-time payments to be distributed to select personnel. The County Judge's Office will meet with Department Heads to determine eligibility and will submit the appropriate payroll notices to the Treasurer's Office in order to meet the December 15th payroll. No additional funds are needed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge's office to distribute one-time salary adjustment funds budgeted during the FY 2016 budget process. All present voting "Aye". MOTION PASSED**

**31135      AUTHORIZE PCT. 1 COMMISSIONER TO INCREASE THE CURRENT PROFESSIONAL SERVICES AGREEMENT WITH KLOTZ & ASSOCIATES REGARDING A DRAINAGE STUDY ALONG BOGIE LANE**

The Bogie Lane area experienced exceptional flooding during the 2015 Memorial Day event and to a lesser degree during the Halloween Flood of 2015. This study investigated possible mitigation strategies. We now need to have a public meeting to distribute the results of the study and to discuss other critical issues such as buyout procedures. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Pct. 1 Commissioner to increase the current Professional Services Agreement with Klotz & Associates regarding a drainage study along Bogie Lane. All present voting "Aye". MOTION PASSED**

**31136      AMEND THE DISTRICT ATTORNEY DRUG FORFEITURE FUND TO BUDGET FORFEITURE PROCEEDS FOR ONE TEMPORARY FULL-TIME ADMINISTRATIVE ASSISTANT III, GRADE 110 EFFECTIVE DECEMBER 1ST THROUGH SEPTEMBER 30, 2016, ONE LAPTOP, CONTINUING EDUCATION AND MISCELLANEOUS EXPENSES**

The District Attorney's Office would like to utilize forfeiture proceeds to hire one full-time Admin III. The office has recently taken over processing mental health cases from the County Courts at Law which includes drafting orders and motions, notice of hearings and all other necessary documentation. Due to the nature of these cases it is imperative that this process is handled in a timely manner. The temporary position will also be utilized in the Civil area due to a significant increase in CPS cases and jury trials. Funds will also be budgeted for one replacement laptop, training courses and miscellaneous expenses. No County funds are needed. Budget Amendment: Increase Revenue - Forfeiture Proceeds .4514 - (\$48,190), Increase Expense - Staff Salaries .5021 - \$27,853, FICA .5101\_100 - \$1,727, Medicare .5101\_200 -

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\$404, Miscellaneous .5391 - \$11,815, Continuing Ed .5551 - \$5,000, Computer Eqpt .5712\_400 - \$1,391. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the District Attorney Drug forfeiture fund to budget forfeiture proceeds for one temporary full-time Administrative Assistant III, Grade 110 effective December 1<sup>st</sup> through September 30, 2016, one laptop, continuing education and miscellaneous expenses. All present voting "Aye". MOTION PASSED

**31137 AUTHORIZE THE COUNTY JUDGE TO HIRE AND SIGN A PROFESSIONAL SERVICES AGREEMENT WITH KLOTZ & ASSOCIATES FOR A STUDY OF THE DRAINAGE BASIN THAT FEEDS INTO NORTHPOINT SUBDIVISION**

Northpoint subdivision experiences intense and exceptional flooding during rain events. This study will investigate possible mitigation strategies. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to hire and sign a Professional Services Agreement with Klotz & Associates for a study of the drainage basin that feeds into Northpoint subdivision. All present voting "Aye". MOTION PASSED

**31138 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LOCATION USE AGREEMENT BETWEEN HAYS COUNTY AND ABC STUDIOS RELATED TO FILMING AT THE HAYS COUNTY COURTHOUSE**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Location Use Agreement between Hays County and ABC studios related to filming at the Hays County Courthouse. All present voting "Aye". MOTION PASSED

**31139 AUTHORIZE COMMISSIONER INGALSBE TO EXECUTE SUPPLEMENT NO. 3 TO THE LOCKWOOD, ANDREWS & NEWNAM, INC. MASTER AGREEMENT AND WORK AUTHORIZATION FOR PROFESSIONAL SERVICES NECESSARY TO PROCURE RIGHT-OF-WAY FOR THE DACY LANE PHASE 2 PRIORITY ROAD BOND PROGRAM PROJECT**

Dacy Lane was identified as a County roadway warranting safety improvements as part of the 2008 Priority Road Bond Program. The project scope described in the bond program included the initial engineering studies required to begin environmental clearance as well as ROW preservation. The initial work authorization included only the work necessary to determine the preferred alignment for the roadway through the corridor. This work was completed and a preferred alignment determined. A subsequent supplement to this work authorization was approved by the Court on December 20, 2011 to permit advancing design to the 30% level to adequately define right-of-way limits for acquisition purposes. The previous supplement for ROW services to be provided has expired and several parcels have required extended negotiations and exhibits, not included in the initial scope of services, to advance the acquisition process and avoid ED proceedings. Supplement No. 3 is attached for the Court's review and approval. Funds are available within the priority road bond program budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Commissioner Ingalsbe to execute Supplement No. 3 to the Lockwood Andrews & Newnam, Inc. Master Agreement and Work Authorization for Professional Services necessary to procure right-of-way for the Dacy Lane Phase 2 Priority Road Bond program project. All present voting "Aye". MOTION PASSED

**31140 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH RS&H, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR INSPECTION OF CONSTRUCTION PHASE ON THE FM 150 CENTER TURN LANE (LOX DRIVE TO SH 21) PROJECT IN HAYS COUNTY AS PART OF THE HAYS COUNTY/TXDOT PARTNERSHIP PROGRAM**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the county judge to execute a Professional Service Agreement with RS&H, Inc. for Professional Engineering Services for inspection of construction Phase on the FM 150 center turn lane (Lox Drive to SH 21) project in Hays County as part of the Hays County/TXDoT Partnership Program. All present voting "Aye". MOTION PASSED

**31141 TABLE THIS ITEM UNTIL DECEMBER 8<sup>TH</sup> MEETING: AUTHORIZE THE COUNTY JUDGE TO EXECUTE RIGHT OF WAY DONATION DEED FOR APPROXIMATELY 19.2 ACRES OF PROPERTY OWNED BY 2428 MANAGEMENT, L.L.C. AND ON BEHALF OF HAYS COUNTY ACCEPT THE PORTION OF WHITE WING TRAIL FROM THE EXISTING INTERSECTION OF OVERPASS ROAD AND EXISTING FM 2001 TO SUNBRIGHT BLVD TO THE COUNTY'S ROADWAY SYSTEM**

Mike Weaver of Prime Strategies spoke. The portion of White Wing Trail from the existing intersection of Overpass Road and existing FM 2001 to Sunbright Blvd. is part of the County's currently identified recommended alternative for the County's FM 2001 realignment Partnership Program project between IH 35 and SH 21. The County formalized development of the FM 2001 realignment project from IH 35 to SH 21 as an element of the County's Partnership Program with the Texas Department of Transportation (TxDOT) on December 18, 2013. The County is funding schematic development, environmental clearance, and ROW mapping. TxDOT will fund, let and manage construction. Strategic Priority construction funding for Phase I improvements is identified in TxDOT's approved 2016 Unified Transportation Program. The ROW donation from 2428 Management, L.L.C. represents ROW for existing White Wing Trail from the

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existing intersection of Overpass Road and existing FM 2001 to Sunbright Blvd. and also for the extension of the roadway to 1.419 mi. east of the existing intersection of Overpass Road and existing FM 2001. Both segments together represent over 17.1% of the identified required new ROW for the currently identified recommended alternative. Should the roadway not be constructed within five (5) years of the effective date of the donation deed, or if the ROW Property is not used, maintained, and open to the public for vehicular traffic, the donated property will revert to 2428 Management, L.L.C. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to table this item until December 8, 2105. All present voting "Aye". MOTION PASSED**

**31142 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KLOTZ AND ASSOCIATES FOR CIVIL ENGINEERING REVIEW RELATED TO THE LA CIMA PUBLIC IMPROVEMENTS DISTRICT**

A condition of creation of the Public Improvement District at La Cima in Precinct 3, is a requirement that expenses and major improvements funded by the PID, be reviewed by Hays County. Staff has been reviewing the administrative submittals but will require assistance with engineered construction plans. The PID assessments pay the annual costs associated with review. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the county judge to execute a professional services agreement with Klotz and Associates for civil engineering review related to the La Cima public improvements district. All present voting "Aye". MOTION PASSED**

**31143 AUTHORIZE THE DEVELOPMENT AND COMMUNITY SERVICES DEPARTMENT TO ADD A TELEPHONE ALLOWANCE EFFECTIVE OCTOBER 1, 2015 FOR THE ENVIRONMENTAL HEALTH SPECIALIST SLOT 0235-005 PER THE DATA REQUEST FORM AND AMEND THE BUDGET ACCORDINGLY**

A stipend has been requested and approved for a newly hired EHS position via the Request/Justification Form for Electronics and Related Equipment/Services. The position travels throughout the County and needs to be accessible to staff, supervisors and the community in order to remain productive and perform duties effectively. Budget Amendment: Decrease - 001-686-00.5489 Telephone & Data Lines (\$420), Increase - 001-686-00.5194, Telephone Allowance \$420. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the development and community services department to add a telephone allowance effective October 1, 2015 for the environmental health specialist slot 0235-005 per the data request form and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**31144 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FUGRO GEOSPATIAL INC. FOR AERIAL IMAGERY OF THE BLANCO RIVER AREAS AFFECTED BY THE MEMORIAL DAY 2015 FLOOD**

In an effort to identify areas with significant debris from the Memorial Day 2015 floods, staff requests aerial imagery of the affected areas along the Blanco River. New higher resolution images will help identify debris that could cause damage to public infrastructure in subsequent smaller flooding events. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the county judge to execute a professional services agreement with Fugro Geospatial Inc. for Aerial Imagery of the Blanco River areas affected by the Memorial Day 2015 flood. All present voting "Aye". MOTION PASSED**

**31145 AUTHORIZE GENERAL COUNSEL TO ENGAGE OUTSIDE COUNSEL FOR THE PURPOSES OF PERFORMING A TAKINGS IMPACT ANALYSIS AND PROVIDING LEGAL CONSULTATION RELATED TO PROPOSED AMENDMENTS TO THE HAYS COUNTY DEVELOPMENT REGULATIONS**

Pursuant to Chapter 2007 of the Texas Government Code, Hays County needs to perform a Takings Impact Analysis for substantive changes to its Development Regulations. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize General Counsel to engage outside Counsel for the purposes of performing a takings impact analysis and providing legal consultation related to proposed amendments to the Hays County Development Regulations. All present voting "Aye". MOTION PASSED**

**31146 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 RIGHT OF WAY ACQUISITION ALONG RANCH ROAD 12, IN PRECINCT 3 OF HAYS COUNTY**

Court convened into Executive session at 10:08 a.m. and reconvened into open court at 10:22 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, Chief of Staff Lon Shell, and General Counsel Mark Kennedy. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve owner's counteroffer on parcel 50 of the RM12 Parkway project, as presented in Executive Session and to authorize the County Judge to execute a purchase agreement reflecting the counter offer. All present voting "Aye". MOTION PASSED**



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**DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY**

Judge Cobb gave an update on the weekly jail population. Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our capacity to 311. The jail's daily average was 293 and peak was 307 on November 15th for the week of November 15 to November 21, 2015. The maximum female capacity is 76 inmates. Last week's average was 67 and peak was 70 on 11/17/2015. The maximum male capacity is 256 inmates. Last week's average was 226 and peak was 238 on 11/20/2015. Inmate at Guadalupe County: 29, Inmate at Bastrop County: 24, Inmate at Caldwell County: 44, Inmate at Walker County: 1.

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

Judge Cobb gave this morning's Drought Index – 65. He reminds the citizens of Hays County to use extreme caution this Holiday Season and when conducting outdoor burning to burn safely.

**DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR**

Allen Crozier of HDR gave the court a brief update on the Road Bond Projects. Most of the projects have been completed. There are still two projects that are ongoing, Dacy Lane and Ranch Road 12 Parkway project.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 10:21 a.m.

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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 November 24, 2015.



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

