



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 5TH DAY OF JANUARY A.D., 2016, 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:

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

Linda Coker – San Marcos resident; Matt Ocker – Buda resident; David Crowell – Kyle resident, made public comments.

31191 ADOPT A PROCLAMATION RECOGNIZING THE SERVICE OF CHIEF RALPH MEYER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation recognizing the service of Chief Ralph Meyer. All voting "Aye". MOTION PASSED

31192 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of \$2,182,936.99 as submitted by the County Auditor. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb "Aye". Commissioner Whisenant abstained. MOTION PASSED

31193 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 15, 2015

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of December 15, 2016 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb "Aye". Commissioner Whisenant abstained. MOTION PASSED

31194 AMEND THE OFFICE OF THE GOVERNOR, CJD JUSTICE OF THE PEACE COURT CASEWORKER GRANT BUDGET FOR APPROVED CONTINUING EDUCATION COURSES

The CJD JP Caseworker grant included approved training courses for the caseworker to attend. No county funds are needed. Amount required \$200.00; Increase Continuing Ed – 001-627-99-089.5551; Decrease Travel - 001-627-99-089.5501. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the Office of the Governor, CJD Justice of the Peace Court Caseworker grant budget for approved continuing education courses. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb "Aye". Commissioner Whisenant abstained. MOTION PASSED

31195 REAPPOINT COMMISSIONER RAY WHISENANT TO THE CLEAN AIR COALITION ADVISORY COMMITTEE WITH CAPCOG

This is a two year term. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to reappoint Commissioner Ray Whisenant to the Clean Air Coalition Advisory Committee with CAPCOG. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb "Aye". Commissioner Whisenant abstained. MOTION PASSED



31196 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 161 WELDON JOHNSTON, KYLE, TX

Richard Edwards is proposing an OSSF to serve a 4-bay office/warehouse building in Precinct 1. This property is 1.14 acres. Water will be supplied by public water system. The site is within the Kyle City Limits. The system designer, James Massaro, P.E. has designed a treatment system which consists of standard treatment with the effluent dispersed to a low pressure dosed drainfield at a daily usage rate of 115 gallons. The original permit has expired, so this is a re-issue. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit at 161 Weldon Johnston, Kyle, TX. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb "Aye". Commissioner Whisenant abstained. MOTION PASSED**

31197 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE JUSTICE OF THE PEACE PRECINCT 3 OFFICE, SHERIFF'S CHAPTER 59 ASSET FORFEITURE ACCOUNT, SHERIFF'S FEDERAL DISCRETIONARY ACCOUNT, HAYS COUNTY PERSONAL HEALTH DEPARTMENT, AND THE HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT

Internal Examination Reports for the Justice of the Peace Precinct 3 Office, Sheriff's Chapter 59 Asset Forfeiture Account, Sheriff's Federal Discretionary Account, Hays County Personal Health Department, and the Hays County. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept the delivery of the Internal Examination Reports for the Justice of the Peace Precinct 3 Office, Sheriff's Chapter 59 Asset Forfeiture Account, Sheriff's Federal Discretionary Account, Hays County Personal Health Department, and the Hays County Development Services Department. All voting "Aye". MOTION PASSED**

31198 RATIFY THE TERMINATION OF AN AGREEMENT BETWEEN HAYS COUNTY AND ACCENT FOODS BY THE OFFICE OF GENERAL COUNSEL, AND AUTHORIZE GENERAL COUNSEL TO NEGOTIATE TERMS OF FOOD SERVICES TO BE PROVIDED BY ACCENT FOODS IN THE FUTURE

Accent Foods ("Accent") was originally contracted to provide fresh food vending within the Hays County Government Center. The Agreement between Hays County and Accent granted exclusivity to Accent within the Government Center. However, Accent has now reduced its services to standard vending (with the addition of hot drinks). In order to make room for other food service options, the Office of General Counsel has provided notice of termination to Accent. General Counsel requests that the Commissioners Court grant specific authority to negotiate Accent's food services going forward. If Accent's services can be integrated into a larger food service arrangement within the Government Center, then some of all of its existing offerings could continue to be provided, without the right of exclusivity. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to ratify the termination of an agreement between Hays County and Accent Foods by the Office of General Counsel, and authorize General Counsel to negotiate terms of food services to be provided by Accent Foods in the future. All voting "Aye". MOTION PASSED**

31199 FINAL DEPARTMENTAL BUDGET AMENDMENTS IN PREPARATION FOR THE COUNTY'S FY2016 YEAR-END PROCESS

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to finalize departmental budget amendments in preparation for the County's FY2016 year-end process. All voting "Aye". MOTION PASSED

31200 RECOGNIZE THAT HAYS COUNTY ACCEPTED A DONATION ON DECEMBER 30, 2016, IN THE AMOUNT OF THREE THOUSAND DOLLARS (\$3,000.00USD) FROM THE HOBBY FAMILY FOUNDATION TO BE USED FOR THE CHILD PROTECTIVE BOARD SERVICES WITHIN HAYS COUNTY AND AMEND THE BUDGET ACCORDINGLY

Amount required \$3,000; Increase Contributions - 001-895-98-354.4610; Increase Hays Co Child Protective Board Funding - 001-895-98-354.5800. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to recognize that Hays County accepted a donation on December 30, 2016, in the amount of three thousand dollars (\$3,000.00USD) from the Hobby Family Foundation to be used for the Child Protective Board services within Hays County and amend the budget accordingly. All voting "Aye". MOTION PASSED**



31201 AUTHORIZE PAYMENT TO DATA RECOVERY SERVICES FOR WORK PERFORMED FOR THE DEVELOPMENT AND COMMUNITY SERVICES DEPARTMENT

The drive containing the majority of the GIS files and data used within that program suffered a catastrophic mechanical failure. Local backups of the information were not successful. Development Services and IT staff have sent the drive for recovery. Due to the nature of the failure, recovery is an extremely labor intensive process. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize payment to Data Recovery Services for work performed for the Development and Community Services Department. All voting "Aye". MOTION PASSED**

31202 APPROVAL TO PRE-QUALIFY ALL RESPONDENTS OF RFQ 2016-P03 QUALIFICATIONS FOR SURVEYING SERVICES TO DEVELOP A POOL FOR SURVEYING SERVICES ON AN AS NEEDED BASIS AS PROJECTS ARE DEVELOPED FOR HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve to pre-qualify all respondents of RFQ 2016-P03 Qualifications for Surveying Services to develop a pool for surveying services on an as needed basis as projects are developed for Hays County. All voting "Aye". MOTION PASSED

31203 APPROVAL TO PRE-QUALIFY ALL RESPONDENTS OF RFQ 2016-P02 QUALIFICATIONS FOR ENGINEERING SERVICES TO DEVELOP A POOL FOR ENGINEERING SERVICES ON AN AS NEEDED BASIS AS PROJECTS ARE DEVELOPED FOR HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve to pre-qualify all respondents of RFQ 2016-P02 Qualifications for Engineering Services to develop a pool for engineering services on an as needed basis as projects are developed for Hays County. All voting "Aye". MOTION PASSED

31204 AUTHORIZE COMMISSIONER JONES TO EXECUTE SUPPLEMENT NO. 4 TO THE LOCKWOOD, ANDREWS & NEWNAM, INC. MASTER AGREEMENT AND WORK AUTHORIZATION FOR PROFESSIONAL SERVICES NECESSARY FOR THE DESIGN OF IMPROVEMENTS TO DACY LANE IN THE VICINITY OF THE INTERSECTION WITH HILLSIDE TERRACE AND MCCORMICK MIDDLE SCHOOL

Allen Crozier with HDR spoke. 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. Subsequent supplements to this work authorization approved by the Court have authorized advancing design to the 30% level and begin ROW acquisition on the southern terminus of the project. However, the Hays County ISD announced the site for their new middle school in early September 2014. The site selected was not the original location within the Sunfield MUD, but along Dacy Lane near the intersection with Hillside Terrace. This supplement is for the necessary engineering services for interim safety and mobility enhancements to Dacy Lane in the vicinity of the new middle school and other select locations along the corridor. Funds are available within the 2008 County Road Bond Program budget. Amount required \$100,000. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Commissioner Jones to execute Supplement No. 4 to the Lockwood, Andrews & Newnam, Inc. Master Agreement and Work Authorization for professional services necessary for the design of improvements to Dacy Lane in the vicinity of the intersection with Hillside Terrace and McCormick Middle School. All voting "Aye". MOTION PASSED**

Clerk's note Agenda Item #15 RE: AUTHORIZE COMMISSIONER JONES TO EXECUTE SUPPLEMENT NO. 5 TO THE LOCKWOOD, ANDREWS & NEWNAM, INC. MASTER AGREEMENT AND WORK AUTHORIZATION FOR PROFESSIONAL SERVICES NECESSARY TO PERFORM A WARRANT STUDY AT THE INTERSECTION OF DACY LANE AND HILLSIDE TERRACE TO ACCOMMODATE INTERIM SAFETY ENHANCEMENTS ON DACY LANE AT THE INTERSECTION WITH HILLSIDE TERRACE IN THE VICINITY OF MCCORMICK MIDDLE SCHOOL – was tabled

31205 RELEASE FISCAL SURETY FOR STREET AND DRAINAGE IMPROVEMENTS FOR THE UNIPROP SUBDIVISION IN THE AMOUNT OF \$708,530.75

The final plat for the Uniprop Subdivision has been reviewed under the Interlocal Cooperation Agreement with the City of San Marcos and has been approved by County staff. The city has completed inspections of the improvements and is ready to accept maintenance surety. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to release fiscal surety for street and drainage improvements for the Uniprop Subdivision in the amount of \$708,530.75. All voting "Aye". MOTION PASSED**



31206 HOLD A PUBLIC HEARING TO ESTABLISH A "NO PARKING" ZONE ON THE WESTERN SEGMENT OF SUFFIELD DRIVE, FROM THE NORTHBOUND IH-35 FRONTAGE ROAD EASTWARD TO THE SECOND INTERSECTION WITH CIRCLE DRIVE

Judge Cobb opened the public hearing. No public input was received. Judge Cobb closed the public hearing. Jerry Borchering, Transportation Director spoke and gave staff recommendation. This action will be to establish a "No Parking" zone on Suffield Drive between IH-35 and the eastern intersection with Circle Drive. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to hold a public hearing to establish a "No Parking" zone on the western segment of Suffield Drive, from the northbound IH-35 frontage road eastward to the second intersection with Circle Drive. All voting "Aye". MOTION PASSED**

31207 SUB 471 - THE FIELDS AT WIMBERLEY SPRINGS SUBDIVISION (1 LOT) APPROVE FINAL PLAT; ACCEPT CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS AND A TWO YEAR MAINTENANCE BOND (NO. K09232321) IN THE AMOUNT OF \$36,688.70

Caitlyn Hairell, County Planner gave staff recommendation. The proposed subdivision is located off of R.M. 2325 in Precinct 3. It is a single lot subdivision of 15.592 acres to be served by Aqua Texas for public water and sewer. The transportation department has inspected the construction of street and drainage improvements. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final Plat of SUB 471 - The Fields at Wimberley Springs Subdivision and accept construction of street and drainage improvements and a two year maintenance Bond (No. K09232321) in the amount of \$36,688.70. All voting "Aye". MOTION PASSED**

31208 SUB-490 TRACT 12, WIMBERLEY HEIGHTS RANCHES (2 LOTS) APPROVE PRELIMINARY PLAN

Caitlyn Hairell, County Planner gave staff recommendation. Wimberley Heights Ranches is an unrecorded subdivision located off of Limestone Trail and Ranch Road 12 in Precinct 3. The owner of Tract 12 is proposing to divide the 14.486 acre tract into two lots: Lot 12A being 7.486 acres and Lot 12B being 7.00 acres. Lot 12A will be served by an existing private well and on-site sewage facility. Lot 12B will also utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Preliminary Plan of SUB-490 Tract 12, Wimberley Heights Ranches (2 lots). All voting "Aye". MOTION PASSED**

31209 ALLOW A PLATTING EXCEPTION PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE FOR OWNERS OF A PORTION OF THE E. BURLERSON TRACT, THE SETTLEMENT AT SAN MARCOS, IN PRECINCT 3

Caitlyn Hairell, County Planner, Clint Garza, Director of Development and Community Services and General Counsel Mark Kennedy spoke. The owners of a former 5.08 acre lot, located at RR 12, have requested a waiver of platting requirements so that permits may be issued on the property. The E. Burlerson Tract, in The Settlement at San Marcos Subdivision, was originally 5.08 acres when the subdivision was platted in 1975. The parcel was subdivided by metes & bounds on May 8, 1984. The remaining portion requesting the platting exception is 3.005 acres. The owners are requesting an exception from platting requirements due to financial hardship. Before the Memorial Day Flood of 2016, the property owners' lived along Flite Acres Road in Wimberley. The property owners' primary residence on Flite Acres Road was destroyed by the Memorial Day Flood of 2016. They will not be rebuilding along Flite Acres Road and want to build on the unimproved portion of the E. Burlerson Tract in The Settlement at San Marcos. They have owned the unimproved portion of the E. Burlerson Tract since 1984. Hays County staff may not issue development authorizations for portions of previously platted lots. The owners feel that platting the property is an undue burden. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to allow a platting exception pursuant to Section 232.010 of the Texas Local Government Code for owners of a portion of the E. Burlerson Tract, The Settlement at San Marcos, in Precinct 3. All voting "Aye". MOTION PASSED**

31210 ACCEPT A BID ON PROPERTY HELD IN TRUST BY HAYS COUNTY FOR ITSELF AND THE SAN MARCOS CISD

Jenifer O'Kane, Assistant Tax Assessor/Collector spoke. A bid for a manufactured home locates in Space 94, San Marcos Mobile Home Park, tax account number M117845. The bid offered is \$500.00 and is for the mobile home only. This home was affected by the floods. The bid will only cover a portion of the court costs due on this property but will get it back on the tax roll. It was originally offered for sale on 12/1/15. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept a bid on property held in trust by Hays County for itself and the San Marcos CISD. All voting "Aye". MOTION PASSED**



31211 GRANT A VARIANCE TO SECTION 701.13.05 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND AUTHORIZE STAFF TO ISSUE DEVELOPMENT AUTHORIZATIONS TO THE OWNER OF LOT 5, DOWNSTREAM SUBDIVISION IN PRECINCT 2

Tom Schneider lot owner, Clint Garza, Director of Development and Community Services and General Counsel Mark Kennedy spoke. The owner of Lot 5, Downstream Subdivision is requesting a variance to 701.13.05 of the Hays County Development regulations. This section requires compliance with restrictive covenants and plat notes prior to issuance of a development authorization for certain projects. Plat note #10 for Downstream Subdivision, limits the OSSFs to Class I, subsurface systems disposal of treated wastewater only. Development Services issued an authorization to construct for a drip irrigation system; however, recent rains have led the owner and owner's representatives to believe that concentrated drainage on the lot may cause damage to any kind of subsurface OSSF in the limited areas where a disposal area can be located. It is the opinion of the OSSF installer and owner that a spray irrigation system would less likely be damaged by this drainage. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to grant a variance to section 701.13.05 of the Hays County Development Regulations and authorize staff to issue development authorizations to the owner of Lot 5, Downstream Subdivision in Precinct 2. All voting "Aye". MOTION PASSED**

31212 ADOPT THE EARLY VOTING SCHEDULE (DATES & TIMES) FOR THE MARCH 1, 2016, PRIMARY ELECTIONS

Joyce Cowan Elections Administrator spoke. Early Voting Schedule for the March 1, 2016, Primary Election. Feb. 16th thru Feb. 26th, 2016. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt the Early Voting Schedule (Dates & times) for the March 1, 2016, Primary Elections. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #24 RE: AUTHORIZE THE SHERIFF'S OFFICE TO IMPLEMENT A BODY CAMERA AND TASER PROGRAM AND AMEND THE BUDGET ACCORDINGLY – was pulled

31213 AUTHORIZE THE JUSTICE OF THE PEACE, PRECINCT 2 TO FILL THE JUSTICE CLERK, SLOT 0855-007 WITH A CURRENT HAYS COUNTY EMPLOYEE AT HER CURRENT SALARY AND SUPPLEMENTS EFFECTIVE JANUARY 4TH

Beth Smith, Justice of the Peace, Pct. 2 has hired a current Hays County employee to fill a vacant Justice Clerk position. This employee currently receives a salary supplement from the DA's State Apportionment fund totaling \$67.10 per month. Judge Smith would like to continue to pay this person her current rate of pay (which is standard County policy when transferring if pay is higher than the new minimum) plus increase her base pay to include her supplement so that the employee does not have a decrease in pay. This supplement would be moved to the General Fund and included as part of her base pay if approved. Total funds needed for the remainder of 2016 is \$722 (includes fringe). **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the Justice of the Peace, Precinct 2 to fill the Justice Clerk, slot 0855-007 with a current Hays County employee at her current salary and supplements effective January 4th. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE LEASE AND/OR VALUE OF SPACE WITHIN THE HAYS COUNTY GOVERNMENT CENTER, LOCATED AT 712 S. STAGECOACH TRAIL, SAN MARCOS, TEXAS

Court convened into Executive session at 10:41 a.m. and reconvened into open court at 11:13 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Tammy Crumley and Chief of Staff Lon Shell. No Action Taken.

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 the Hays County Jail Report. 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 292 and peak was 298 on January 1st for the week of December 27 to January 2, 2016. The maximum female capacity is 76 inmates. Last week's average was 68 and peak was 69 on 12/29/2016. The maximum male capacity is 256 inmates. Last week's average was 224 and peak was 231 on 1/1/2016. Inmate at Guadalupe County: 24; Inmate at Bastrop County: 15; Inmate at Caldwell County: 44; Inmate at Walker County: 0.



ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb gave the current Drought Index - 8. The Burn Ban will remain lifted. Judge Cobb urged the public to notify the local authorities when conducting outdoor burning and to use extreme caution.

Clerk's Note Agenda Item #29 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*

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adjourn court at 11:17 a.m.

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 January 5, 2016.



A handwritten signature in cursive script that reads "Liz Q. Gonzalez".

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

