



FEBRUARY 2, 2016

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VOLUME V PG 781

STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 2<sup>ND</sup> DAY OF FEBRUARY A.D., 2016, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

WITH COUNTY JUDGE, ALBERT H. COBB, JR., BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Esperanza Baltazar, Pastor at El Buen Pastor United Methodist Church, gave the invocation. Commissioner Ingalsbe led the court in the Pledge of Allegiance to the United States and Texas flags. Commissioner Ingalsbe called the meeting to order.

**31277 ADOPT A PROCLAMATION DECLARING JANUARY 2016 AS HAYS COUNTY CRIME STOPPERS MONTH**

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt a proclamation declaring January 2016 as Hays County Crime Stoppers month. All present voting "Aye". MOTION PASSED

**31278 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$ 1,429,318.09 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**31279 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 26, 2016**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of January 26, 2016 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

**31280 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL AGREEMENT BETWEEN HAYS COUNTY AND LEXISNEXIS RELATED TO LEGAL RESEARCH FOR THE HAYS COUNTY SHERIFF'S OFFICE**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a renewal Agreement between Hays County and LexisNexis related to legal research for the Hays County Sheriff's Office. All present voting "Aye". MOTION PASSED

**31281 APPROVE THE RECOMMENDATION AND SELECTION OF DANNENBAUM ENGINEERING COMPANY AS THE MOST QUALIFIED FIRM IN RESPONSE TO RFQ 2016-P04, POSEY ROAD CORRIDOR STUDY AND AUTHORIZE STAFF TO NEGOTIATE CONTRACT**

After evaluation of qualifications from 6 engineering firms it was determined that Dannenbaum Engineering is the most qualified for the Posey Road Corridor Study. Line item number 020-710-00.5448\_008. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the recommendation and selection of Dannenbaum Engineering Company as the most qualified firm in response to RFQ 2016-P04, Posey Road Corridor Study and authorize staff to negotiate contract. All present voting "Aye". MOTION PASSED



**31282            AUTHORIZE COMMERCIAL OSSF PERMIT AT 1910 B CENTERPOINT RD, SAN MARCOS, TEXAS**

James Blair Warren is proposing an OSSF to serve a 4000 square foot office building that will serve 12 employees. This property is 21.8 acres and will be served by a public water supply. The system designer, Stan Burrier, P.E., has designed a treatment system which consists of a septic tank and a flow equalization chamber, which will dose to an aerobic treatment unit. After treatment, the effluent will be dispersed by surface application with a maximum daily usage rate of 120 gallons. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 1910 B Centerpoint Rd, San Marcos, Texas. All present voting "Aye". MOTION PASSED**

**31283            RATIFY THE INSTALLATION OF REPLACEMENT TILT-ZOOM CAMERAS AT THE JUVENILE DETENTION CENTER AND AMEND THE BUDGET ACCORDINGLY**

During the FY 2016 budget process the Juvenile Detention Center was approved to purchase replacement Pan/Tilt-Zoom cameras for juvenile security purposes. The cost to install the equipment was not included in the initial quotes requiring a budget amendment to capture as capitalized costs. Funds have been identified in their operating budget to fund this request. Amount required \$1,360.00; Increase Misc Equipment - .5719\_400; Decrease Contract Services - .5448. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to ratify the installation of replacement Tilt-Zoom cameras at the Juvenile Detention Center and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**31284            RATIFY THE COUNTY JUDGE'S EXECUTION AND SUBMISSION OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) RENEWAL APPLICATION TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR UP TO \$42,007.52**

The Emergency Management Grant (EMPG) has funded a portion of the salary and benefits for the Hays County Emergency Management Coordinator since 2002. The grant, if awarded, will cover the period from October 1, 2015 through September 30, 2016. The application was due on January 31, 2016. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to ratify the County Judge's execution and submission of the Emergency Management Performance Grant (EMPG) renewal application to the Texas Department of Public Safety, Division of Emergency Management for up to \$42,007.52. All present voting "Aye". MOTION PASSED**

**31285            AUTHORIZE THE CONSTABLE PRECINCT 1 TO PURCHASE A BULLET PROOF VEST FROM THE CITY OF LULING FOR THE NEW DEPUTY CONSTABLE POSITION**

The Constable Precinct 1 was approved a new Deputy Constable position to include a bullet proof vest during the FY16 budget process. The newly hired Deputy Constable was previously employed by the City of Luling, therefore, had a fitted bullet proof vest with a remaining useful life. The City has agreed to sell the vest to the County, which will save the time and effort of having the individual fitted for a new vest and waiting for it to be shipped. Funds are available in the bullet proof vest grant cost center. No additional funds are needed. Amount required \$429.00; Line item number 001-618-99-001.5717\_400. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Constable Precinct 1 to purchase a Bullet Proof Vest from the City of Luling for the new Deputy Constable position. All present voting "Aye". MOTION PASSED**

**31286            APPROVE THE REAPPOINTMENT OF JOE PAPICK, JULIA RAMSEY NEW, ANNA VE FARR AND ED SILLIMAN TO THE HAYS COUNTY CHILD BOARD FOR ADDITIONAL THREE YEAR TERM**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the reappointment of Joe Papick, Julia Ramsey New, Anna Ve Farr and Ed Silliman to the Hays County Child Board for additional three year term. All present voting "Aye". MOTION PASSED**

**31287            ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE FISCAL SURETY FOR CONSTRUCTION, AND ACCEPT THE MAINTENANCE BONDS (MAINTENANCE BOND NO. K08774237 IN THE AMOUNT OF \$3,393,456.08 AND MAINTENANCE BOND NO. K09232941 IN THE AMOUNT OF \$120,000) FOR A 2-YEAR PERIOD FOR CALITERRA SUBDIVISION, PH. 1, SEC. 3 AND PH.1, SEC. 4**

Jerry Borcharding, Transportation Director spoke and gave staff recommendation. Staff recommends acceptance of construction of roads and drainage improvements within the County ROW. The Transportation Department has inspected and approved the improvements. **A motion was made by Commissioner**



Whisenant, seconded by Commissioner Conley to accept road construction and drainage improvements, release of the fiscal surety for construction, and acceptance of the maintenance bonds (Maintenance Bond No. K08774237 in the amount of \$3,393,456.08 and Maintenance Bond No. K09232941 in the amount of \$120,000) for a 2-year period for Caliterra Subdivision, Ph. 1, Sec. 3 and Ph.1, Sec. 4. All present voting "Aye". MOTION PASSED

**31288 SUB-505 MEDLIN CREEK MEADOWS (3 LOTS) APPROVE PRELIMINARY PLAN**

Caitlyn Hairell Hays County Planner gave staff recommendation. The proposed Medlin Creek Meadows is a 3 lot subdivision across 10.07 acres located off of Medlin Creek Loop in Precinct 4. The subdivision will be served by private wells. Wastewater service will be provided by individual on-site sewage facilities. Early in the development of this subdivision, staff had concerns regarding the condition of the privately-maintained Medlin Creek Loop off of which these lots are located. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve preliminary plan of SUB-505 Medlin Creek Meadows (3 Lots). All present voting "Aye". MOTION PASSED**

**31289 SUB 476- RANCHITOS OF BUDA (6 LOTS) APPROVE FINAL PLAT**

Caitlyn Hairell Hays County Planner gave staff recommendation. The proposed Ranchitos of Buda is a 6 lot subdivision of 6.19 acres located off of Meyers Road in Precinct 2. The subdivision will be served by GoForth Water Supply Corp. Wastewater service will be provided by individual onsite sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat of SUB 476- Ranchitos of Buda (6 Lots). All present voting "Aye". MOTION PASSED**

**31290 ADOPT A POLICY ALLOWING ADMINISTRATIVE VARIANCES TO PLATTING PROCEDURES FOR PARCELS AFFECTED BY RIGHT OF WAY ACQUISITION**

Roxie McInnis, Development and Community Services Manager spoke. To better serve the citizens of Hays County, the Development Services Department would like to implement an administrative platting variance procedure. This platting variance would apply to parcels that have had a portion of the property acquired by Hays County for Right of Way purposes. To be eligible for an administrative platting variance, the parcel must have been considered a "compliant parcel" prior to acquisition. This process will be administered in the same manner as the ten-year platting variance which requires the following: 1. Survey and metes and bounds description of the property in its current configuration; 2. Payment of the variance review fee (per current Hays County Development Services fee schedule) 3. Written request for variance which includes the reason for the request as well as the name and contact information of the property owner, and; 4. Signed approval by the Development Services Director and respective Precinct Commissioner. This procedure will expedite the process in which Hays County Development Services can issue permits for property that meets these qualifications. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a policy allowing administrative variances to platting procedures for parcels affected by right of way acquisition. All present voting "Aye". MOTION PASSED**

**31291 APPOINT JB KOLODZEY TO SERVE AS A REPRESENTATIVE ON EMERGENCY SERVICES DISTRICT #2. JONES**

JB Kolodzey has agreed to replace Duwain Whitis, Jr., and serve a two-year term ending December 2017. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to appoint JB Kolodzey to serve as a representative on Emergency Services District #2. All present voting "Aye". MOTION PASSED**

**31292 APPROVE AN AGREEMENT WITH THE CALDWELL, COMAL, AND HAYS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (CSCD) FOR THE MANAGEMENT OF A PERSONAL BOND OFFICE**

During FY 2016 budget planning funds were set aside for a Personal Bond Officer to work with the justice system of Hays County on a pre-trial services program. Budgeted \$50,000 for this fiscal year. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve an agreement with the Caldwell, Comal, and Hays County Community Supervision and Corrections Department (CSCD) for the management of a Personal Bond Office. All present voting "Aye". MOTION PASSED**



**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT ULTRA**

Court convened into Executive Session at 9:48 a.m. and reconvened into opened court at 10:43 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, General Counsel Mark Kennedy, Chief of Staff Lon Shell and Tammy Crumley. No Action Taken.

**EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY**

Court convened into Executive Session at 10:45 a.m. and reconvened into opened court at 11:46 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, General Counsel Mark Kennedy, Chief of Staff Lon Shell, Tammy Crumley and Director of Development and Community Services Clint Garza. 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, LEASE OR VALUE OF REAL PROPERTY OWNED BY HAYS COUNTY**

Court convened into Executive Session at 11:47 a.m. and reconvened into opened court at 11:59 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Chief of Staff Lon Shell, General Counsel Mark Kennedy and Tammy Crumley. 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**

Commissioner Ingalsbe gave the 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 302 and peak was 318 on January 28th for the week of January 24 to January 30, 2016. The maximum female capacity is 76 inmates. Last week's average was 67 and peak was 70 on 1/28/2016. The maximum male capacity is 256 inmates. Last week's average was 235 and peak was 248 on 1/28/2016. Inmate at Guadalupe County: 35; Inmate at Bastrop County: 14; Inmate at Caldwell County: 46; Inmate at Walker County: 0.

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

Commissioner Ingalsbe advised that the Burn Ban will remain in effect. She urged the citizens to use extreme caution when conducting outdoor burning.

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

Commissioner Jones gave an update on FM 1626 South. The bids were opened up to the contractors last week. We are looking forward to breaking ground in August, 2016.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 12:04 p.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 February 2, 2016.



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