



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 16<sup>TH</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:

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:

Jonathan Leftwich of Fellowship Church in Kyle 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.

**31309 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve County Invoices in the amount of \$1,141,169.82 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**31310 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 9, 2016**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of February 9, 2016 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**31311 APPROVE CONSTABLE PRECINCT 3 TO ACCEPT A DONATION FROM KEEP WIMBERLEY BEAUTIFUL OF 2 GAME CAMERAS VALUED AT A TOTAL OF \$400**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Constable Precinct 3 to accept a donation from Keep Wimberley Beautiful of 2 game cameras valued at a total of \$400. All voting "Aye". MOTION PASSED

**31312 AUTHORIZE THE COUNTY JUDGE TO ACCEPT THE FY16 FORMULA GRANT AWARD FROM THE TEXAS INDIGENT DEFENSE COMMISSION IN THE AMOUNT OF \$120,871.00**

On October 13, 2015 the Commissioners Court authorized submission of a grant application to the Texas Indigent Defense Commission (TIDC) for up to \$125,002.00. A resolution was submitted as a required document to apply for this grant to complete the application process. Although the Resolution is considered the County's acceptance of the grant, it has been the practice of Hays County to formally accept the award by Commissioners Court action. No additional contract is needed. These funds have been utilized by Hays County for a number of years to help offset costs associated with indigent defense. The funding period for this grant is October 1, 2015 through September 30, 2016. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to accept the FY16 Formula Grant Award from the Texas Indigent Defense Commission in the amount of \$120,871.00. All voting "Aye". MOTION PASSED

**31313 ACCEPT THE 2015 ANNUAL RACIAL PROFILE REPORT FROM CONSTABLE PRECINCT 3**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the 2015 Annual Racial Profile Report from Constable Precinct 3. All voting "Aye". MOTION PASSED

**31314 APPROVE OUT OF STATE TRAVEL FOR DEPUTIES TO ATTEND THE NATIONAL PEACE OFFICER MEMORIAL TO BE HELD IN WASHINGTON D.C. IN MAY 2016**

The Sheriff's Office is in need of approval for out of state travel in order to send the Deputies to the 2016 National Peace Officer Memorial. Sending these officers will allow them to network with various law enforcement officials as well as families who have lost a loved one. The following Sheriff's Office Deputies will represent Hays County to pay tribute to those officers who made the ultimate sacrifice by giving their lives to protect others. Furthermore, this event will serve as a training session and provide necessary guidance for future events. No



additional funds are needed; travel expenses will be paid for out of Sheriff's Federal Discretionary Funds. Deputies are Lt. Jeri Skrocki; Sgt. Matt Wasko; Deputy Wesley Lowe; Deputy David Marshall; Deputy Michael Kirkwood. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve out of state travel for Deputies to attend the National Peace Officer Memorial to be held in Washington D.C. in May 2016. All voting "Aye". MOTION PASSED**

**31315 APPROVE OUT OF STATE TRAVEL FOR CAPTAIN MARK CUMBERLAND TO ATTEND THE FBI NATIONAL ACADEMY IN QUANTICO, VA**

Out of state travel is being requested for Mark Cumberland who has been approved by the National Academy Unit (NAU) to attend the FBI National Academy. No additional funds are needed, funds have been identified in Sheriff's Federal Discretionary with no cost to the County. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve out of state travel for Captain Mark Cumberland to attend the FBI National Academy in Quantico, VA. All voting "Aye". MOTION PASSED**

**31316 AUTHORIZE THE SHERIFFS' OFFICE TO UTILIZE DRUG FORFEITURE FUNDS FOR SUPPLEMENTAL PAY FOR LIEUTENANT, SLOT 0473-009 FOR A THREE AND A HALF MONTH PERIOD AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff is requesting supplemental pay for one position to cover the Captain, slot 0470-001 vacancy who will be attending a three month FBI Training Course. The Lieutenant, slot 0473-009 will temporarily be re-assigned to Captain MBS-15 to fill this gap effective April 1, 2016 through June 15, 2016. Base salary will be increased by \$9,469 (annualized) during this period. Drug Forfeiture Funds are available to fund this request. Funds Needed - \$1,973 salary. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Sheriffs' Office to utilize Drug Forfeiture Funds for supplemental pay for Lieutenant, slot 0473-009 for a three and a half month period and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31317 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE EXISTING FUNDS TO PURCHASE A REPLACEMENT COMPRESSOR AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office is in need of a replacement compressor for the Vehicle Maintenance Shop. The existing compressor is at the end of life and is more cost effective to replace rather than continuing to repair. No additional funds are needed; funds have been identified in the Sheriff's Office budget. Amount required \$ 2,300; 001-618-00.5206 Law Enforcement Supplies (\$2,300.00); 001-618-00.5719\_400 Misc. Equipment Operating \$2,300.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Sheriff's Office to utilize existing funds to purchase a replacement compressor and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31318 ACCEPT DONATIONS FOR THE HISTORICAL COMMISSION KYLE DEPOT AND BUCK WINN MURAL RESTORATION PROJECTS AND AMEND THE BUDGET ACCORDINGLY**

The Historical Commission has received various donations \$430 Kyle Depot Project; \$25,000 Buck Winn Murals Restoration Project. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept donations for the Historical Commission Kyle Depot and Buck Winn Mural Restoration projects and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31319 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE DRUG FORFEITURE FUNDS FOR A ONE-TIME SUPPLEMENTAL PAY FOR LEAD EMERGENCY COMMUNICATIONS OFFICER, SLOT 0513-003 AND AMEND THE BUDGET ACCORDINGLY**

Amount required \$ 897.00; line item number 053-618-00; Funds needed - \$750 salary; \$147 fringe. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to utilize Drug Forfeiture funds for a one-time supplemental pay for Lead Emergency Communications Officer, slot 0513-003 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31320 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SERVICE AGREEMENT WITH BECKWITH ELECTRONIC SYSTEMS, LLC FOR THE AV VIDEO/AUDIO UPGRADE FOR DISTRICT COURTROOM #6 AND ALLOW AN EXEMPTION FROM THE BIDDING PROCESS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 262.024A (7) (D)**



Jeff McGill Director of Information Technology spoke. The upgrade for Courtroom #6 was approved and budgeted during the FY16 budget process. Beckwith Electronics Systems was the contractor used during the Government Center build out of the current courtrooms that are in use. The system was customized for our District and County Court at Law Judges in order to provide consistency throughout all courtrooms. Additionally, Beckwith installed the wiring and configuration for the remaining courtrooms for future build outs. Due to the existing infrastructure that was put in place, it is necessary to utilize the same contractor to complete the upgrade for District Courtroom #6. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Service Agreement with Beckwith Electronic Systems, LLC for the AV video/audio upgrade for District Courtroom #6 and allow an exemption from the bidding process pursuant to Texas Local Government Code 262.024A (7) (D). All voting "Aye". MOTION PASSED**

**31321 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO PURCHASE A REPLACEMENT COMPUTER AND AMEND THE BUDGET ACCORDINGLY**

The Juvenile Probation Analyst desktop computer is beyond repair and in need of replacement. The IT Department did assess the hard drive and determined that the repairs are not cost effective. Savings within the operating budget have been identified to fund this request. Amount required \$ 882.00 line item number 001-686-00.5712\_400; Decrease - 001-686-00.5201; Increase - 001-686-00.5712\_400. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Juvenile Probation department to purchase a replacement computer and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31322 RATIFY THE EXECUTION OF A LETTER AMENDMENT TO THE CONTRACT BETWEEN HAYS COUNTY AND TFR ENTERPRISES**

This Letter Amendment will extend the term to May 31, 2016. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to ratify the execution of a Letter Amendment to the Contract between Hays County and TFR Enterprises. All voting "Aye". MOTION PASSED**

**31323 APPROVE TREASURER'S REPORTS AND INVESTMENT REPORTS**

Approve the 2015 Treasurer's Reports and Investment Reports June-December. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to ratify the execution of a Letter Amendment to the Contract between Hays County and TFR Enterprises. All voting "Aye". MOTION PASSED**

**31324 AUTHORIZE COMMERCIAL OSSF PERMIT AT 2361 JACK C HAYS TRAIL, BUDA, TEXAS**

Flint Hills Resource Central Texas is proposing an OSSF to serve a new Ethanol Transfer Facility. This 1858 square foot office building will serve office staff, offload workers, and truck drivers. This property is 151 acres. This property will be served by a public water supply. The system designer, Jon Maass, R.S., has designed a system which consists of standard treatment with dispersal by a low pressure pipe drainfield at a daily usage rate of 360 gallons. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit at 2361 Jack C Hays Trail, Buda, Texas. All voting "Aye". MOTION PASSED**

**31325 AUTHORIZE COMMERCIAL OSSF PERMIT AT 12707 NUTTY BROWN, AUSTIN, TEXAS, 78737**

**A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 12707 Nutty Brown, Austin, Texas, 78737. All voting "Aye". MOTION PASSED**

**31326 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT RENEWAL BETWEEN HAYS COUNTY AND THE CAPITAL AREA EMERGENCY COMMUNICATION DISTRICT "CAECD", RELATED TO THE E9-1-1 DATABASE USED TO PROVIDE ENHANCED 9-1-1 SERVICE**

**A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract renewal between Hays County and the Capital Area Emergency Communication District "CAECD", related to the E9-1-1 Database used to provide enhanced 9-1-1 service. All voting "Aye". MOTION PASSED**



**31327      AUTHORIZE THE COUNTY JUDGE TO SIGN A PSA/CONTRACT WITH KFRIESE & ASSOCIATES TO STUDY AND MAKE RECOMMENDATIONS REGARDING ALTERNATIVE EGRESS/INGRESS OPTIONS IN THE LIME KILN/HILLIARD AREA. AMEND THE BUDGET ACCORDINGLY**

The Lime Kiln/Hilliard areas continue to be in jeopardy in regard to health, safety, and welfare during emergency situations when their egress/ingress is blocked due to flooding of Sink Creek. This action will revisit previous recommendations and investigate other alternatives. Amount required \$ 95,000; line item number \$95,000 from 020-710-00.5351 to 020-710-00.5448-008. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to sign a PSA/Contract with KFRIESE & Associates to study and make recommendations regarding alternative egress/ingress options in the Lime Kiln/Hilliard Area. Amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31328      AUTHORIZE THE COUNTY JUDGE TO SIGN A PSA/CONTRACT WITH KFRIESE & ASSOCIATES TO STUDY AND MAKE RECOMMENDATIONS REGARDING ALTERNATIVES TO THE LOW WATER CROSSING OF THE BLANCO RIVER ON POST ROAD. AMEND THE BUDGET ACCORDINGLY**

The LWC on Post Road at the Blanco River continues to flood during heavy rain events. A study in 2010 recommended an upstream bridge. This PSA will revisit the 2010 study and look at alternatives that include a down stream bridge option and an upstream option that will not impact Vetter Park. Amount required \$40,000; line item number 40,000 from 020-710-00.5351 to 020-710-00.5448-008. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to sign a PSA/Contract with KFRIESE & Associates to study and make recommendations regarding alternatives to the low water crossing of the Blanco River on Post Road. Amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31329      ACCEPT OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR A 2-YEAR PERIOD FOR BUSH RANCH SUBDIVISION, PH. 3, SEC. 1**

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 Jones to accept road construction and drainage improvements, release of the Construction Bond, and acceptance of the Maintenance Bond for a 2-year period for Bush Ranch Subdivision, Ph. 3, Sec. 1. All voting "Aye". MOTION PASSED**

**31330      CALL FOR A PUBLIC HEARING ON MARCH 1, 2016 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 6, GREEN ACRES SUBDIVISION**

The Green Acres subdivision is a recorded subdivision located off of FM 2325 in Precinct 3. Green Acres was originally divided in 1968 as a 25 lot subdivision. The proposed re-plat will divide the 9.87 acre lot into 2 lots, one 2.0 acre lot and one 7.85 acre lot. Water service will be provided by Wimberley Water Supply Corporation and wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a public hearing on March 1, 2016 to discuss final plat approval of the Replat of Lot 6, Green Acres Subdivision. All voting "Aye". MOTION PASSED**

**31331      AUTHORIZE THE CONSTABLE PRECINCT 3 OFFICE TO DOUBLE-FILL THE DEPUTY CONSTABLE, SLOT 0885-008 FOR A SIX WEEK PERIOD EFFECTIVE FEBRUARY 22, 2016 AND TO CONFIRM THE APPOINTMENT OF MARK TRESSELT AS THE DEPUTY CONSTABLE TO FILL THIS POSITION**

Constable Precinct 3 Darrell Ayres spoke. The current Deputy Constable will be retiring effective March 31, 2016. The Constable would like to hire the replacement on February 22nd and double-fill the position to allow time for cross training, in particular the ATS vehicle that requires specialized training. The base salary for the new hire will be less than the budgeted position; therefore savings within the position will fund the double-fill. However, the current deputy constable will receive a vacation accrual payout of approximately 240 hours as well as any comp accrual balances. Funds needed for the accrual pay can be amended at year-end utilizing county wide salary adjustment funds. Pursuant to Local Government Code Chapter 86 Subchapter B 86.011(a), the Commissioner's Court shall approve and confirm the appointment of a Deputy Constable. Amount required \$6,240. Line item number 001-637-00. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Constable Precinct 3 office to double-fill the Deputy Constable, slot 0885-008 for a six week period effective February 22, 2016 and to confirm the appointment of Mark Tresselt as the Deputy Constable to fill this position. All voting "Aye". MOTION PASSED**





**31332 APPOINT WALTER BIEL TO THE ESD #1 TO REPLACE NANCY (HICKMAN) MCCLISH WHO HAS RESIGNED EFFECTIVE FEBRUARY 8, 2016**

Ms. (Hickman) McClish's is resignating. Mr. Biel will fill the unexpired term which will end on December 31, 2016. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to appoint Walter Biel to the ESD #1 to replace Nancy (Hickman) McClish who has resigned effective February 8, 2016. All voting "Aye". MOTION PASSED

**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 RIGHT OF WAY ALONG RM12 IN PCT 3**

Court convened into Executive session at 9:26 a.m. and reconvened into open court at 9:45 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Intern - Meredith Fischer 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 305 and peak was 310 on February 10th for the week of February 7 to February 13, 2016. The maximum female capacity is 76 inmates. Last week's average was 67 and peak was 69 on 2/9/2016. The maximum male capacity is 256 inmates. Last week's average was 238 and peak was 243 on 2/11/2016. Inmate at Guadalupe County: 31. Inmate at Bastrop County: 10. Inmate at Caldwell County: 47. Inmate at Walker County: 0

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

Judge Cobb gave the current drought index – 159. Burn Ban will remain in effect. The National Weather Service forecast for Hays County shows no rain until next weekend. Throughout this week the winds are expected to be 10 to 15 mph with some higher wind gust.

**County Clerk's Note Agenda Item # 28 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 Jones, seconded by Commissioner Whisenant to adjourn court at 9:48 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 February 16, 2016.



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

