



MAY 3, 2016

VOLUME V PG 841

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 3RD DAY OF MAY 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:

Bishop Gene Massey of the Church of Jesus Christ of Latter Day Saints 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.

31497 ADOPT A PROCLAMATION DECLARING MAY 15, 2016 AS PEACE OFFICERS MEMORIAL DAY AND MAY 15-21, 2016 AS NATIONAL POLICE WEEK

Detective Jeffrey Jordan spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Proclamation declaring May 15, 2016 as Peace Officers Memorial Day and May 15-21, 2016 as National Police Week. All present voting "Aye". MOTION PASSED

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Shari Miller presented the Hays County Services Awards. 5 Year Award – Constable 3 – Deputy Constable – James Brown; 10 Year Award – Sheriff (SRO) Douglas Martin-Whitaker and District Clerk – Deputy II, Robert Elliott. 1 Year Award – County Court at Law Bailiff – Mark Cruise, DPS – Belinda Torres, Sheriff – Kacie Andrews, Jennifer Pfenninger, JP Pct. 1 Place 2 – Veronica Ramirez, and Elizabeth Trevino, and Personal Health – Thomas Browder.

PRESENTATION BY THE TREE FOLKS

Matt Miers of Station Manager for Tree Folks gave a brief update on the planting of new trees along the Blanco River in the Wimberley area. The area that was devastated by the 2015 Memorial Day and October floods.

31498 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 \$803,595.59 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

31499 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 26, 2016

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

31500 AUTHORIZE PAYMENT OF \$540.00 TO MIKE VASIL FOR THE VEHICLE LIGHT PACKAGE FOR CONSTABLE 2 IN WHICH NO PURCHASE ORDER WAS OBTAINED AND AMEND THE BUDGET ACCORDINGLY

This is for the labor costs associated with installing the light and radar equipment for the new vehicle for FY 2016. Additional funds (\$420) are needed in order to capture the costs appropriately. Funds have been identified in the operating budget to cover the additional needed. Amount required \$540.00. Decrease Vehicle Maintenance & Repairs - (\$420); Increase Vehicles_Capital - \$420. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize payment of \$540.00 to Mike Vasil for the vehicle light package for Constable 2 in which no purchase order was obtained and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Jones, and Commissioner Whisenant voting "Aye". Commissioner Conley voting "No". MOTION PASSED



31501 BENEFIT PLAN AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specifications for RFP 2016-P10 Consultant for Group Benefit Plan and authorize Purchasing to solicit for proposal and advertise. All present voting "Aye". MOTION PASSED

31502 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) FOR ADDITIONAL FUNDING THROUGH THE U.S. MARSHALS SERVICE FOR SHERIFF'S OFFICE OVERTIME REIMBURSEMENTS AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Memorandum of Understanding (MOU) for additional funding through the U.S. Marshals Service for Sheriff's Office overtime reimbursements and amend the budget accordingly. All present voting "Aye". MOTION PASSED

31503 AMEND THE JUVENILE PROBATION OFFICE OPERATING BUDGET FOR ADDITIONAL TRAVEL FUNDS RELATED TO THE SPECIAL NEEDS DIVERSIONARY PROGRAM

Additional travel funds are needed for the Juvenile Probation Officer that oversees the Special Needs Diversionary Program due to a shortage in the Juvenile Probation fleet. This program provides specialized supervision for mental health juveniles in order to rehabilitate juvenile offenders and prevent them from penetrating further into the criminal justice system. Savings within the operating budget have been identified to fund this request. Amount required \$400.00; Decrease Youth Services 001-686-00.5360; Increase Travel 001-686-00.5501. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Juvenile Probation Office operating budget for additional travel funds related to the Special Needs Diversionary Program. All present voting "Aye". MOTION PASSED

31504 APPROVE UTILITY PERMITS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Utility Permit #973 on Post Road issued to Time Warner Cable as submitted by the Transportation Department. All present voting "Aye". MOTION PASSED

31505 AUTHORIZE THE COUNTY CLERK'S OFFICE TO PURCHASE A NEW LAPTOP FOR USE IN THE COUNTY COURT AT LAW COURTROOMS AND AMEND THE BUDGET ACCORDINGLY

The County Clerk's Office would like to purchase a new laptop for use in the County Court at Law courtrooms. Currently her staff and the Judge's staff are in the courtroom at the same time in which both are in need of accessing electronic files, and there is only one PC set up for this purpose. The additional laptop will allow her staff to utilize the equipment as needed in any of the courtrooms. Savings within her Records Management Fund are available to fund this request. Amount required \$1,285.00; Decrease Eqpt Maint & Repair 101-617-10.5411 (\$1,285); Increase Computer Equipment 101-617-10.5712_400 \$1,285. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Clerk's Office to purchase a new laptop for use in the County Court at Law courtrooms and amend the budget accordingly. All present voting "Aye". MOTION PASSED

31506 AMEND THE CONSTABLE PRECINCT 1 OPERATING BUDGET FOR UPGRADES NEEDED ON A M5300 SYSTEM DUAL CONTROL RADIO PACKAGE FOR A TRANSFERRED VEHICLE

On April 5, 2016 the Commissioner's Court approved a vehicle transfer for one Dodge Charger from the Sheriff's Office to the Constable in Precinct 1. In order to get this vehicle fully functionally, a mobile radio package needs to be installed. The Constable currently has a one-piece radio that needs to be converted to a two-piece in order to accommodate the needs. Savings within their operating budget have been identified to fund this request. Amount required \$1,245.00; Decrease Continuing Education 001-635-00.5551 (\$1,245); Increase Eqpt Maint & Repair 001-635-00.5411 \$1,245. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Constable Precinct 1 operating budget for upgrades needed on a M5300 System Dual Control Radio package for a transferred vehicle. All present voting "Aye". MOTION PASSED



31507 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE 2016 HUMANA PLAN AMENDMENTS

Plan amendments are effective beginning 1/1/2016 and will be presented in Court. Amendments include: Enhanced claim processing; Additional administrative services through Vitality; Language clean up regarding Nurse Advice Line, Humana Beginnings, NICU Management and Dependent; Eligibility; Group Stop Loss schedule; Medicare Part D Provision. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute the 2016 Humana Plan amendments. All present voting "Aye". MOTION PASSED**

31508 AUTHORIZE THE PURCHASE OF AUTODESK AUTOCAD CIVIL 3D, AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO SIGN THE AUTODESK ORDER FORM, AND AMEND THE BUDGET ACCORDINGLY

Assistant Director will use AutoCAD to draw up plans for use in the design and building of roadways. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the purchase of Autodesk AutoCAD Civil 3D, authorize the Director of Transportation to sign the Autodesk order form, and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

31509 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH COBB FENDLEY & ASSOCIATES, INC. FOR UTILITY COORDINATION SERVICES IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$111,460.20 FROM \$612,997.14 TO \$724,457.34

The additional authorized money will allow for the execution of a supplemental #6 to Work Authorization #2 for FM 1626 South for the engineering and survey costs associated with the easement for the City of Buda. Amount required \$111,460.20; Line item 030-802-96-628.5623_400. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Supplemental Agreement No. 2 to the Professional Services Agreement with Cobb Fendley & Associates, Inc. for Utility Coordination Services in Hays County, increasing the Compensation Cap by \$111,460.20 from \$612,997.14 to \$724,457.34. All present voting "Aye". MOTION PASSED**

31510 VARIANCE FROM SECTION 10 C-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND GRANT A DEVELOPMENT AUTHORIZATION TO THE OWNER OF 2.0 ACRES IN THE WILLIAM H VAN HORN SURVEY LOCATED OFF OF HUNTER ROAD IN PRECINCT 3

The owners of the subject tract lost their home in the Memorial Day flood of 2015. The owners chose not to rebuild and are acquiring 2.0 acres off of Hunter Road in Precinct 3, from a family friend, to construct a new home. They have applied for a permit to construct an On-Site Sewage Facility on the newly created parcel. Hays County Regulations do not allow staff to issue any permits on parcels not in compliance with platting requirements, however the owners have requested a variance from Section 10 C-1 of the Hays County Rules for On-Site Sewage Facilities. This variance would allow construction of the advanced septic system, so they can move into the previously constructed home. Staff recommends the court require owners to begin the platting process within 90 days of the variance being issued, and have the plat completed within six months of issuance. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant accept a variance from Section 10 C-1 of the Hays County Rules for On-Site Sewage Facilities and grant a development authorization to the owner of 2.0 acres in the William H Van Horn Survey located off of Hunter Road in Precinct 3. All present voting "Aye". MOTION PASSED**

31511 SUB-453 AMENDED SHADOW CREEK PHASE 4, SECTION 1B (8 LOTS) APPROVE FINAL PLAT; ACCEPT CONSTRUCTION BOND NO. K09324768 FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,404,731.98

Caitlyn Hairell, County Planner gave staff recommendation. The preliminary plan for the Shadow Creek Subdivision was originally approved on June 15, 2004 as a 1440 lot subdivision located off of Windy Hill Road in Precinct 2. This section includes 7 single-family residential lots and 1 greenspace/drainage lots. All lots will be served by GoForth Special Utility District and sewer provided by North Hays County Municipal Utility District Number 1. The Construction Bond No. K09324768 is for Shadow Creek 6-1 and Shadow Creek 4-1B. The construction bond cannot be released until both sections have been approved by the Hays County Transportation Department. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve SUB-453 Amended Shadow Creek Phase 4, Section 1B (8 lots) to approve final plat; accept Construction Bond No. K09324768 for the construction of street and drainage improvements in the amount of \$1,404,731.98. All present voting "Aye". MOTION PASSED**



31512 SUB-444 SHADOW CREEK PHASE 6, SECTION 1 (107 LOTS) APPROVE FINAL PLAT; ACCEPT CONSTRUCTION BOND NO. K09324768 FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,404,731.98

Caitlyn Hairell, County Planner gave staff recommendation. The preliminary plan for the Shadow Creek Subdivision was originally approved on June 15, 2004 as a 1440 lot subdivision located off of Windy Hill Road in Precinct 2. This section includes 103 single-family residential lots and 4 greenspace/drainage lots. All lots will be served by GoForth Special Utility District and sewer provided by North Hays County Municipal Utility District Number 1. The Construction Bond No. K09324768 is for Shadow Creek 6-1 and Shadow Creek 4-1B. The construction bond cannot be released until both sections have been approved by the Hays County Transportation Department. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve SUB-444 Shadow Creek Phase 6, Section 1 (107 lots) to approve final plat; accept Construction Bond No. K09324768 for the construction of street and drainage improvements in the amount of \$1,404,731.98. All present voting "Aye". MOTION PASSED**

31513 AUTHORIZE THE SHERIFF'S OFFICE TO APPROVE THE SCOPE OF WORK (SOW) FROM TDINDUSTRIES FOR KITCHEN DRAIN LINE REPAIRS AT THE JAIL FACILITY AND AMEND THE BUDGET ACCORDINGLY

Capt. Mike Davenport of the Sheriff's Office spoke. General Counsel Mark Kennedy spoke. There will be another sister action related to this item that may require court action. In preparation for installing the recently approved replacement dishwasher, it was discovered that one of the 4 inch drain lines in the Jail kitchen that handles the main sink, dishwasher, and grease trap has deteriorated and separated into two pieces. These repairs need to be completed in order to operate these appliances and maintain a safe and clean environment. Amount required \$19,916; TDIndustries SOW/Quote; TCPN Contract: R150501-TX-10009; Funds were budgeted during the FY 2016 budget process in County Wide (\$250k) for miscellaneous capital; improvements for the Jail as needed. To date a total of \$208,843 has been used for security panel upgrades and a replacement dishwasher, leaving an available balance of \$41,157 for this repair. Amount required: Decrease Co Wide - 001-645-00.5715_400 - (\$12,959); Decrease Co Wide - 001-645-00.5399 - (\$6,957); Increase Jail - 001-618-03.5741. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Sheriff's Office to approve the Scope of Work (SOW) from TDIndustries for Kitchen Drain Line repairs at the Jail Facility and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

31514 REVIEW AND DISCUSSION OF THE HAYS COUNTY 2015 FLOODING EVENTS AFTER ACTION REPORT

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept the Hays County 2015 Flooding Events after Action Report, Hays County/San Marcos Joint EOC Operations as presented in Court. All present voting "Aye". MOTION PASSED

Clerk's Note: Court took a break at 10:30 a.m., and returned into open court at 10:49 a.m.

31515 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ASSESSMENT AND COLLECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CROSSWINDS MUNICIPAL UTILITY DISTRICT, RELATED TO THE ASSESSMENT AND COLLECTION OF PROPERTY TAXES UNDER CHAPTER 6 OF THE PROPERTY TAX CODE

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute an Assessment and Collection Agreement between Hays County and the Crosswinds Municipal Utility District, related to the assessment and collection of property taxes under Chapter 6 of the Property Tax Code. All present voting "Aye". MOTION PASSED

31516 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 10:59 a.m. and reconvened into open court at 11:01 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, General Counsel Mark Kennedy, Intern – Meredith Fischer, Jerry Borcharding, Adam Leach and Chief of Staff Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Frank and Linda Dubuisson for the purchase of 0.1806 acres, as presented in Executive Session. All present 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, LEASE OR VALUE OF REAL PROPERTY LOCATED NEAR FM150 IN PRECINCT 4

Court convened into Executive Session at 11:01 a.m. and reconvened into open court at 11:57 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commission Conley, Commissioner Whisenant, General Counsel Mark Kennedy, Intern – Meredith Fischer, Jerry Borcharding, Adam Leach and Chief of Staff Lon Shell. No action taken.

Clerk’s Note Agenda Item #24 RE: 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 FM 150 – was pulled

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 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 282 and peak was 290 on April 24th for the week of April 24 to April 30, 2016. The maximum female capacity is 76 inmates. Last week’s average was 55 and peak was 59 on 4/28/2016. The maximum male capacity is 256 inmates. Last week’s average was 226 and peak was 234 on 4/24/2016. Inmate at Guadalupe County: 45; Inmate at Bastrop County: 0; Inmate at Caldwell County: 37; Inmate at Walker County: 2.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Today’s drought index is 50. Commissioner Ingalsbe advised that the Burn Ban will remain lifted. Commissioner Ingalsbe urged the citizens of Hays County to use extreme caution when conducting outdoor burning.

County Clerk’s Note Agenda Item #27 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 to adjourn court at 12 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 May 3, 2016.



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

